

LAWS=NEW JERSEY
1987

New Jersey State Library

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



New Jersey State Library

1987

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

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of the
SECOND ANNUAL SESSION
of the
Two Hundred and Second Legislature

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(Part of Middlesex)
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(Parts of Essex, Union)
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Morris, Sussex, Warren)
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(Parts of Sussex, Warren)
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TWENTY-FIFTH DISTRICT
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(Parts of Morris, Passaic)
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(Parts of Bergen, Passaic)
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(Part of Bergen)
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(Part of Bergen)
GERALD CARDINALE

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(Parts of Bergen, Passaic)
HENRY P. McNAMARA

*Sworn in 4/23/87.

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(Part of Essex)
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JOSEPH V. DORIA, JR.

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THIRTY-NINTH DISTRICT
(Part of Bergen)
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JOHN E. ROONEY

FORTIETH DISTRICT
(Parts of Bergen, Passaic)
NICHOLAS R. FELICE
WALTER M.D. KERN, JR.

*Resigned 3/16/87; died 7/8/87.

†Sworn in 9/10/87.

††Sworn in 2/19/87.

***Resigned 4/23/87.

†††Sworn in 9/10/87.

LAWS

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

CHAPTER 1

AN ACT concerning death benefits for members of the Public Employees' Retirement System and amending P.L. 1954, c. 84 and P.L. 1955, c. 214.

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

1. Section 41 of P.L. 1954, c. 84 (C. 43:15A-41) is amended to read as follows:

C. 43:15A-41 Withdrawal from service; early retirement; death benefits.

41. a. A member who withdraws from service or ceases to be an employee for any cause other than death or retirement shall, upon the filing of an application therefor, receive all of his accumulated deductions standing to the credit of his individual account in the annuity savings fund, plus regular interest, less any outstanding loan, except that for any period after June 30, 1944, the interest payable shall be such proportion of the interest determined at the regular rate of 2% per annum bears to the regular rate of interest, and except that no interest shall be payable in the case of a member who has less than three years of membership credit for which he has made contributions. He shall cease to be a member two years from the date he discontinued service as an eligible employee, or, if prior thereto, upon payment to him of his accumulated deductions. If any such person or member shall die before withdrawing or before endorsing the check constituting the return of his accumulated deductions, such deductions shall be paid to the member's beneficiary. No member shall be entitled to withdraw the amounts contributed by his employer covering his military leave unless he shall have returned to the payroll and contributed to the retirement system for a period of 90 days.

b. Should a member resign after having established 25 years of creditable service before reaching age 60, he may elect "early retirement," provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive, in lieu of the payment provided in subsection a. of this section, an annuity which is the actuarial equivalent of his accumulated deductions together with regular interest, and a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of one-seventieth of his final compensation for each year of service credited as Class A service and one-sixtieth of his final compensation for each year of service credited as Class B service, calculated in accordance with section 48 (C. 43:15A-48) of this act, reduced by $\frac{1}{4}$ of 1% for each month that the member lacks of being age 55; provided, however, that upon the receipt of proper proofs of the death of such a member there shall be paid to his beneficiary an amount equal to three-sixteenths of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

The board of trustees shall retire him at the time specified or at such other time within one month after the date so specified as the board finds advisable.

c. Upon the receipt of proper proofs of the death of a member in service on account of which no accidental death benefit is payable under section 49 there shall be paid to such member's beneficiary:

(1) The member's accumulated deductions at the time of death together with regular interest; and

(2) An amount equal to one and one-half times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

2. Section 49 of P.L. 1954, c. 84 (C. 43:15A-49) is amended to read as follows:

C. 43:15A-49 Accidental death benefit.

49. a. Upon the death of a member in active service as a result of an accident met in the actual performance of duty at some definite time and place and not as the result of his willful negligence, an accidental death benefit shall be payable, if a report of the accident is filed in the office of the retirement system within 60 days next following the accident, but the board of trustees may waive such time

limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action.

No such application shall be valid or acted upon unless it is filed in the office of the retirement system within five years of the date of such death.

b. Upon the receipt of proper proofs of the death of a member on account of which an accidental death benefit is payable, there shall be paid to his widow or widower a pension of 50% of the compensation, upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, for the use of herself or himself and the children of the deceased member, to continue during her or his widowhood; if there is no surviving widow or widower or in case the widow or widower dies or remarries, 20% of such compensation will be payable to one surviving child, 35% of such compensation to two surviving children in equal shares and if there be three or more children, 50% of such compensation will be payable to such children in equal shares. If there is no surviving widow, widower or child, 25% of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, will be payable to one surviving parent or 40% of such compensation will be payable to two surviving parents in equal shares. In the event of accidental death occurring in the first year of creditable service, the benefits payable pursuant to this subsection shall be computed at the annual rate of compensation.

c. If there is no surviving widow, widower, child or parent, there shall be paid to any other beneficiary of the deceased member his accumulated deductions at the time of death.

d. In no case shall the death benefit provided in subsection b. be less than that provided under subsection c.

e. In addition to the foregoing benefits payable under subsection b. or c., there shall also be paid in one sum to such member's beneficiary an amount equal to one and one-half times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

3. Section 57 of P.L. 1954, c. 84 (C. 43:15A-57) is amended to read as follows:

C. 43:15A-57 Additional death benefit coverage.

57. a. Each member who is a member on December 1, 1956 and

each person who thereafter becomes a member prior to the effective date of this amendatory act, will be eligible to purchase the additional death benefit coverage hereinafter described, provided he selects such coverage within one year after December 1, 1956 or after the effective date of membership, whichever date is later, or makes an election pursuant to subsection b. of this section.

b. Each member who, on the effective date of this amendatory act, shall not have elected such additional death benefit coverage or who had elected coverage, but for whom there is not in effect such additional death benefit coverage shall also be eligible to elect such additional death benefit coverage, provided he furnishes satisfactory evidence of insurability and on the date of such election is actively at work and performing all his regular duties at his customary place of employment. Applications under this subsection shall be filed within one year following the effective date of this amendatory act.

c. Each person becoming a member on or after the effective date of this amendatory act who on the date he becomes a member is less than 60 years of age shall automatically be covered for such additional death benefit coverage from the first day of his membership on which he is actively at work and performing all his regular duties at his customary place of employment. Such automatic coverage shall continue during the member's first year of membership and during such year he shall make contributions as fixed by the board of trustees. Additional death benefit coverage for such member shall continue in effect after the first year of membership on the continuance of payment of the required contributions therefor.

d. Each person becoming a member on or after the effective date of this amendatory act who on the date he becomes a member is 60 or more years of age may, within one year from the date of membership, elect to purchase such additional death benefit coverage, provided that the member furnishes satisfactory evidence of insurability and on the date of such election is actively at work and performing all his regular duties at his customary place of employment.

e. Notwithstanding other provisions of this section relating to the amount of death benefit any member who has acquired or shall acquire additional death benefit coverage, the death benefit payable in the event of death occurring on or after the effective date of this amendatory act and during the first year of membership shall be based upon the member's annual base salary. The effective date of coverage of any person electing to purchase additional death benefit

coverage, pursuant to the provisions of subsections a., b. and d. of this section shall be the first day of the month immediately following the date of such election unless evidence of insurability is required as a condition of such election in which event the effective date of coverage shall be the first day of the month which immediately follows the later of (a) the date of such election and (b) the date such evidence is determined to be satisfactory.

f. The board of trustees shall establish schedules of contributions to be made by the members who elect to purchase the additional death benefit coverage. Such contributions shall be so computed that the contributions made by or on behalf of all covered members in the aggregate shall be sufficient to provide for the cost of the benefits established by this section. Such schedules of contributions shall be subject to adjustment from time to time, by the board of trustees, as the need may appear.

g. Upon the receipt of proper proofs of the death in service of any such member while covered for the additional death benefit coverage there shall be paid to such person, if living, as the member shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate, an amount equal to one and one-half times the compensation received by the member in the last year of creditable service or some lesser amount as may be provided by the board of trustees and elected to purchase by the member.

h. The contributions of a member for the additional death benefit coverage shall be deducted from his compensation, but if there is no compensation from which such contributions may be deducted it shall be the obligation of the member to make such contributions directly to the board of trustees or as directed by the board.

i. Any other provision of this act notwithstanding, the contributions of a member for the additional death benefit coverage under this section shall not be returnable to the member or his beneficiary in any manner, or for any reason whatsoever, nor shall any contributions made for the additional death benefit coverage be included in any annuity payable to any such member or to his beneficiary.

j. A member who has elected to purchase the additional death benefit coverage provided by this section may file with the board of trustees, and alter from time to time during his lifetime, as desired, a duly attested, written, new nomination of the payee of the death benefit provided under this section. Such member may also file and

alter from time to time during his lifetime, as desired, a request with the board of trustees directing payment of said benefit in one sum or in equal annual installments over a period of years or as a life annuity. Upon the death of such member, a beneficiary to whom a benefit is payable in one sum may elect to receive the amount payable in equal annual installments over a period of years or as a life annuity.

k. All other provisions of this section notwithstanding, this section and the benefits provided under this section shall not come into effect until a required percentage of the members shall have applied for the additional death benefit coverage under this section. This required percentage shall be fixed by the board of trustees. Any such percentage may be made applicable to male members only or to other groupings as determined by the board of trustees of the Public Employees' Retirement System. Applications for such additional death benefit coverage shall be submitted to the secretary of the board of trustees in such manner and upon such forms as the board of trustees shall provide.

4. Section 6 of P.L. 1955, c. 214 (C. 43:15A-93) is amended to read as follows:

C. 43:15A-93 Conversion privilege.

6. Any such group policy or policies shall include, with respect to any insurance terminating or reducing because the member ceases to be eligible for participation under the Public Employees' Retirement System or because the member has ceased to be in service or has retired, the conversion privilege available upon termination of employment as prescribed by the law relating to group life insurance; and shall also include, with respect to insurance terminating because of termination of the group policy resulting from a termination of the death benefits for all members established under sections 38, 41, 45, 46, 48, 49 and 57 of P.L. 1954, c. 84 (C. 43:15A-38, 43:15A-41, 43:15A-45, 43:15A-46, 43:15A-48, 43:15A-49, 43:15A-57), the conversion privilege available upon termination of the group policy as prescribed by the law relating to group life insurance. Any such group policy or policies shall also provide that if a member dies during the 31-day period during which he would be entitled to exercise the conversion privilege, the amount of insurance with respect to which he could have exercised the conversion privilege shall be paid as a claim under the group policy. When benefits payable upon the death of a member following retirement are determined as though the member had not retired, the death benefits payable under the group policy, together with the amount of insurance paid under any individ-

ual policy obtained under the conversion privilege, shall in no event exceed the amount of insurance for which the member was insured under the group policy immediately prior to the date the right of conversion arose.

If any member who has exercised the conversion privilege under the group policy or policies again becomes a member of the Public Employees' Retirement System, and the individual policy obtained pursuant to the conversion privilege is still in force, he shall not again be eligible for any of the death benefits provided by P.L. 1954, c. 84 (C. 43:15A-1 et seq.) unless he furnishes satisfactory evidence of insurability.

5. This act shall take effect immediately and sections 1 through 3, with the exception of subsection h. of section 3, shall be retroactive to October 1, 1985.

Approved January 15, 1987.

CHAPTER 2

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*:

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election are hereby ratified, validated and confirmed, notwithstanding that the notice to military service voters and their relatives and friends failed to disclose the date of the annual election and the notice to persons desiring civilian absentee ballots failed to list the telephone number of the County Clerk, and, therefore, were not published in the forms required by §7 of P.L. 1953, c. 211 (C. 19:57-7), provided that said notices were timely published in a newspaper which is published in a county where the school district is located and which circulates in the school district, and provided that such notices were made in accordance with all other requirements of §7 of P.L. 1953, c. 211 (C. 19:57-7); and provided further that no action, suit or other proceed-

ings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved January 15, 1987.

CHAPTER 3

AN ACT concerning the "State and Local Expenditure and Revenue Policy Commission," amending P.L. 1984, c. 213, and making an appropriation therefor.

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

1. Section 1 of P.L. 1984, c. 213 is amended to read as follows:

1. There is established in, but not of, the Department of the Treasury a commission to be known as the "State and Local Expenditure and Revenue Policy Commission," to consist of a chairman to be appointed by the Governor, with the advice and consent of the Senate, and 34 members, all of whom shall be citizens and residents of this State, two to be appointed from the membership of the Senate by the President thereof, no more than one of whom shall be of the same political party; two to be appointed from the membership of the General Assembly by the Speaker thereof, no more than one of whom shall be of the same political party; the Commissioner of Education, ex officio, or his designee; the State Treasurer, ex officio, or his designee; the Director of the Division of Budget and Accounting, ex officio, or his designee; the Director of the Division of Taxation, ex officio, or his designee; and the following individuals, should they be willing to serve, or their designees: the President of the Association of County Tax Board Commissioners and County Tax Administrators; the President of the Association of Municipal Assessors of New Jersey; the Chairman of the Taxation Section of the New Jersey State Bar Association; the President of the New Jersey League of Women Voters; the Executive Director of the New Jersey Taxpayers Association; the President of the New Jersey School Boards Association; the President of the New Jersey Education Association; the President of the New Jersey Business and Industry

Association; the President of the New Jersey State Chamber of Commerce; the President of the New Jersey State AFL-CIO; the President of the New Jersey League of Municipalities; the President of the New Jersey Alliance for Action; the President of the New Jersey Association of Counties; and the Chairman of the Property Tax Assessment Study Commission, established pursuant to Joint Resolution No. 3 of 1983. Six of the remaining members of the commission shall be appointed by the Governor, and six jointly by the President of the Senate and the Speaker of the General Assembly, provided that no more than half of the appointments of each be of the same political party, and that in making these appointments the appointing authorities include representatives of State and local governments, business and labor, taxpayers, professionals and other persons knowledgeable in major areas of governmental services, and persons knowledgeable in the control of State spending and the revenues to support it. The members shall be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds therefor.

2. Section 5 of P.L. 1984, c. 213 is amended to read as follows:

5. The commission may meet and hold hearings at any place as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Governor and to the Legislature by January 15, 1988, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

3. In addition to the amount appropriated by section 6 of P.L. 1984, c. 213, there is appropriated to the commission from the General Fund \$500,000.00 to effectuate the purposes of P.L. 1984, c. 213.

4. This act shall take effect immediately.

Approved January 15, 1987.

CHAPTER 4

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES	
74 DEPARTMENT OF STATE	
30 Educational, Cultural and Intellectual Development	
37 Cultural and Intellectual Development Services	
07-2540 Development of Historical	
Resources	\$90,000
Special Purpose:	
Constitutional Bicentennial	
Commission	(\$90,000)

2. This act shall take effect immediately.

Approved January 15, 1987.

CHAPTER 5

AN ACT establishing an Office for Prevention of Mental Retardation and Developmental Disabilities in the Department of Human Services and making an appropriation therefor.

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

C. 30:1AA-10 Findings, declarations.

1. The Legislature finds and declares that: approximately 2% of the residents of this State are developmentally disabled and more than 50,000 of these persons are developmentally disabled school age children; 30,000 to 40,000 residents suffer from mental retardation severe enough to require lifelong supervision or care; several times more are mildly retarded and can live independent or semi-independent lives; pregnancy during adolescence increases the incidence of mental retardation and developmental disabilities because of the heightened risk of premature birth, low birthweight, birth complications and birth defects; in 1984 in New Jersey, there were 6,682 births to women ages 18 years and under; about one out of 10 women in

New Jersey becomes pregnant during her teenage years; and there is a 40% chance that a child of a teenager will be permanently impaired.

The Legislature further finds and declares that: the causes of many cases of developmental disabilities, such as inadequate prenatal care, maternal diseases, environmental contaminants, alcohol and drug ingestion, poor nutrition, lead poisoning, childhood diseases, child abuse and neglect, and accidents, are preventable; and it is in the best interests of the citizens of the State of New Jersey to establish a permanent office in the State Department of Human Services to combat the causes of mental retardation and developmental disabilities.

C. 30:1AA-11 Office for Prevention of Mental Retardation and Developmental Disabilities.

2. There is established in the Department of Human Services the Office for Prevention of Mental Retardation and Developmental Disabilities, hereinafter referred to as the "office."

C. 30:1AA-12 Director; personnel.

3. The administrator and chief executive officer of the office shall be the director, who shall be a person qualified by training and experience to perform the duties of the office. Subsequent to consultation with the Governor's Council on the Prevention of Mental Retardation, the Commissioner of Human Services shall appoint the director, who shall serve at the pleasure of the commissioner during the commissioner's term of office and until the appointment and qualification of the director's successor. The director shall devote his entire time to the duties of his position and shall receive a salary commensurate with the responsibilities of the office. The director shall serve in the State unclassified service of the Civil Service.

The director may appoint, retain or employ officers, experts or consultants on a contract basis or otherwise, which he deems necessary, and employ investigators or other professionally qualified personnel who shall be in the noncompetitive division of the career service of the Civil Service.

C. 30:1AA-13 Powers, duties of director.

4. The director shall:

a. Administer and organize the work of the office and establish therein any administrative subdivisions he deems necessary. The director may formulate and adopt rules and regulations and prescribe

duties for the efficient conduct of the office pursuant to Department of Human Services policies and procedures;

b. Solicit and accept grants of funds from the federal government and from other public and any private sources for any of the purposes of this act; and

c. Perform other functions which may be prescribed in this act or by any other law.

C. 30:1AA-14 Responsibilities of office.

5. The responsibilities of the office shall include, but are not limited to:

a. Developing a long-range comprehensive plan for the prevention of mental retardation and developmental disabilities in accordance with the priorities established by the Governor's Council on the Prevention of Mental Retardation;

b. Encouraging cooperative programs of research among State governmental departments and agencies, universities and private agencies;

c. Developing public information campaigns about the causes of developmental disabilities and the means for preventing developmental disabilities;

d. Coordinating public education programs about the causes and prevention of developmental disabilities and determining professional in-service training needs in these areas;

e. Stimulating expanded and new services for the prevention of developmental disabilities; and

f. Making recommendations to the Commissioner of Human Services regarding any needed executive or legislative action.

C. 30:1AA-15 Governor's council; executive committee.

6. a. The Governor's Council on the Prevention of Mental Retardation, originally created by Executive Order No. 72 (signed May 24, 1984), shall serve as an advisory council to the Commissioner of the Department of Human Services and to the Office for Prevention of Mental Retardation and Developmental Disabilities.

The State Departments of Human Services, Education, Health and Environmental Protection are authorized and directed, to the extent consistent with the law, to cooperate with the Governor's Council on the Prevention of Mental Retardation and to furnish it with resources necessary to carry out its purposes under this act.

b. The Governor's Council on the Prevention of Mental Retardation shall establish from its members the Executive Committee of the Governor's Council on the Prevention of Mental Retardation. This committee shall have full power to act in lieu of the full council.

The executive committee shall consist of 11 members, all of whom are members of the Governor's council. The Commissioners of the Departments of Health, Human Services, Education and Environmental Protection shall serve as ex officio members. The Public Advocate and the Chairperson of the Governor's council shall serve as nonvoting, ex officio members of the executive committee. The Governor's council shall elect from its membership the remaining five members of the executive committee. These persons, as members of the Governor's council, shall be selected for their knowledge, competence, experience or interest in connection with the prevention of mental retardation and developmental disabilities. Members of the executive committee may, from time to time, designate other individuals as their representatives.

The executive committee shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties. The Governor's council shall elect an executive committee chairperson from among the four voting cabinet members of the executive committee. The executive committee may select from among its members a vice-chairperson and other officers or subcommittees which are deemed necessary or appropriate.

C. 30:1AA-16 Annual report.

7. The Commissioner of Human Services and the executive committee of the Governor's Council on the Prevention of Mental Retardation established pursuant to section 6 of this act shall report annually to the Governor and the Legislature concerning the status of prevention programs in the State.

C. 30:1AA-17 Coordination of services.

8. All departments and agencies of the State which provide relevant prevention services, maintain relevant data sets, or perform functions pertinent to relevant prevention programs shall cooperate with the office to facilitate coordination of services and effective use of funds.

C. 30:1AA-18 Funding coordination.

9. Within 120 days of the effective date of this act, the Commissioner of Human Services shall execute written agreements with the Departments of Health, Education, and Environmental Protec-

tion which are designed to coordinate the effective use of funds appropriated to the office.

These agreements shall fulfill the intent of the comprehensive prevention plan prepared pursuant to this act and shall provide coordination of all the departments' budget requests. They shall also minimally provide the protocol for: dispersing appropriate prevention funds, programmatic and fiscal monitoring of prevention programs, ensuring against the duplication of services, and identification of gaps in prevention efforts.

C. 30:1AA-19 Rules, regulations.

10. Pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the Commissioner of Human Services shall adopt rules and regulations necessary to carry out the purposes of this act.

11. There is appropriated to the Office for Prevention of Mental Retardation and Developmental Disabilities in the Department of Human Services \$400,000.00 from the General Fund to carry out the purposes of this act.

12. This act shall take effect immediately.

Approved January 20, 1987.

CHAPTER 6

AN ACT concerning false or facsimile bombs and amending N.J.S. 2C:33-3.

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

1. N.J.S. 2C:33-3 is amended to read as follows:

False public alarms.

2C:33-3. False Public Alarms. a. Except as provided in subsection b., a person is guilty of a crime of the fourth degree if he initiates or circulates a report or warning of an impending fire, explosion, bombing, crime, catastrophe or emergency knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconveniences or alarm. A person is guilty of a crime of the fourth degree if he knowingly causes such false alarm to be

transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property.

b. A person is guilty of a crime of the third degree if in addition to the report or warning initiated, circulated or transmitted under subsection a., he places or causes to be placed any false or facsimile bomb in a building, place of assembly, or facility of public transport or in a place likely to cause public inconvenience or alarm.

2. This act shall take effect on the 30th day after enactment.

Approved January 20, 1987.

CHAPTER 7

AN ACT requiring State departments, agencies and commissions to publish certain notices and supplementing Title 52 of the Revised Statutes.

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

C. 52:14-34.4 Notice of fund availability.

1. In addition to all other notification requirements imposed by law, each State department, agency and commission which awards federal or State grant funds shall publish notice regarding the availability of those funds in the New Jersey Register or an appropriate publication of the department, agency or commission. The published notice shall include:

- a. the names of the grant programs that have funds available;
- b. the purpose for which the grant program funds shall be used;
- c. the amount of money in the grant program;
- d. the groups or entities (citizens, counties, municipalities of a certain class, etc.) which may apply for funding under the grant program;
- e. the qualifications an applicant needs to be considered for the grant program;
- f. the procedure for eligible entities to apply for grant funds;
- g. the address of the division, office or official receiving the application;

h. the deadline by which applications must be submitted to that division, office or official; and

i. the date by which applicants shall be notified whether they will receive funds under the grant program.

C. 52:14-34.5 N.J. Register listing required.

2. A State department, agency or commission using a publication other than the New Jersey Register for the purposes of this act shall publish in the New Jersey Register, at least semi-annually, the name of the publication; the volume and issue, catalogue number, series and number, or other identification of the specific publication; and the address of the division, office or official distributing the publication. This section shall not apply to new grant programs which are not contained in the department, agency or commission publication.

C. 52:14-34.6 Rules, regulations.

3. The Director of the Office of Administrative Law may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) for purposes of implementing the provisions of this act.

4. This act shall take effect immediately.

Approved January 20, 1987.

CHAPTER 8

AN ACT establishing a loan fund for volunteer emergency service organizations and making an appropriation therefor 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-361 Findings, declarations.

1. The Legislature finds and declares that:

a. Volunteer emergency service organizations, such as fire companies, ambulance services and rescue squads, protect the lives and property of the citizens of New Jersey.

b. Funds are necessary for the purpose of establishing or modernizing facilities and for purchasing ambulances and rescue vehicles, protective and communications equipment, and other accessory

equipment and apparatus necessary for the proper performance of the organizations' duties.

c. A fund should be established to provide low-interest loans to volunteer emergency service organizations for the purpose of modernizing or replacing outmoded or unsafe emergency vehicles, apparatus, equipment or facilities, or to establish facilities to meet an increasing demand for a higher level of service in the communities in which they serve.

C. 52:27D-362 Definitions.

2. As used in this act:

a. "Department" means the Department of Community Affairs.

b. "Emergency equipment" means fire fighting, ambulance and rescue equipment used for fire fighting or emergency purposes, including communications and protective equipment.

c. "Emergency facilities" means buildings used to house emergency equipment and vehicles, including real property, but shall not include meeting halls, social rooms or other facilities not directly related to fire fighting or emergency purposes.

d. "Emergency vehicles" means trucks, ambulances and other rescue vehicles used for fire fighting and emergency purposes.

e. "Volunteer emergency service organization" means any non-profit corporation, association or organization located in this State which is regularly engaged in providing emergency medical care, rescue services, the transport of patients, or fire protection services, including part-paid fire departments and fire districts.

f. "Volunteer Emergency Service Organizations Loan Fund" means the fund established under this act.

C. 52:27D-363 Loans authorized.

3. a. The department is authorized, upon application of any volunteer emergency service organization, to make loans for the following purposes:

(1) For establishing or modernizing emergency facilities. The amount of a loan for this purpose shall not exceed 50% of the total cost or \$50,000.00, whichever is less. The notarized financial statement filed pursuant to subsection d. of this section shall show that the applicant has available 20% of the total cost of the emergency facilities in unobligated funds. Proceeds of the loan shall be used only for purposes of land acquisition or construction, and shall not be used

for payment of fees for design, planning, preparation of applications, or any other cost not directly attributable to land acquisition or construction.

(2) For purchasing emergency vehicles. The amount of a loan for this purpose shall not exceed \$50,000.00 for any individual item, or 50% of the total cost, whichever is less. The notarized financial statement filed pursuant to subsection d. of this section shall show that the applicant has available 20% of the total cost of the emergency vehicle in unobligated funds.

(3) For purchasing emergency equipment. The amount of a loan for this purpose shall not exceed \$10,000.00. No volunteer emergency service organization shall receive a loan under this paragraph more than once in any five-year period.

(4) For refinancing of debt incurred or contracts entered into and used for the purchase or modernization of emergency facilities, emergency equipment or emergency vehicles. The amount of a loan under this paragraph shall be limited to the monetary limitations as provided in paragraphs (1), (2) and (3) of this subsection.

(5) For repair or rehabilitation of existing emergency vehicles or equipment when it has been determined that the standards of the National Fire Protection Association (NFPA) are no longer met, and that the repair or rehabilitation, or both, will bring the vehicle or equipment into compliance with NFPA standards. Loans for the repair or rehabilitation of emergency vehicles or equipment shall be for not less than \$1,000.00 nor more than \$35,000.00; nor shall a loan exceed 80% of the total cost of repair or rehabilitation.

(6) Purchasing of used emergency equipment or used emergency vehicles, provided, however, that the used equipment or vehicles shall meet the National Fire Protection Association's standards.

(7) Except as provided in paragraph (4) of this subsection, loan proceeds shall not be used for operating expenses.

b. The criteria on which the department shall base its determinations on loan applications shall include, but not be limited to, the following: the relative financial need and resources of the applicants, the information included in the application described in subsection d. of this section, and whether the purpose of the loan is consistent with the recommendations included in the National Fire Protection Association's "Fire Protection Handbook" regarding public fire

protection, particularly the evaluation and planning of public fire protection, including demographic and geographical factors.

c. Any loan in excess of \$10,000.00 shall be for a period of not more than 10 years, and any loan in the amount of \$10,000.00 or less shall be for a period of not more than five years. Loans shall be subject to the payment of interest at 2% per annum and shall be subject to security as determined by the department. The total amount of interest earned by the investment or reinvestment of all or any part of the principal of any loan shall be returned to the department and transferred to the Volunteer Emergency Service Organizations Loan Fund, and shall not be credited as payment of principal or interest on the loan. The minimum amount of any loan shall be \$1,000.00.

d. Every application for a loan under this act shall be accompanied by a notarized financial statement of the volunteer service organization and a financial plan showing the amount of assets and projected revenues for the repayment of the loan and any other obligations and operating expenses over the period of the loan. Every application shall show the total costs of the item to which the loan will be applied and how they are to be met by the emergency service organization. If a volunteer emergency service organization is unable to meet the 20% requirement of paragraphs (1) and (2) of subsection a., then a political subdivision which is served by the volunteer company may pledge its credit in the amount of funds necessary to satisfy the 20% requirement and, if it does so, shall cosign the application submitted by the volunteer emergency service organization.

e. A volunteer emergency service organization shall be eligible for a loan under this act regardless of legal ownership in whole or part by any political subdivision of any emergency facilities, equipment or vehicles used by the volunteer emergency service organization. Any emergency vehicles, equipment or facilities financed under this act may be transferred to a political subdivision served by the volunteer emergency service organization and shall be subject to security as shall be determined by the department.

C. 52:27D-364 Volunteer Emergency Service Organization Loan Fund.

4. a. There is created a special fund in the Department of the Treasury to be known as the "Volunteer Emergency Service Organizations Loan Fund" to which shall be credited all appropriations as well as repayment of principal and interest on loans made pursuant to this act.

b. Upon approval of a loan, the department shall routinely requisition from the Volunteer Emergency Service Organizations Loan Fund amounts as shall be allocated by the department for loans to volunteer emergency service organizations. When the amounts so allocated by the department as loans are repaid to the department pursuant to the terms of the agreements made and entered into with the department, the department shall pay the amounts into the Volunteer Emergency Service Organizations Loan Fund.

C. 52:27D-365 Rules, regulations.

5. The Commissioner of the Department of Community Affairs shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) to further specify the loan criteria in subsection b. of section 3 of this act and to implement the other provisions of this act.

6. There is appropriated from the General Fund to the Department of Community Affairs the amount of \$2,000,000.00 to be used to make loans to volunteer emergency service organizations under this act.

7. This act shall take effect immediately, but remain inoperative for 60 days from its effective date.

Approved January 20, 1987.

CHAPTER 9

AN ACT concerning boat registrations and supplementing P.L. 1954, c. 236.

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

C. 12:7-34.6a Boat registration fee exemptions.

1. No fee shall be charged for the registration of any marine equipment that is operated and maintained by a volunteer first aid, rescue, or emergency squad; or by any search and rescue unit established within a fire district created pursuant to N.J.S. 40A:14-70, or a volunteer fire company created pursuant to N.J.S. 40A:14-70.1. This section shall apply only to marine equipment which is used exclusively in the performance of the prescribed duties of the organizations described above.

2. This act shall take effect immediately.

Approved January 20, 1987.

CHAPTER 10

AN ACT concerning the authorization of the Diabetes Control Program within the New Jersey State Department of Health and making an appropriation therefor.

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

C. 26:2-138 Findings, declarations.

1. The Legislature finds and declares that the rising incidence of diabetes mellitus and its associated complications involving the eyes, kidneys, heart, blood vessels and nerves is causing concern among public health officials and private practitioners who feel that it is imperative that new initiatives be developed to combat this disease which is so costly in human, social, and economic terms.

The Legislature further finds that the authorization to make permanent the existing comprehensive Diabetes Control Program within the New Jersey State Department of Health is in the best interests of the citizens of the State of New Jersey in an effort to minimize the incidence of death and disability so often attributed to diabetes.

C. 26:2-139 Definitions.

2. As used in this act:

- a. "Commissioner" means the Commissioner of the State Department of Health;
- b. "Department" means the State Department of Health;
- c. "Program" means the Diabetes Control Program established by the commissioner.

C. 26:2-140 Diabetes Control Program continued.

3. The commissioner shall continue within the department the existing Diabetes Control Program which shall have central authority and responsibility for the development of diabetes control strategies based on sound scientific principles and protocols.

C. 26:2-141. Powers of commissioner.

4. The commissioner is authorized to:

- a. Gather data relative to the occurrence of diabetes and its associated complications;
- b. Enter into necessary contracts and agreements with counties, municipalities and other units of government, colleges, universities, associations and agencies;
- c. Conduct a scientific investigation into the prevention, cause and control of diabetes and its associated morbidity;
- d. Develop more effective methods for evaluating diabetes control strategies;
- e. Promote programs of education for persons afflicted with diabetes in order to improve their quality of life and reduce the burdens of the disease and its complications;
- f. Promote programs of professional education for physicians, nurses, dietitians, podiatrists, dentists, physical therapists, pharmacists, and public health professionals relative to the prevention and control of diabetes and the rehabilitation of victims of the complications of diabetes; and
- g. Apply for and accept any grant of money from the federal government or any other source available for the purposes of this act.

C. 26:2-142 Rules, regulations.

5. Pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the commissioner shall promulgate rules and regulations necessary to effectuate the provisions of this act.
6. The sum of \$250,000.00 is appropriated to the department from the General Fund to effectuate the purposes of this act.
7. This act shall take effect immediately.

Approved January 20, 1987.

CHAPTER 11

AN ACT directing the Division of Pensions in the Department of the Treasury to make recommendations for the creation of a pension program for members of volunteer fire companies, first aid squads and rescue squads in New Jersey and making an appropriation therefor.

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

1. The Legislature finds and declares that:

a. The members of volunteer fire companies, first aid and rescue squads in New Jersey risk life and limb to save others and their property without monetary reward;

b. The citizens and residents of this State depend on these volunteer fire companies, first aid and rescue squads to provide these essential emergency services; and

c. As a means of recognizing the importance of the services provided by these volunteers, which often result in loss of life, a pension program should be developed that will provide retirement and disability benefits to the members as well as benefits to surviving family members.

2. The Division of Pensions in the Department of the Treasury is directed to make recommendations for the creation of a pension program for members of volunteer fire companies, first aid and rescue squads in the State, which recommendations shall include but not be limited to the following:

a. Membership eligibility which sets forth the number of hours volunteers must donate during a year and the number of years that must be donated in order to be eligible for membership;

b. Age and years of service needed to retire for service and for early retirement;

c. The retirement benefit formulas;

d. State, county, municipal or volunteer organizations' contributions and an estimate of the cost of each;

e. Ordinary and accidental disability retirement benefits;

f. Service connected death benefits;

g. Nonservice connected death benefits; and

h. Special retirement privileges for veteran members.

3. The recommendations required pursuant to section 2, along with any legislative bills which the Division of Pensions desires to recommend for adoption by the Legislature, shall be submitted to the Governor and the Legislature within one year of the effective date of this act.

4. There is appropriated \$25,000.00 from the General Fund to the Division of Pensions in the Department of the Treasury to effectuate the purposes of this act.

5. This act shall take effect immediately and shall expire on the 366th day after the date of enactment.

Approved January 20, 1987.

CHAPTER 12

AN ACT concerning the transportation of certain nuclear waste, creating a Nuclear Waste Transport Commission, supplementing Title 52 of the Revised Statutes, and making an appropriation.

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

C. 27:5H-1 Findings, declarations.

1. The Legislature finds and declares that the State of New Jersey, by virtue of its location, is one of the corridor states on the eastern seaboard through which certain nuclear waste may well be transported from its point of generation to its ultimate disposal facility; that the citizens of the State are entitled to the maximum protection possible from all threats to their health and welfare which may result from the transport of these dangerous materials through the State; that it is in the public interest for New Jersey to actively participate in the process of designating routes for the transport of certain nuclear waste through the State and develop contingency plans at all levels of government in order to ensure a swift and effective response in the event of a transport accident; and that these objectives can most efficiently and effectively be accomplished by delegating the responsibilities to a commission representing the broad range of interests and expertise appropriate to the tasks.

C. 27:5H-2 Definitions.

2. As used in this act:

a. "Highway route controlled quantity" means the same as it is defined by the United States Department of Transportation at 49 CFR 173.403 or any superseding regulation.

b. "Radioactive material" means the same as it is defined by the United States Department of Transportation at 49 CFR 173.403 or any superseding regulation.

c. "State-designated route" means a preferred route selected in accordance with United States Department of Transportation "Guidelines for Selecting Preferred Highway Routes for Large Quantity Shipments of Radioactive Materials" or an equivalent routing analysis which adequately considers overall risk to the public.

C. 27:5H-3 Nuclear Waste Transport Commission.

3. a. There is created in, but not of, the Department of Transportation, the Nuclear Waste Transport Commission. The commission shall consist of 11 voting members, three of whom shall be the Commissioner of Environmental Protection, the Commissioner of Transportation, and the Superintendent of the Division of State Police in the Department of Law and Public Safety, or their designees, who shall serve ex officio; and eight of whom shall be appointed by the Governor, with the advice and consent of the Senate.

b. Of the appointed members: two shall be county freeholders at the time of their appointments, who shall not be of the same political party and who shall be selected from a list of candidates recommended by the New Jersey Association of Counties; two shall be municipal elected or appointed officials at the time of their appointment, who shall not be of the same political party and who shall be selected from a list of candidates recommended by the New Jersey State League of Municipalities; two shall be members of a local environmental commission or recognized environmental organization; one shall be a representative of the high level nuclear waste transporting industry; and one shall be a representative of the high level nuclear waste generating industry.

c. Of the appointed members: two shall be residents of either Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Sussex, or Warren counties; two shall be residents of either Mercer, Middlesex, Monmouth, Somerset, or Union counties; two shall be residents of either Atlantic, Burlington, Camden, Cape May, Cumberland, or Gloucester counties; one shall be a resident of Ocean county; and one shall be a resident of Salem county.

d. Each appointed member shall serve a term of three years, except that of those first appointed, three shall serve for terms of three years, three for terms of two years, and two for terms of one year. Each of these members shall hold office for the term of appointment and until a successor is appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

e. Each appointed member may be removed from office by the appointing authority, for cause and after opportunity for a hearing, and may be suspended by the appointing authority pending the completion of the hearing. Each appointed member who shall miss three consecutive meetings of the commission without being excused for good cause by the chairman shall be deemed to have vacated his office.

f. The commission shall organize as soon as may be practicable after the appointment of its members. The Governor shall designate a chairman, who shall schedule, convene, and chair commission meetings, and a vice-chairman, who shall act as chairman in his absence, from the public members who shall serve at the will of the Governor. The members shall select a secretary, who need not be a member of the commission. The commission may, within the limits of any funds appropriated or otherwise made available to it for this purpose, appoint such other staff or hire such experts as it may require.

g. The powers of the commission shall be vested in the members thereof in office. A majority of the membership of the commission shall constitute a quorum for the transaction of business. Action may be taken and motions and resolutions adopted by the commission at any meeting by the affirmative vote of a majority of the full membership of the commission.

h. The members of the commission shall serve without compensation, but the commission may, within the limits of funds appropriated or otherwise made available to it, reimburse members for actual expenses necessarily incurred in the discharge of their official duties.

C. 27:5H-4 Duties, responsibilities.

4. The duties and responsibilities of the commission shall be:

a. To establish criteria, in conformity with federal law and in consideration of the unique needs of the State, for selection of State-designated routes for the transport of highway route controlled quantity radioactive materials through the State;

b. To identify and recommend to the Governor, or his designee, and Legislature, and review periodically as necessary, but at least annually upon the issue of the annual "Construction Program" document or any substantially similar document prepared by the Department of Transportation, the general State-designated routes for im-

plementation by the State, the United States Nuclear Regulatory Commission, and the United States Department of Transportation;

c. To designate, pursuant to subsection b. of this section upon each notification of an intent to transport highway route controlled quantity radioactive materials through the State, the specific State-designated route for that shipment, for implementation by the State, the United States Nuclear Regulatory Commission, and the United States Department of Transportation, and to immediately notify the members of the Legislature through whose districts the selected route passes;

d. To consult and cooperate, where appropriate, with the federal government, regional and interstate organizations and agencies, and other state governments in efforts to identify State-designated routes so as to ensure maximum practicable consistency with those of neighboring states;

e. To make recommendations with respect to the transport of radioactive material and the response to accidents resulting therefrom for incorporation by the Department of Environmental Protection in the State Radiation Emergency Response Plan created pursuant to P.L. 1981, c. 302 (C. 26:2D-37 et seq.); and

f. To review and evaluate existing local, county and State public safety personnel training programs for response to radioactive material transport accidents, and to make recommendations thereon to the appropriate governmental entities.

C. 27:5H-5 Rules, regulations; public hearings.

5. In accordance with the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the commission shall:

a. Adopt any rules or regulations deemed necessary to effectuate the purposes of this act; and

b. Conduct public hearings in carrying out its duties under subsections a. and b. of section 4 of this act.

6. There is appropriated from the General Fund to the Nuclear Waste Transport Commission the sum of \$20,000.00 to effectuate the purposes of this act.

7. This act shall take effect immediately.

Approved January 20, 1987.

CHAPTER 13

AN ACT concerning persons holding public office in this State and amending R.S. 52:14-7.

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

1. R.S. 52:14-7 is amended to read as follows:

Residency requirement for State officers.

52:14-7. a. As used in this section, "person holding an office in this State" means the Governor; a member of the Legislature; the head of each principal department of the Executive Branch of the State government; and every Justice of the Supreme Court, judge of the Superior Court and judge of any inferior court established under the laws of this State.

b. Except as otherwise provided by law, every person holding an office in this State, under the authority thereof, shall have his or her principal residence in this State and shall execute such office.

For the purposes of this subsection, a person may have at most one principal residence, and the state of a person's principal residence means the state (1) where the person spends the majority of his or her nonworking time, and (2) which is most clearly the center of his or her domestic life, and (3) which is designated as his or her legal address and legal residence for voting. The fact that a person is domiciled in this State shall not by itself satisfy the requirement of principal residency hereunder.

c. If any person holding any office or other position in this State shall attempt to let, farm out or transfer such office or position or any part thereof to any person, he shall forfeit the sum of fifteen hundred dollars (\$1,500.00), to be recovered with costs by any person who shall sue for the same, one-half to the prosecutor and the other half to the treasurer for the use of the State.

d. No person shall be appointed to or hold any position in this State who has not the requisite qualifications for personally performing the duties of such position in cases where scientific engineering skill is necessary to the performance of the duties thereof.

e. Any person holding or attempting to hold an office in violation of this section shall be considered as illegally holding or attempting

to hold the same; provided that a person holding an office in this State shall have one year from the effective date of this act or from the time of taking the oath of office, whichever is later, to satisfy the requirement of principal residency, and if thereafter such person fails to satisfy the requirement of principal residency as defined herein with respect to any 365-day period, that person shall be deemed unqualified for office. The Superior Court shall, in a civil action in lieu of prerogative writ, give judgment of ouster against such person, upon the complaint of any officer or citizen of the State, provided that any such complaint shall be brought within one year of the alleged 365-day period of failure to have his or her principal residence in this State.

2. This act shall take effect on the 90th day after the date of enactment.

Approved January 22, 1987.

CHAPTER 14

AN ACT concerning insurance and the standard valuation law and amending N.J.S. 17B:19-8.

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

1. N.J.S. 17B:19-8 is amended to read as follows:

Standard valuation law.

17B:19-8. This section shall be known as the standard valuation law and shall apply to all the life insurance policies, pure endowment contracts and annuity contracts issued by every life insurer on or after January 1, 1948 or such earlier date as shall have been elected by the insurer as the operative date for such insurer of the standard nonforfeiture law.

a. The minimum standard for the valuation of the reserve liabilities for all such policies and contracts shall be the commissioner's reserve valuation methods defined in subsections b., e. and f. of this section, 3½% interest, except as otherwise provided in paragraphs (iii), (iv), (ix) and (x) of this subsection for annuity and pure endowment contracts and paragraph (x) of this subsection for life insurance policies and disability and accidental death ben-

efits, and except 4% interest for such policies and benefits issued on and after January 1, 1973 and prior to January 1, 1977 and 4½% interest for such policies and benefits issued on or after January 1, 1977, and the following tables:

(i) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the Commissioners 1941 Standard Ordinary Mortality Table; provided, however, that the Commissioners 1958 Standard Ordinary Mortality Table shall be the table for the minimum standard for such policies issued on or after January 1, 1966 or, for policies in any category of ordinary insurance, such earlier date as shall have been elected by the insurer for the purpose and prior to the operative date, for such category, provided for in paragraph (xi) of subsection h. of the standard nonforfeiture law for life insurance (N.J.S. 17B:25-19); and provided that the Commissioners 1980 Standard Ordinary Mortality Table, or at the election of the insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors, or any ordinary mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies shall be the table for the minimum standard for policies in any category of ordinary insurance issued on or after the operative date, for such category provided for in paragraph (xi) of subsection h. of section 17B:25-19, the standard nonforfeiture law for life insurance. Notwithstanding the above provisions of this paragraph, for any category of ordinary insurance, reserves for such policies issued on or after July 1, 1957 and prior to the operative date provided for in paragraph (xi) of subsection h. of section 17B:25-19, the standard nonforfeiture law for life insurance, may be calculated, at the option of the insurer, according to the Approved Standard Ordinary Mortality Table contained in section 17B:19-9; provided further that for any category of such policies issued on female risks on or after July 1, 1957 and prior to the operative date provided for in paragraph (xi) of subsection h. of the standard nonforfeiture law for life insurance, modified net premiums and present values, referred to in subsection b. of this section, may be calculated, at the option of the insurer with approval of the commissioner, according to an age not more than six years younger than the actual age of the insured.

(ii) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such

policies, the 1941 Standard Industrial Mortality Table; provided, however, that the Commissioners 1961 Standard Industrial Mortality Table or any industrial mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies shall be the table for the minimum standard for such policies issued on or after January 1, 1968 or such earlier date as shall have been elected by the insurer as the date on which the calculation of the adjusted premiums referred to in the standard nonforfeiture law for life insurance (N.J.S. 17B:25-19) for such insurer's industrial life insurance policies became based upon said table.

(iii) For individual annuity and pure endowment contracts issued prior to the operative date of paragraph (ix) of this subsection, excluding any disability and accidental death benefits in such contracts, the 1937 Standard Annuity Mortality Table, or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner; provided, however, that for single stipulated payment individual annuity and single premium pure endowment contracts issued on or after January 1, 1970, excluding any disability and accidental death benefits in such contracts, the minimum standard shall be the lesser of (a) the standard just described and (b) the standard based on 4% interest and the Annuity Mortality Table for 1949, Ultimate, or any modification of such table approved by the commissioner.

(iv) For group annuity and pure endowment contracts, except annuities and pure endowments purchased thereunder on or after the operative date of paragraph (ix) of this subsection, excluding any disability and accidental death benefits in such contracts, the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts; provided, however, that the commissioner may establish regulations governing the use of 5% interest and either the 1971 Group Annuity Mortality Table or any modification of such table approved by the commissioner for either contracts whose reserves are considered as pension plan reserves of the type set forth in section 805(d) of the U.S. Internal Revenue Code, as amended, or contracts of a similar type; and provided further that for group annuity benefits arising from considerations received on or after January 1, 1970, excluding any disability and accidental death

benefits, the minimum standard shall be the lesser of (a) the standard just described and (b) the standard based on 4% interest and the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of such table specified for individual annuity and pure endowment contracts.

(v) For total and permanent disability benefits in or supplementary to ordinary policies or contracts, for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefits or any tables of disablement rates and termination rates, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies; for policies or contracts issued on or after January 1, 1961 and prior to January 1, 1966, either such tables, or, at the option of the insurer, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vi) For accidental death benefits in or supplementary to policies, for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table or any accidental death benefits table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies; for policies issued on or after January 1, 1961 and prior to January 1, 1966, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Any such table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vii) For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the commissioner.

(viii) For ordinary and industrial paid-up nonforfeiture term insurance, and accompanying pure endowment, the table of mortality

based on the rates of mortality assumed in calculating the paid-up nonforfeiture benefits.

(ix) Except as provided in paragraph (x) of this subsection, for individual annuity and pure endowment contracts issued on or after the operative date of this paragraph (ix), as defined herein, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, the commissioner's reserve valuation methods defined in subsections b., e. and f. and the following tables and interest rates:

(1) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of any such table approved by the commissioner, and, for such contracts issued prior to January 1, 1977, 6% interest for single stipulated payment immediate annuity and single premium pure endowment contracts, and 4% interest for all other individual annuity and pure endowment contracts, and such contracts issued on or after January 1, 1977, 7½% interest for single stipulated payment immediate annuity contracts either of the type whose reserves are considered as pension plan reserves as set forth in section 805(d) of the U.S. Internal Revenue Code, as amended, or of similar type, and 6% interest for other single stipulated payment immediate annuity contracts, and 4½% interest for other individual annuity and pure endowment contracts, provided, however, that the commissioner may establish regulations governing the use, in subsequent valuations of single stipulated payments not previously valued, of an interest rate not more than 7½% or less than 6%.

(2) For all annuities and pure endowments purchased under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table or any group annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such annuities and pure endowments, or any modification of any such table approved by the commissioner, and 6% interest; except 7½% interest for purchases on or after January 1, 1977 under

either contracts whose reserves are considered as pension plan reserves of the type set forth in section 805(d) of the U.S. Internal Revenue Code, as amended, or contracts of similar type, provided, however, that the commissioner may establish regulations governing the use, in subsequent valuations of purchases not previously valued, of an interest rate not more than $7\frac{1}{2}\%$ or less than 6%.

For individual single stipulated payment immediate annuity and single premium pure endowment contracts and for annuities and pure endowments purchased under group annuity and pure endowment contracts, the operative date of this paragraph (ix) shall be January 1, 1973.

For other individual annuity and pure endowment contracts, an insurer may file with the commissioner a written notice of its election to comply with the provisions of this paragraph (ix) beginning on a specific date that is on or after January 1, 1973 but prior to January 1, 1979. Such specific date shall be the operative date of this paragraph for such contracts of the insurer, provided that if an insurer makes no such election, the operative date of this paragraph for such contracts of the insurer shall be January 1, 1979.

(x) The interest rates used in determining the minimum standard for the valuation of:

benefits which are subject to the provisions of N.J.S. 17B:25-19 under life insurance policies issued in a particular calendar year on or after the operative date provided for in subsection h. (xi) of N.J.S. 17B:25-19; and all other benefits in life insurance policies and all individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1981; and

all annuities and pure endowments purchased in a particular calendar year on or after January 1, 1981 under group annuity and pure endowment contracts; and

the net increase, if any, in a particular calendar year after January 1, 1981, in amounts held under guaranteed interest contracts

shall be the calendar year statutory valuation interest rates established below.

The calendar year statutory valuation interest rates, I, shall be determined as follows and the results rounded to the nearer $\frac{1}{4}$ of 1%:

- (1) For life insurance,

$$I = .03 + W (R_1 - .03) + W/2 (R_2 - .09);$$

- (2) For single stipulated payment immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options,

$$I = .03 + W (R - .03)$$

where R_1 is the lesser of R and $.09$,

R_2 is the greater of R and $.09$,

R is the reference interest rate defined in subparagraph (7) of this paragraph, and W is the weighting factor defined in subparagraph (6) of this paragraph;

- (3) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in (2) above, the formula for life insurance stated in (1) above shall apply to annuities and guaranteed interest contracts with guaranteed durations in excess of 10 years and the formula for single stipulated payment immediate annuities stated in (2) above shall apply to annuities and guaranteed interest contracts with guaranteed durations of 10 years or less;

- (4) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single stipulated payment immediate annuities stated in (2) above shall apply; and

- (5) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single stipulated payment immediate annuities stated in (2) above shall apply.

However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than $1/2$ of 1%, the calendar year statutory valuation interest rate for such life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for

1980 (using the reference interest rate defined for 1979) and shall be determined for each subsequent calendar year, notwithstanding the provisions of subsection h. of section 17B:25-19, the standard non-forfeiture law for life insurance;

(6) The weighting factors, W, referred to in the formulas stated above are given in the following schedules:

SCHEDULE A

Weighting Factors for Life Insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy;

SCHEDULE B

Weighting factor for single stipulated payment immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options:

.80

SCHEDULE C

Weighting factors for other annuities and for guaranteed interest contracts, except as stated in Schedule B above, shall be as specified in Tables A, B and C below, according to the rules and definitions in D, E and F below:

TABLE A

For annuities and guaranteed interest contracts valued on an issue year basis:

Guarantee Duration (Years)	Weighting Factors for Plan Type		
	A	B	C
5 or less:	.80	.60	.50
More than 5, but not more than 10:	.75	.60	.50
More than 10, but not more than 20:	.65	.50	.45
More than 20:	.45	.35	.35

TABLE B

	Plan Type		
	A	B	C
For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in Table A above increased by:	.15	.25	.05

TABLE C

	Plan Type		
	A	B	C
For annuities and guaranteed interest contracts valued on an issue year basis (other than those with no cash settlement options) which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates on considerations received more than 12 months beyond the valuation date, the factors shown in Table A or derived in Table B increased by:	.05	.05	.05

Rule D. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory

valuation interest rate for life insurance policies with guarantee durations in excess of 20 years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

Rule E. Plan type as used in the above tables is defined as follows:

Plan Type A: At any time policyholder may withdraw funds only with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer, or without such adjustments but in installments over five years or more, or as an immediate life annuity, or no withdrawal permitted.

Plan Type B: Before expiration of the interest rate guarantee, policyholder may withdraw funds only with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer, or without such adjustment but in installments over five years or more, or no withdrawal permitted. At the end of interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than five years.

Plan Type C: Policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over less than five years either without adjustment to reflect changes in interest rate or asset values since receipt of the funds by the insurer, or subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

Rule F. An insurer may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue year basis. As used in this paragraph (x) of subsection a., an issue year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract, and the change in fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under

the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund;

(7) The reference interest rate, R , referred to in this paragraph (x) is defined as follows:

For all life insurance, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year next preceding the year of issue, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

For single stipulated payment immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or year of purchase, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated above, with guaranteed duration in excess of 10 years, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated above, with guaranteed duration of 10 years or less, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change

in funds basis, except as stated above, the average over a period of 12 months, ending on June 30 of the calendar year of a change in the fund, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

In the event that Moody's Corporate Bond Yield Average—Monthly Average Corporates is no longer published by Moody's Investors Service, Inc., or in the event that the National Association of Insurance Commissioners determines that Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc., is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate, which is adopted by the National Association of Insurance Commissioners and approved by regulation promulgated by the commissioner, may be substituted.

b. Except as otherwise provided in subsections e. and f., reserves according to the commissioner's reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided by the policy and the excess of (A) over (B), as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of such benefits provided after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(B) A net one-year term premium for such benefits provided for in the first policy year.

Provided that for any life insurance policies issued on or after

January 1, 1985 for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the commissioner's reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall, except as otherwise provided in subsection e., be the greater of the reserve as of such policy anniversary calculated as described in the first paragraph of this subsection and the reserve as of such policy anniversary calculated as described in that paragraph, but with (i) the value defined in subparagraph (A) of that paragraph being reduced by 15% of the amount of such excess first year premium, (ii) all present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date, (iii) the policy being assumed to mature on such date as an endowment, and (iv) the cash surrender value provided on such date being considered as an endowment benefit. In making the above comparison the mortality and interest bases stated in subsection a. of this section shall be used.

Reserves according to the commissioner's reserve valuation method for (i) life insurance policies providing for varying amounts of insurance or requiring the payment of varying premiums, (ii) group annuity and pure endowment contracts purchased in connection with retirement plans or plans of deferred compensation, established or maintained by or for one or more employers (including partnerships or sole proprietorships), employee organizations, or any combination thereof, other than plans providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended, (iii) disability and accidental death benefits in all policies and contracts, and (iv) all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of this subsection b., except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

c. In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death ben-

efits, be less than the aggregate reserves calculated in accordance with the methods set forth in subsections b., e. and g. and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies. Reserves for any category of policies, contracts or benefits as established by the commissioner shall not be calculated according to any standards which produce smaller aggregate reserves for such category than the corresponding aggregate values of nonforfeiture benefits available as of the valuation date.

d. Reserves for any category of policies, contracts or benefits as established by the commissioner may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided.

e. If in any contract year the gross premium charged by any life insurer on any policy or contract to which this section applies is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract is the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. At the option of the insurer and with the consent of the commissioner, the minimum reserve defined in this subsection e. may be determined for each policy or contract except one issued on the substandard basis by substituting, for the actual gross premium on the policy or contract, the average gross premium charged by the insurer for all policies or contracts classified other than substandard which have the same valuation characteristics apart from variation in premium on account of differences in mortality experience.

The minimum valuation standards of mortality and rate of interest referred to in this subsection are those standards stated in subsection a. of this section.

Provided that for any life insurance policy issued on or after January 1, 1985 for which the gross premium in the first policy year exceeds that of the second year and for which no comparable ad-

ditional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the foregoing provisions of this subsection e. shall be applied as if the method actually used in calculating the reserve for such policy were the method described in subsection b., notwithstanding the provisions of the second paragraph of such subsection b. The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with subsection b., including the second paragraph of that subsection, and the minimum reserve calculated in accordance with this subsection e.

f. This subsection shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased in connection with retirement plans or plans of deferred compensation, established or maintained by or for one or more employers (including partnerships or sole proprietorships), employee organizations, or any combination thereof, except such plans providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended.

Reserves according to the commissioner's annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excess of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

g. In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurer based on then estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by

the methods described in subsections b., e., and f., the reserves which are held under any such plan must:

(i) be appropriate in relation to the benefits and the pattern of premiums for that plan, and

(ii) be computed by a method which is consistent with the principles of this standard valuation law,

as determined by regulations promulgated by the commissioner.

2. This act shall take effect immediately.

Approved January 23, 1987.

CHAPTER 15

AN ACT requiring written notice to be given, in certain circumstances, to the chief executive officer of a municipality prior to moving a State facility out of the municipality.

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

C. 52:18A-18.1 Notice prior to moving State facility.

1. a. The Division of Purchase and Property in the Department of the Treasury shall, prior to moving a State facility out of a municipality, give 90 days' written notice by certified mail to the chief executive officer of the municipality affected thereby. The division, however, shall not be required to provide this notice in an emergency situation.

b. For the purposes of subsection a. of this section, an "emergency situation" means:

(1) A situation which threatens health or safety, or which violates any health, building or fire code provision relating to the safe occupancy and use of the premises;

(2) A situation in which the State is given less than 90 days' notice to vacate the premises; or

(3) A situation in which the State is unable to reach an agreement on a lease renewal for an existing tenancy, or an alternative appropriate space, at reasonable market value rent and terms before

the 90th day preceding the date upon which the premises which it occupies must be surrendered.

2. This act shall take effect on the 90th day following the date of enactment.

Approved January 27, 1987.

CHAPTER 16

AN ACT concerning architectural licensing examinations, amending P.L. 1952, c. 131 and R.S. 45:3-5.

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

1. Section 1 of P.L. 1952, c. 131 (C. 45:3-5.1) is amended to read as follows:

C. 45:3-5.1 Licensing of engineers.

1. Any professional engineer who is duly licensed to practice professional engineering in this State shall be entitled to be licensed to engage in the practice of architecture in this State, upon application therefor to the board and upon satisfactorily passing the parts pertaining to site and building design of the examination regularly conducted by the board pursuant to R.S. 45:3-5 for applicants for registration to practice architecture.

2. R.S. 45:3-5 is amended to read as follows:

Architects' licenses.

45:3-5. A person shall, before entering the practice of architecture in this State, first apply to the board for a license. The board shall grant a license upon satisfactory evidence that the applicant has fulfilled the requirements of education, experience and examination specified in this section or in section 1 of P.L. 1952, c. 131 (C. 45:3-5.1). Provision shall be made by the board for holding examinations at least once a year, if there are applicants for registration to practice said profession. Applicants for examination shall, at least 60 days before an examination, present to the board a written application on forms provided by the board, together with satisfactory proof that the applicant is 18 or more years of age, is of good moral character, and has fulfilled the education and experience requirements specified in this section.

The applicant shall be regarded as having fulfilled the education requirement if he has a baccalaureate or master's degree in architecture from a university, college, or technical school which has an architectural program accredited by the National Architecture Accrediting Board or if he has completed education which the board deems to be equivalent to an accredited full course in architecture. Any applicant, who on or before July 1, 1987, fulfills the education requirement or the experience or experience and partial schooling equivalent requirements in effect immediately prior to the effective date of this 1987 amendatory act, shall also be regarded as having fulfilled the education requirement.

The applicant shall be regarded as having fulfilled the experience requirement if he demonstrates three years or more of experience related to architecture, of a type and within a period of time specified by regulation of the board.

No individual shall be permitted to take the examination while a complaint is pending in which the individual is charged with the illegal practice of architecture under R.S. 45:3-10 or while penalties imposed pursuant to section 12 of P.L. 1978, c. 73 (C. 45:1-25) remain unsatisfied.

All examinations of applicants for certificates to practice architecture shall be of a form and content relative to the knowledge and current practice of the profession of architecture, as established by regulation of the board. The board may make use of all or a portion of the uniform architects' examination and the advisory grading service of the National Council of Architectural Registration Boards. The applicants shall pay to the board fees established by regulation for examination, certification, registration or other services performed by the board.

3. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 17

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated from the General Fund the following sum for the purpose specified:

STATE AID	
42 DEPARTMENT OF ENVIRONMENTAL PROTECTION	
40 Community Development and Environmental Management	
45 Recreational Resource Management—State Aid	
12-4875 Parks Management	\$89,000
State Aid:	
Maintenance and operating expenses	
of the American Labor Museum,	
Botto House Historical Site	
(State share)	(\$89,000)

2. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 18

AN ACT concerning transfers to minors, revising parts of the statutory law and enacting Chapter 38A of Title 46 of the Revised Statutes.

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

1.

TITLE 46 CHAPTER 38A Transfers to Minors

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46:38A-1 Short title.

This chapter shall be known and may be cited as the "New Jersey Uniform Transfers to Minors Act."

Source: New.

46:38A-2 Definitions.

As used in this chapter:

- a. "Adult" means an individual who has attained the age of 21 years;
- b. "Broker" means a person lawfully engaged in the business of effecting transactions in securities or commodities for the person's own account or for the account of others;
- c. "Court" means the Superior Court;

d. "Custodial property" means any interest in property transferred to a custodian under this chapter and the income from and proceeds of that interest in property;

e. "Custodian" means a person so designated under R.S. 46:38A-19 or a successor or substitute custodian designated under R.S. 46:38A-42 through R.S. 46:38A-45;

f. "Financial institution" means a bank, trust company, savings institution, savings and loan association or credit union, chartered and supervised under State or federal law;

g. "Guardian" of a minor means a guardian of his estate or person;

h. "Legal representative" means an individual's personal representative or guardian;

i. "Member of the minor's family" means the minor's parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption;

j. "Minor" means an individual who has not attained the age of 21 years;

k. "Person" means an individual, corporation, organization, or other legal entity;

l. "Personal representative" means an executor, administrator, successor personal representative of a decedent's estate or a person legally authorized to perform substantially the same functions but excludes a special administrator;

m. "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States;

n. "Transfer" means a transaction that creates custodial property under R.S. 46:38A-19;

o. "Transferor" means a person who makes a transfer under this chapter;

p. "Trust company" means a financial institution, corporation, or other legal entity, authorized to exercise general trust powers.

Source: New.

46:38A-3 Scope of chapter.

This chapter applies to a transfer referred to in this chapter in a designation under R.S. 46:38A-19 by which the transfer is made if at the time of the transfer, the transferor, the minor, the custodian is a resident of this State or the custodial property is located in this State. The custodianship so created remains subject to this chapter despite a subsequent change in residence of a transferor, the minor, the custodian or the removal of custodial property from this State.

Source: New.

46:38A-4 Jurisdiction over custodian.

A person designated as custodian under this chapter is subject to personal jurisdiction in this State with respect to any matter relating to the custodianship.

Source: New.

46:38A-5 Choice of law.

A transfer that purports to be made and which is valid under the Uniform Transfers to Minors Act, the Uniform Gifts to Minors Act, or a substantially similar act, of another state is governed by the law of the designated state and may be executed and is enforceable in this State if at the time of the transfer, the transferor, the minor, or the custodian is a resident of the designated state or the custodial property is located in the designated state.

Source: New.

46:38A-6 Revocable nomination of custodian based upon happening of future event.

A person having the right to designate the recipient of property transferable upon the occurrence of a future event may revocably nominate a custodian to receive the property for a minor beneficiary upon the occurrence of the event by naming the custodian followed in substance by the words: "as custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act." The nomination may name one or more persons as substitute custodians to whom the property shall be transferred, in the order named, if the first nominated custodian dies before the transfer or is unable, declines, or is ineligible to serve. The nomination may be made in a will, a trust, a deed, an instrument exercising a power of appointment, or in a writing designating a beneficiary of contractual rights which is registered with or delivered to the payor, issuer, or other

obligor of the contractual rights. A custodian nominated under this section shall be a person to whom a transfer of property of that kind may be made under R.S. 46:38A-19.

Source: New.

46:38A-7 When custodianship becomes effective under revocable nomination of custodian.

The nomination of a custodian under R.S. 46:38A-6 does not create custodial property until the nominating instrument becomes irrevocable or a transfer to the nominated custodian is completed under R.S. 46:38A-19. Unless the nomination of a custodian has been revoked, upon the occurrence of the future event the custodianship becomes effective and the custodian shall enforce a transfer of the custodial property pursuant to R.S. 46:38A-19.

Source: New.

46:38A-8 Transfer by gift or exercise of power of appointment.

A person may, pursuant to R.S. 46:38A-19, make a transfer by irrevocable gift to, or the irrevocable exercise of a power of appointment in favor of, a custodian for the benefit of a minor.

Source: New.

46:38A-9 Transfer authorized by will or trust.

A personal representative or trustee may, pursuant to R.S. 46:38A-19, make an irrevocable transfer to a custodian for the benefit of a minor as authorized in the governing will or trust.

Source: New.

46:38A-10 Transfer under will or trust; transfer to be made to nominated custodian.

If the testator or the settlor of a trust has nominated a custodian under R.S. 46:38A-6 to receive the custodial property, the transfer shall be made to that person.

Source: New.

46:38A-11 Transfer under will or trust; custodian not nominated or dead, etc.

If the testator or the settlor under a trust has not nominated a custodian under R.S. 46:38A-6, or all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible

to serve, the personal representative or the trustee, as the case may be, shall designate the custodian from among those eligible to serve as custodian for property of that kind under R.S. 46:38A-19.

Source: New.

46:38A-12 Other transfers by personal representative or trustee.

Subject to R.S. 46:38A-14, a personal representative or a trustee may, pursuant to R.S. 46:38A-19, make an irrevocable transfer to another adult or trust company as custodian for the benefit of a minor, in the absence of a will or under a will or a trust that does not contain an authorization to do so.

Source: New.

46:38A-13 Transfers by a guardian.

Subject to R.S. 46:38A-14, a guardian of a minor may, pursuant to R.S. 46:38A-19, make an irrevocable transfer to another adult or trust company as custodian for the benefit of the minor.

Source: New.

46:38A-14 Conditions under which certain transfers may be made by a personal representative, trustee or guardian.

A transfer may be made under R.S. 46:38A-12 or R.S. 46:38A-13 only if:

- a. The personal representative, trustee or guardian considers the transfer to be in the best interest of the minor;
- b. The transfer is not prohibited by or inconsistent with provisions of the applicable will, trust agreement, other governing instrument or law; and
- c. The transfer is authorized by the court if it exceeds \$10,000.00 in value.

Source: New.

46:38A-15 Transfer by obligor.

Subject to R.S. 46:38A-16 and R.S. 46:38A-17, a person not subject to R.S. 46:38A-9 through R.S. 46:38A-11, or R.S. 46:38A-12 through R.S. 46:38A-14, who holds property of or owes a liquidated debt to a minor not having a guardian may make an irrevocable transfer to a custodian for the benefit of the minor pursuant to R.S. 46:38A-19.

Source: New.

46:38A-16 Transfer by obligor; custodian nominated.

If a person having the right to do so under R.S. 46:38A-6 has nominated a custodian under that section to receive custodial property under R.S. 46:38A-15, the transfer shall be made to that person.

Source: New.

46:38A-17 Transfer by obligor; custodian not nominated or dead, etc.

If a custodian has not been nominated under R.S. 46:38A-6, or all persons so nominated as custodian to receive custodial property under R.S. 46:38A-15 die before the transfer or are unable, decline, or are ineligible to serve, a transfer under R.S. 46:38A-15 may be made to an adult member of the minor's family or to a trust company unless the property exceeds \$10,000.00 in value.

Source: New.

46:38A-18 Receipt for custodial property.

A written acknowledgment of delivery by a custodian constitutes a sufficient receipt and discharge for custodial property transferred to the custodian pursuant to this chapter.

Source: New.

46:38A-19 Manner of creating custodial property and effecting transfer; designation of initial custodian.

Custodial property is created and a transfer is made whenever:

a. An uncertificated security or a certificated security in registered form is either:

(1) Registered in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act," or

(2) Delivered if in certificated form, or any document necessary for the transfer of an uncertificated security is delivered, together with any necessary endorsement to an adult other than the transferor or to a trust company as custodian, accompanied by an instrument in substantially the form set forth in R.S. 46:38A-20;

b. Money is paid or delivered to a broker or financial institution for credit to an account in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the

words: "as custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act";

c. The ownership of a life or endowment insurance policy or annuity contract is either:

(1) Registered with the issuer in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act," or

(2) Assigned in a writing delivered to an adult other than the transferor or to a trust company whose name in the assignment is followed in substance by the words: "as custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act";

d. An irrevocable exercise of a power of appointment or an irrevocable present right to future payment under a contract is the subject of a written notification delivered to the payor, issuer, or other obligor that the right is transferred to the transferor, an adult other than the transferor, or a trust company, whose name in the notification is followed in substance by the words: "as custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act";

e. An interest in real property is recorded in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act";

f. A certificate of title issued by a department or agency of a state or of the United States which evidences title to tangible personal property is either:

(1) Issued in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act," or

(2) Delivered to an adult other than the transferor or to a trust company, endorsed to that person followed in substance by the words: "as custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act"; or

g. An interest in any property not described in subsections a. through f. of this section is transferred to an adult other than the

transferor or to a trust company by a written instrument in substantially the form set forth in R.S. 46:38A-20.

Source: New.

46:38A-20 Form of instrument to make certain transfers.

An instrument in the following form satisfies the requirements of paragraph (2) of subsection a. and subsection g. of R.S. 46:38A-19:

**“TRANSFER UNDER THE NEW JERSEY UNIFORM
TRANSFERS TO MINORS ACT**

I, ... (name of transferor or name and representative capacity if a fiduciary) hereby transfer to (name of custodian), as custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act, the following: (insert a description of the custodial property sufficient to identify it).

Dated:.....

.....
(Signature)

..... (name of custodian) acknowledges receipt of the property described above as custodian for the minor named above under the New Jersey Uniform Transfers to Minors Act.

Dated:.....

.....
(Signature of Custodian)”

Source: New.

46:38A-21 Control of custodial property.

A transferor shall place the custodian in control of the custodial property as soon as practical.

Source: New.

46:38A-22 Single custodianship.

A transfer may be made only for one minor, and only one person may be the custodian. All custodial property held under this chapter

by the same custodian for the benefit of the same minor constitutes a single custodianship.

Source: New.

46:38A-23 Validity of transfer.

The validity of a transfer made in a manner prescribed in this chapter is not affected by:

- a. Failure of the transferor to comply with R.S. 46:38A-22 concerning possession and control;
- b. Designation of an ineligible custodian, except designation of the transferor in the case of property for which the transferor is ineligible to serve as custodian under R.S. 46:38A-19; or
- c. Death or incapacity of a person nominated under R.S. 46:38A-6 and R.S. 46:38A-7 or designated under R.S. 46:38A-19 as custodian or the disclaimer of the office by that person.

Source: New.

46:38A-24 Transfer deemed irrevocable and vested in minor subject to rights, powers, duties and authority of custodian.

A transfer made pursuant to R.S. 46:38A-19 is irrevocable, and the custodial property is indefeasibly vested in the minor, but the custodian has all the rights, powers, duties, and authority provided in this chapter, and neither the minor nor the minor's legal representative has any right, power, duty, or authority with respect to the custodial property except as provided in this chapter.

Source: New.

46:38A-25 Transfer incorporates all provisions of chapter.

By making a transfer, the transferor incorporates in the disposition all the provisions of this chapter and grants to the custodian, and to any third person dealing with a person designated as custodian, the respective powers, rights, and immunities provided in this chapter.

Source: New.

46:38A-26 Care of custodial property.

A custodian shall:

- a. Take control of custodial property;

- b. Register or record title to custodial property if appropriate; and
- c. Collect, hold, manage, invest, and reinvest custodial property.

Source: New.

46:38A-27 Duty of care owed by custodian.

In dealing with custodial property, a custodian shall observe the standard of care that would be observed by a prudent person dealing with property of another and is not limited by any other statute restricting investments by fiduciaries. If a custodian has a special skill or expertise or is named custodian on the basis of representations of a special skill or expertise, the custodian shall use that skill or expertise. A custodian may, in the custodian's discretion and without liability to the minor or the minor's estate, retain any custodial property received from a transferor.

Source: New.

46:38A-28 Investment or payment of premiums on life insurance or endowment policies by custodian.

A custodian may invest in or pay premiums on life insurance or endowment policies on the life of the minor only if the minor or the minor's estate is the sole beneficiary, or the life of another person in whom the minor has an insurable interest only to the extent that the minor, the minor's estate, or the custodian in the capacity of custodian is the irrevocable beneficiary.

Source: New.

46:38A-29 Custodial property to be kept separate and distinct.

A custodian shall, at all times, keep custodial property separate and distinct from all other property in a manner sufficient to identify it clearly as custodial property of the minor. Custodial property consisting of an undivided interest is so identified if the minor's interest is held as a tenant in common and is fixed. Custodial property subject to recordation is so identified if it is recorded, and custodial property subject to registration is so identified if it is either registered, or held in an account designated, in the name of the custodian, followed in substance by the words: "as a custodian for (name of minor) under the New Jersey Uniform Transfers to Minors Act."

Source: New.

46:38A-30 Records to be kept by custodian.

A custodian shall keep records of all transactions with respect to custodial property, including information necessary for the preparation of the minor's tax returns, and shall make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor if the minor has attained the age of 14 years.

Source: New.

46:38A-31 Powers of custodian.

A custodian, acting in a custodial capacity, has all the rights, powers, and authority over custodial property that unmarried adult owners have over their own property, but a custodian may exercise those rights, powers, and authority in that capacity only, and this section does not relieve a custodian from liability for breach of R.S. 46:38A-26 through R.S. 46:38A-30.

A custodian may, in his discretion, terminate the custodianship at any time after the minor has attained the age of 18 years, but the power shall not be exercised by the custodian prior to a termination age fixed by the transferor as provided in subsection a. of R.S. 46:38A-52.

Source: New.

46:38A-32 Use of custodial property by custodian for benefit of minor.

A custodian may deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the custodian considers advisable for the use and benefit of the minor, without court order and without regard to the duty or ability of the custodian personally or of any other person to support the minor, or any other income or property of the minor which may be applicable or available for that purpose.

Source: New.

46:38A-33 Application to court for use of custodial property for benefit of minor.

On application of an interested person or the minor if the minor has attained the age of 14 years, the court may order the custodian to deliver or pay to the minor or expend for the minor's benefit so

much of the custodial property as the court considers advisable for the use and benefit of the minor.

Source: New.

46:38A-34 Use of custodial property for benefit of minor not to affect obligation to support minor.

A delivery, payment, or expenditure under R.S. 46:38A-32 or R.S. 46:38A-33 is in addition to, not in substitution for, and does not affect any obligation of a person to support the minor.

Source: New.

46:38A-35 Custodian's expenses.

A custodian is entitled to reimbursement from custodial property for reasonable expenses incurred in the performance of the custodian's duties.

Source: New.

46:38A-36 Custodian's compensation.

Except for one who is a transferor under R.S. 46:38A-8, a custodian has a noncumulative election during each calendar year to charge reasonable compensation for services performed during that year.

Source: New.

46:38A-37 Custodian's bond.

Except as provided in R.S. 46:38A-47, a custodian need not give a bond.

Source: New.

46:38A-38 Exemption of third person from liability.

A third person in good faith and without court order may act on the instructions of or otherwise deal with any person purporting to make a transfer or purporting to act in the capacity of a custodian and, in the absence of knowledge, is not responsible for determining:

- a. The validity of the purported custodian's designation;
- b. The propriety of, or the authority under this chapter for, any act of the purported custodian;
- c. The validity or propriety under this chapter of any instrument or instructions executed or given either by the person purporting to make a transfer or by the purported custodian; or

d. The propriety of the application of any property of the minor delivered to the purported custodian.

Source: New.

46:38A-39 Liability to third persons generally.

A claim based on a contract entered into by a custodian acting in a custodial capacity, an obligation arising from the ownership or control of custodial property, or a tort committed during the custodianship, may be asserted against the custodial property by proceeding against the custodian in the custodial capacity, whether or not the custodian or the minor is personally liable therefor.

Source: New.

46:38A-40 Liability of custodian to third persons.

A custodian is not personally liable:

a. On a contract properly entered into in the custodial capacity unless the custodian fails to reveal that capacity and to identify the custodianship in the contract; or

b. For an obligation arising from control of custodial property or for a tort committed during the custodianship unless the custodian is personally at fault.

Source: New.

46:38A-41 Liability of minor to third persons.

A minor is not personally liable for an obligation arising from ownership of custodial property or for a tort committed during the custodianship unless the minor is personally at fault.

Source: New.

46:38A-42 Custodian declining to serve, designation of successor custodian.

A person nominated under R.S. 46:38A-6 or designated under R.S. 46:38A-19 as custodian may decline to serve by delivering an instrument in writing to the person who made the nomination or to the transferor or the transferor's legal representative. If the event giving rise to a transfer has not occurred and a substitute custodian able, willing, and eligible to serve was not nominated under R.S. 46:38A-6, the person who made the nomination may nominate a substitute custodian under R.S. 46:38A-6; otherwise the transferor or the transferor's legal representative shall designate a substitute custodian at

the time of the transfer, in either case from among the persons eligible to serve as custodian for that kind of property under R.S. 46:38A-19. The custodian so designated has the rights of a successor custodian.

Source: New.

46:38A-43 Designation of successor custodian by custodian.

A custodian may, at any time, designate a trust company or an adult other than a transferor under R.S. 46:38A-8 as successor custodian by executing and dating an instrument of designation before a subscribing witness other than the successor. If the instrument of designation does not contain or is not accompanied by resignation of the custodian, the designation of the successor does not take effect until the custodian resigns, dies, becomes incapacitated, or is removed.

Source: New.

46:38A-44 Resignation of custodian; notice; delivery of custodial property.

A custodian may resign at any time by delivering written notice to the minor if the minor has attained the age of 14 years and to the successor custodian and by delivering the custodial property to the successor custodian.

Source: New.

46:38A-45 Designation successor custodian when custodian is ineligible, dies or becomes incapacitated.

If a custodian is ineligible, dies or becomes incapacitated without having effectively designated a successor custodian and the minor has attained the age of 14 years, the minor may, in the manner prescribed in R.S. 46:38A-44, designate an adult member of the minor's family, the guardian of the minor's estate or a trust company as successor custodian. If the minor has not attained the age of 14 years or if the minor has attained the age of 14 years and fails to act within 60 days after the ineligibility, death, or incapacity, the guardian of the minor's estate shall become the successor custodian. If there is no guardian of the minor's estate or the guardian declines to act, the transferor, the legal representative of the transferor or of the custodian, an adult member of the minor's family, or any other interested person may apply to the court to designate a successor custodian.

Source: New.

46:38A-46 Delivery of custodial property to successor custodian.

A custodian who declines to serve under R.S. 46:38A-42 or resigns under R.S. 46:38A-44, or the legal representative of a deceased or incapacitated custodian, as soon as practicable, shall deliver the custodial property and records into the possession and control of the successor custodian. The successor custodian may apply to the court to enforce the obligation to deliver custodial property and records and becomes responsible for each item as received.

Source: New.

46:38A-47 Removal of custodian; bond.

A transferor, the legal representative of a transferor, an adult member of the minor's family, a guardian of the estate or person of the minor, or the minor if the minor has attained the age of 14 years may apply to the court to remove the custodian for cause and to designate a successor custodian other than a transferor under R.S. 46:38A-8 or to require the custodian to give appropriate bond.

Source: New.

46:38A-48 Accounting by and determination of liability of custodian.

A minor who has attained the age of 14 years, the guardian of the estate or person of the minor or legal representative of the minor, an adult member of the minor's family, a transferor, or a transferor's legal representative may apply to the court for:

- a. An accounting by the custodian or the custodian's legal representative; or
- b. A determination of responsibility, as between the custodial property and the custodian personally, for claims against the custodial property unless the responsibility has been adjudicated in an action under R.S. 46:38A-39 through R.S. 46:38A-41 to which the minor or the minor's legal representative was a party.

Source: New.

46:38A-49 Accounting by predecessor custodian.

A successor custodian may apply to the court for an accounting by the predecessor custodian.

Source: New.

46:38A-50 Accounting required or permitted by the court.

The court, in a proceeding under this chapter or in any other proceeding, may require or permit the custodian or the custodian's legal representative to account.

Source: New.

46:38A-51 Accounting and order for delivery of custodial property upon removal of custodian.

If a custodian is removed under R.S. 46:38A-47, the court shall require an accounting and order delivery of the custodial property and records to the successor custodian and the execution of all instruments required for transfer of the custodial property.

Source: New.

46:38A-52 Termination of custodianship.

The custodian shall, in an appropriate manner, transfer the custodial property to the minor or to the minor's estate upon the earlier of:

a. The minor's attainment of 21 years of age with respect to custodial property transferred under R.S. 46:38A-8 or R.S. 46:38A-9, unless the transferor, at the time the transfer is made, has expressly directed or the governing will or trust expressly directs that the custodianship may be terminated at an earlier stated age after the minor attains the age of 18 years;

b. The minor's attainment of majority under the laws of this State other than this chapter with respect to custodial property transferred under R.S. 46:38A-12 or R.S. 46:38A-13; or

c. The minor's death.

Source: New.

46:38A-53 Applicability of chapter.

This chapter applies to a transfer within the scope of R.S. 46:38A-3, R.S. 46:38A-4 and R.S. 46:38A-5 made after its effective date if:

a. The transfer purports to have been made under the "New Jersey Uniform Gifts to Minors Act," P.L. 1963, c. 177 (C. 46:38-13 et seq.); or

b. The instrument by which the transfer purports to have been made uses in substance the designation "as custodian under the

Uniform Gifts to Minors Act” or “as custodian under the Uniform Transfers to Minors Act” of any other state, and the application of this chapter is necessary to validate the transfer.

Source: New.

46:38A-54 Validation of certain transfers.

Any transfer of custodial property as now defined in this chapter made before the effective date of this chapter is validated, notwithstanding that there was no specific authority in the “New Jersey Uniform Gifts to Minors Act,” P.L. 1963, c. 177 (C. 46:38-13 et seq.) for the coverage of custodial property of that kind or for a transfer from that source at the time the transfer was made.

Source: New.

46:38A-55 Construction.

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Source: New.

46:38A-56 Reservation of power.

The Legislature reserves the power to amend, supplement or repeal this chapter.

Source: New.

46:38A-57 Laws repealed.

The following are repealed effective July 1, 2007: P.L. 1963, c. 177, §§1 through 18 inclusive, 20 through 24 inclusive, 26 through 29 inclusive (C. 46:38-13 to C. 46:38-30 inclusive, C. 46:38-32 to C. 46:38-36 inclusive, C. 46:38-38 to C. 46:38-41 inclusive); P.L. 1981, c. 377, ss. 6, 7 and 12 (C. 46:38-19.1, C. 46:38-20.1 and C. 46:38-24.1).

2. Section 2 of P.L. 1972, c. 81 (C. 9:17B-2) is amended to read as follows:

C. 9:17B-2 Status of 18 to 21-year-olds.

2. The Legislature by this act does not intend to:

- a. Effect the release from confinement or transfer from one institution to another of a person attaining age 18 rather than 21 years;
- b. Affect the right of a court to exercise its discretion in not sentencing a person between 18 and 21 years of age to a State prison;

c. Alter the right of persons under 20 years of age to be eligible for enrollment in public schools;

d. Alter the provisions of the uniform laws relative to gifts or transfers to minors;

e. Alter the provisions of N.J.S. 2A:14-21 with respect to the time within which a person under 21 years of age on January 1, 1973 may commence an action or make an entry under a cause or right accrued prior to said date;

f. Alter the provision of services pursuant to the laws relating to dependent and neglected children, allocated to chapter 4C of Title 30 of the Revised Statutes (C. 30:4C-1 to 30:4C-44), to persons between 18 and 21 years of age who seek to avail themselves of such services and who are enrolled in a school or training program below college level or who require a course of treatment for emotionally, cognitively or physically disabled persons.

3. Section 3 of P.L. 1972, c. 81 (C. 9:17B-3) is amended to read as follows:

C. 9:17B-3 Majority at 18.

3. Except with respect to the provisions of N.J.S. 2A:14-21, with respect to the provision of services pursuant to the laws relating to dependent and neglected children, allocated to chapter 4C of Title 30 of the Revised Statutes (C. 30:4C-1 to 30:4C-44), to persons between 18 and 21 years of age who seek to avail themselves of such services and who are enrolled in a school or training program below college level or who require a course of treatment for emotionally, cognitively or physically disabled persons, with respect to the right of a court to take any action it deems appropriate and in the interest of a person under 21 years of age, or to require a change in action heretofore taken by a court with respect to a person under 21 years of age, or with respect to the provisions of the "New Jersey Uniform Gifts to Minors Act" (P.L. 1963, c. 177, C. 46:38-13 et seq.), or the "New Jersey Uniform Transfers to Minors Act," R.S. 46:38A-1 et seq., every person 18 or more years of age shall in all other matters and for all other purposes be deemed to be an adult and, notwithstanding any other provision of law to the contrary, shall have the same legal capacity to act and the same powers and obligations as a person 21 or more years of age. Except as herein otherwise provided, every act or action of any such person shall be as valid, binding and enforceable by or against such person as if, at the time such act or action was performed or undertaken, such person was 21 or more years of age and no act or action by any such person performed or

undertaken on or after the effective date of this act shall be subject to disaffirmance because of minority.

4. This act shall take effect on the first day of the sixth calendar month following its enactment.

Approved January 27, 1987.

CHAPTER 19

AN ACT establishing a task force on adolescent pregnancy to make recommendations for the implementation of a Statewide program to combat this problem and to report thereon to the Governor and to the Legislature, and making an appropriation therefor.

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

1. The Legislature finds that adolescent pregnancy is one of the most serious problems facing the State of New Jersey and the nation; that adolescent pregnancy is a complex social matter which affects adolescents from diverse backgrounds; and that approximately one out of every 10 adolescent females becomes pregnant each year. The Legislature declares, therefore, that it is necessary to determine the best methods of coordination and improvement of the services of State, local governmental, private and voluntary agencies, community organizations; and schools which seek to serve adolescents at high risk of pregnancy, pregnant adolescents, adolescent parents, and their families.

2. The Task Force on Adolescent Pregnancy is created in but not of the Department of Health. The task force shall consist of 21 members: the Directors of the Division of Youth and Family Services and the Division of Public Welfare in the Department of Human Services; the Assistant Commissioner of the Division of Community Health Services in the Department of Health; the Director of the Governor's Committee on Children's Services Planning; the Director of the Governor's Council on the Prevention of Mental Retardation; the Commissioners of the Department of Human Services, the Department of Education, the Department of Health, and the Department of Labor; and the Director of the Division on Women in the Department of Community Affairs or their designees; seven public

members to be appointed by the Governor, no more than four of whom shall be of the same political party, at least five of whom have expertise in the problems of adolescent pregnancy including a representative of the New Jersey Academy of Pediatrics and a representative of the New Jersey Obstetrical and Gynecological Society; two members of the General Assembly to be appointed by the Speaker, no more than one of whom shall be of the same political party; and two members of the Senate to be appointed by the President of the Senate, no more than one of whom shall be of the same political party. All appointments shall be made within 30 days after the effective date of this act. Any vacancies on the task force shall be filled in the same manner as the original appointments were made. Members shall serve without compensation, but shall be reimbursed for the reasonable expenses incurred in the performance of their duties. A simple majority of the members of the task force shall constitute a quorum.

3. The task force shall compile and analyze information on the various existing adolescent pregnancy programs in New Jersey and shall make recommendations for the implementation of public policies and of a Statewide comprehensive program to combat the problem of adolescent pregnancy so that there is a coordination and improvement of the services of State, local governmental, private and voluntary agencies, community organizations, and schools which seek to serve adolescents at high risk of pregnancy, pregnant adolescents, adolescent parents, and their families. The task force shall report its findings, conclusions, and recommendations to the Governor and to the Legislature as soon as practicable, but no later than one year after the effective date of this act, accompanying them with any legislative bills which it may desire to recommend for adoption by the Legislature.

4. The task force shall select from among its members a chairperson and a vice chairperson and also may employ professional and secretarial staff as necessary.

5. The task force shall be entitled to call to its assistance and avail itself of the services and assistance of any officials and employees of the State and its political subdivisions and their departments, boards, bureaus, commissions, and agencies as it may require and as may be available to it for its purposes, and may expend any funds as may be appropriated or otherwise made available to it for the purposes of its study.

6. The task force may meet and hold public hearings at any place as it shall designate.

7. There is appropriated from the General Fund to the Department of Health the sum of \$50,000.00 to fund the task force.

8. This act shall take effect on the 60th day following its enactment, and shall expire one year thereafter.

Approved January 27, 1987.

CHAPTER 20

AN ACT concerning motor vehicle drivers' licenses and amending R.S. 39:3-10 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 is amended to read as follows:

Drivers' licenses; classifications.

39:3-10. No person shall drive a motor vehicle on a public highway in this State unless licensed to do so in accordance with this article. No person under 17 years of age shall be licensed to drive motor vehicles, nor shall a person be licensed until he has passed a satisfactory examination as to his ability as an operator. The examination shall include a test of the applicant's vision, his ability to understand traffic control devices, his knowledge of safe driving practices and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, his knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road and a demonstration of his ability to operate a vehicle of the class designated.

The director shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the State Department of Health concerning the use of alcohol or drugs as related to highway safety. The director shall develop in conjunction with the State Department of Health supplements to the driver's manual which shall include infor-

mation necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the director any current driver's license issued to him by another state upon his receipt of a driver's license for this State. The director shall refuse to issue a driver's license if the applicant fails to comply with this provision.

The director shall create classified licensing of drivers covering the following classifications:

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering;

b. Omnibuses as classified by R.S. 39:3-10.1 and school buses classified under N.J.S. 18A:39-1 et seq.;

c. Articulated vehicles means a combination of a commercial motor vehicle registered at a gross weight in excess of 18,000 pounds and one or more motor-drawn vehicles joined together by means of a coupling device;

d. All motor vehicles not included in classifications a., b. and c. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. or c. shall be a holder of a basic driver's license. Any issuance of a license under classification b. or c. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license.

The director, upon payment of the lawful fee and after he or a person authorized by him has examined the applicant and is satisfied of the applicant's ability as an operator, may, in his discretion, license the applicant to drive a motor vehicle. The license shall authorize him to drive any registered vehicle, of the kind or kinds indicated, and shall expire, except as otherwise provided, on the last day of the 48th calendar month following the calendar month in which such license was issued.

The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. The fee for such licenses shall be fixed by the director in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 48-month period shall be as follows:

Motorcycle license or endorsement	\$ 8.00
Omnibus or school bus endorsement	\$16.00
Articulated vehicle endorsement	\$ 8.00
Basic driver's license	\$16.00

The director shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the director's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The driver's license shall have the legal name of the licensee endorsed thereon in his own handwriting. For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court. The director may require that only the legal name be recorded on the driver's license. A licensee whose name is changed due to marriage, divorce, or by judgment of the court shall notify the director of the change in name within two weeks after the change is made.

The director shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of such period, such licenses to be effective immediately.

All applications for renewals of licenses shall be made on forms prescribed by the director and in accordance with procedures established by him.

The director in his discretion may refuse to grant a license to drive motor vehicles to a person who is, in his estimation, not a proper person to be granted such a license, but no defect of the applicant shall debar him from receiving a license unless it can be shown by tests approved by the Director of the Division of Motor Vehicles that the defect incapacitates him from safely operating a motor vehicle.

A person violating this section shall be subject to a fine not exceeding \$500.00 or imprisonment in the county jail for not more than 60

days, but if that person has never been licensed to drive in this State or any other jurisdiction, he shall be subject to a fine of not less than \$200.00 and, in addition, the court shall issue an order to the Director of the Division of Motor Vehicles requiring the director to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the Division of Motor Vehicles.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

C. 39:3-9a Violations; fines.

2. (New section) A person who fails to notify the Director of the Division of Motor Vehicles of a change in name as required in R.S. 39:3-10 shall be subject to a fine of \$10.00. A person who fails to endorse a driver's license in his own handwriting as required in R.S. 39:3-10 shall be subject to a fine of \$20.00. A person who is fined under this section for a violation shall not be subject to a surcharge under the New Jersey Merit Rating Plan as provided in section 6 of P.L. 1983, c. 65 (C. 17:29A-35).

3. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 21

AN ACT authorizing certain municipalities to impose certain taxes and amending and supplementing P.L. 1970, c. 326.

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

1. Section 6 of P.L. 1970, c. 326 (C. 40:48C-6) is amended to read as follows:

C. 40:48C-6 Parking tax.

6. Any municipality is hereby authorized and empowered to enact an ordinance imposing in any such municipality a tax, not to exceed 15%, on fees for parking, garaging, or storing of motor vehicles, other than parking in a garage which is part of premises occupied solely

as a private one- or two-family dwelling. For the purposes of this act, in the case where any parking facility situated within two contiguous municipalities authorized under section 1 of P.L. 1970, c. 326 (C. 49:48C-1) and section 2 of P.L. 1987, c. 21 (C. 40:48C-1.2), the tax authorized herein may only be imposed on fees attributable to that portion of any parking facility which is situated within the physical boundaries of the municipality.

C. 40:48C-1.2 Facility in 2 municipalities.

2. (New section) Any municipality having a population of less than 125,000, but in excess of 100,000, according to the latest federal decennial census, is hereby authorized and empowered to enact an ordinance imposing the tax provided for in Article 3 (Parking Tax) of the "Local Tax Authorization Act," P.L. 1970, c. 326 (C. 40:48C-6 et seq.) on any portion of a facility situated within its borders, but which, in part, is also situated in a contiguous municipality which has enacted an ordinance imposing the tax provided for in Article 3 (Parking Tax) of the "Local Tax Authorization Act," P.L. 1970, c. 326 (C. 40:48C-6 et seq.).

3. (New section) Any ordinance enacted pursuant to this act shall not take effect any earlier than January 1, 1987.

4. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 22

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 8 of P.L. 1961, c. 49 (C. 52:14-17.32) is amended to read as follows:

C. 52:14-17.32 Health benefits for retirees.

8. a. The basic coverage and the major medical coverage of any employee, and of his dependents, if any, shall cease upon the discontinuance of his term of office or employment or upon cessation of active full-time employment subject to such regulations as may be prescribed by the commission for limited continuance of basic cov-

erage and major medical coverage during disability, part-time employment, leave of absence or layoff, and for continuance of basic coverage and major medical coverage after retirement, any such continuance after retirement to be provided at such rates and under such conditions as shall be prescribed by the commission, subject, however, to the requirements hereinafter set forth in this section. The commission may also establish regulations prescribing an extension of coverage when an employee or dependent is totally disabled at termination of coverage.

b. Rates payable by retired employees for themselves and their dependents, by active employees for dependents covered by medicare benefits, and by the State or other employer for an active employee alone covered by medicare benefits, shall be determined on the basis of utilization experience according to classifications determined by the commission, provided, however, that the total rate payable by such retired employee for himself and his dependents, or by such active employee for his dependents and the State or other employer for such active employee alone, for coverage hereunder and for Part B of medicare, shall not exceed by more than 25%, as determined by the commission, the total amount which would have been required to have been paid by him and by the State or other employer for the coverage maintained had he continued in office or active employment and he and his dependents were not eligible for medicare benefits. "Medicare" as used in this act means the coverage provided under Title XVIII of the Social Security Act as amended in 1965, or its successor plan or plans.

c. (1) From funds appropriated therefor, the State shall pay the premium or periodic charges for the benefits provided to a retired State employee and his dependents covered under the program, but not including survivors, if such employee retired from a State-administered retirement system effective on or after July 1, 1964 on a benefit based on 25 years or more of service credited in such retirement system, excepting the employee who elected deferred retirement, but including the employee who retired on a disability pension based on fewer years of service credited in such retirement system and shall also reimburse such retired employee for his premium charges under Part B of the federal medicare program covering the retired employee and the employee's spouse. In the case of full-time employees of the Rutgers University Cooperative Extension Service, service credited in the federal Civil Service Retirement System (5 U.S.C. §8331 et seq.) which was earned as a result of full-time

employment at Rutgers University, may be considered alone or in combination with service credited in a State-administered retirement system for the purposes of establishing the minimum 25 year service requirement to qualify for the benefits provided in this section. Any full-time employee of the Rutgers University Cooperative Extension Service who retired on or after July 1, 1972 and who meets the eligibility requirements set forth in this amendatory act shall be eligible for the benefits provided in this section, provided that at the time of retirement such employee was covered by the State Health Benefits Program and elected to continue such coverage into retirement.

(2) Notwithstanding the provisions of this section to the contrary, from funds appropriated therefor, the State shall pay the premium or periodic charges for the benefits provided to a retired State employee and his dependents covered under the program, but not including survivors, if: (a) the employee retires on or after the effective date of this 1987 amendatory act; (b) the employee was employed by Rutgers University prior to January 2, 1955 and remained in continuous service with Rutgers University until retirement even though the employee (i) did not join a State-administered retirement system, or (ii) became a member of a State-administered retirement system, but accumulated less than 25 years of credited service; and (c) the employee is covered by the program at the time of retirement.

2. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 23

AN ACT appropriating funds from the Human Services Facilities Construction Fund for the planning, construction, reconstruction, development, erection, acquisition, extension, improvement, rehabilitation and equipping of human services facilities, and for the planning and design of suitable State-owned central office facilities.

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

1. There is appropriated to the Department of Human Services from the "Human Services Facilities Construction Fund" created by

the "New Jersey Human Services Facilities Construction Bond Act of 1984," P.L. 1984, c. 157, the sum of \$29,719,000.00 for the following construction projects:

Division of Mental Health and Hospitals	
Renovations and improvements to mental health facilities	\$2,916,000
Mental Health Community Grants ..	\$2,175,000
Division of Developmental Disabilities	
Renovations and improvements to facilities for the developmentally disabled	\$15,797,000
Community Grants for the developmentally disabled	\$5,400,000
Division of Veterans' Services	
Renovations and improvements to veterans' facilities	\$931,000
Division of Youth and Family Services	
Youth and Family Services Community Grants	\$2,150,000
Commission for the Blind and Visually Impaired	
Community Grants for the blind and visually impaired	\$350,000

2. There is also appropriated from the proceeds of the sale of the above mentioned bonds such amounts as may be necessary to meet any expense incurred by the issuing officials under P.L. 1984, c. 157 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of that act.

3. The Director of the Division of Budget and Accounting in the Department of the Treasury shall make those corrections in the title or text, or both, of any appropriation item authorized under this act necessary to make the appropriation available for the purposes for which it was intended. The corrections shall be made by a written ruling which shall set forth an explanation of the need for correction and which shall be signed by the Director of the Division of Budget and Accounting and shall be filed by the director in his office as an official record. Any action pursuant to that ruling, including disbursement and the audit thereof, shall be legally binding and of full effect. An official copy of each written ruling shall be transmitted to the Legislative Budget and Finance Officer upon the effective date of the ruling.

4. The Director of the Division of Budget and Accounting may approve expenditures for predesign program planning and other related costs for capital projects authorized under this act.

5. In order to provide flexibility in administering the provisions of this act, the Commissioner of Human Services may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item of appropriation to any other item of appropriation within the respective department accounts. The transfer shall be made upon the written approval of the director and of the Joint Budget Oversight Committee or its successor.

6. The Commissioner of Human Services shall report to the Senate Institutions, Health and Welfare Committee and General Assembly Health and Human Resources Committee on the status of the appropriations provided in this act six months from the effective date of this act and annually thereafter until all of the funds have been expended. The status report shall specify the projects that are funded and the amounts of funds appropriated, obligated and expended for each project.

7. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 24

AN ACT concerning qualified banks, and supplementing Title 17 of the Revised Statutes.

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

C. 17:9A-28.1 Broker-dealer as custodian.

1. a. Notwithstanding any other provision of law to the contrary, a qualified bank may: (1) employ any broker-dealer which is registered with the federal Securities and Exchange Commission and with the Bureau of Securities in the Division of Consumer Affairs in the Department of Law and Public Safety as a custodian for the qualified bank for any securities held by the qualified bank in its fiduciary capacity; and (2) register the securities in the name of the broker-dealer so employed.

b. Any broker-dealer employed pursuant to subsection a. of this section shall have the same power and shall be subject to the same restrictions with respect to the treatment of securities which it holds as custodian as any bank acting as custodian for a qualified bank. Any securities held by a broker-dealer pursuant to this act in which the broker-dealer does not have a lien for indebtedness due to it from an estate or trust may not be pledged, lent, hypothecated, or disposed of except upon specific instruction of the qualified bank acting in its fiduciary capacity.

2. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 25

AN ACT concerning education and establishing a model curriculum on the role of black Americans and the black family in American and New Jersey history and making an appropriation.

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

1. There is appropriated from the General Fund the sum of \$90,000.00 to the Department of State, New Jersey Historical Commission, Afro-American History Program for the development of a kindergarten through 12th grade curriculum on the role of Afro-Americans in American and New Jersey history.

2. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 26

AN ACT concerning motor vehicle accident reports and amending R.S. 39:4-131.

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

1. R.S. 39:4-131 is amended to read as follows:

Accident reports.

39:4-131. The division shall prepare and supply to police departments and other suitable agencies, forms for accident reports calling for sufficiently detailed information with reference to a motor vehicle accident, including the cause, the conditions then existing, the persons and vehicles involved, the compliance with P.L. 1984, c. 179 (C. 39:3-76.2e et seq.) by the operators and passengers of the vehicles involved in the accident, and such information as the director may require.

Every law enforcement officer who investigates a vehicle accident of which report must be made as required in this Title, or who otherwise prepares a written report as a result of an accident or thereafter by interviewing the participants or witnesses, shall forward a written report of such accident to the division, on forms furnished by it, within five days after his investigation of the accident.

Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential. Every citizen of this State shall have the right, during regular business hours and under supervision, to inspect and copy such reports and shall also have the right in person to purchase copies of the reports at the same fee established by section 2 of P.L. 1963, c. 73 (C. 47:1A-2). If copies of reports are requested other than in person, an additional fee of up to \$5.00 for the first three pages and \$1.00 per page thereafter may be added to cover the administrative costs of the report.

The provisions of any other law or regulation to the contrary notwithstanding, reports obtained pursuant to this act shall not be subject to confidentiality requirements except as provided by section 28 of P.L. 1960, c. 52 (C. 2A:84A-28).

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

Approved January 27, 1987.

CHAPTER 27

AN ACT to provide for the protection of children through the voluntary registration of family day care providers and making an appropriation therefor.

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

C. 30:5B-16 Short title.

1. This act shall be known and may be cited as the "Family Day Care Provider Registration Act."

C. 30:5B-17 Findings

2. The Legislature finds that it is in the public interest to fund and develop a system for the voluntary registration of family day care providers to assure care, maintenance and supervision for children which will be beneficial to their health, safety, welfare and development.

C. 30:5B-18 Definitions.

3. As used in this act:

a. "Certificate of registration" means a certificate issued by the division to a family day care provider, acknowledging that the provider is registered pursuant to the provisions of this act.

b. "Division" means the Division of Youth and Family Services in the State Department of Human Services.

c. "Family day care home" means a private residence in which child care services are provided for a fee to no less than three and no more than five children for no less than 15 hours per week; except that the division shall not exclude a family day care home with less than three children from voluntary registration. A child being cared for under the following circumstances is not included in the total number of children receiving child care services:

(1) The child being cared for is legally related to the provider; or

(2) Care is being provided as part of a cooperative agreement between parents or guardians for the care of their children by one or more of the parents or guardians, where no payment for the care is being provided.

d. "Family day care provider" means a person at least 18 years of age who is responsible for the operation and management of a family day care home.

e. "Family day care sponsoring organization" means an agency or organization which contracts with the division to assist in the registration of family day care providers in a specific geographical area.

f. "Monitor" means to visit a family day care provider to review the provider's compliance with the standards established pursuant to this act.

C. 30:5B-19 Contracts authorized.

4. a. The division has the responsibility and authority to contract with family day care sponsoring organizations for the voluntary registration of family day care providers and shall adopt regulations for the operation and maintenance of family day care sponsoring organizations.

b. The division shall contract in writing with an agency or organization authorizing the agency or organization to operate as a family day care sponsoring organization to assist in the voluntary registration of family day care providers in a specific geographical area and to perform other functions with regard to family day care providers in accordance with the provisions of this act and the regulations adopted thereunder for which purposes the organization shall receive funds from the division based upon a fee for the service. The division shall contract with a family day care sponsoring organization for a period of one year.

c. The division shall contract with one family day care sponsoring organization to serve each county; however, the division may, as it deems appropriate, contract with additional family day care sponsoring organizations in a county, except that the division shall make all necessary arrangements to avoid duplication of effort and to promote a cooperative working relationship among the sponsoring organizations. Within one year following the effective date of this act there shall be a family day care sponsoring organization serving each county in this State.

C. 30:5B-20 Services of sponsoring organizations.

5. a. A family day care sponsoring organization with which the division contracts is authorized to register family day care providers within its designated geographical area and is responsible for providing administrative services, including, but not limited to, training, technical assistance, and consultation to family day care providers and inspection, supervision, monitoring and evaluation of family day care providers.

b. The family day care sponsoring organization shall maintain permanent records for each family day care provider it registers. The sponsoring organization shall also maintain its own staff and administrative and financial records. All records are open to inspection by

an authorized representative of the division for the purpose of determining compliance with this act.

c. The family day care sponsoring organization shall provide a program of outreach and public relations to inform providers of the provisions of this act.

C. 30:5B-21 Evaluation; registration; monitoring.

6. a. The family day care sponsoring organization shall evaluate a family day care provider prior to the issuance of a certificate of registration. The evaluation shall include at least one visit to the family day care home in addition to personal and health references, and shall be made part of the family day care sponsoring organization's permanent records for that provider. The certificate of registration shall be renewed every three years. The family day care provider is required to pay a registration fee of \$25.00 to the sponsoring organization each time a certificate is granted or renewed.

b. The family day care sponsoring organization shall provide a minimum of one preservice training or orientation session for each applicant for a certificate of registration prior to the issuance of the certificate of registration and shall provide appropriate training, consultation and technical assistance to the family day care provider after the certificate of registration has been issued.

c. The family day care sponsoring organization is authorized to monitor and evaluate each registered family day care provider at least once every two years. In addition, the sponsoring organization shall annually monitor no less than 20% of the family day care providers in its designated geographic area on a random basis to insure compliance with the standards established under this act, provide assistance and insure that corrective action is taken as needed.

d. The family day care provider registered by a family day care sponsoring organization shall post and display the certificate of registration at all times in a prominent location within the home. A certificate of registration issued pursuant to this act is not transferable.

C. 30:5B-22 Provider requirements.

7. a. Each family day care provider registered by a family day care sponsoring organization shall be of good character with sufficient intelligence, stability, energy and maturity to care for children and shall guarantee that each child being cared for within the provider's home is under competent supervision at all times. The provider shall

provide appropriate discipline, excluding physical punishment, as necessary.

b. Each registered family day care home shall meet minimum life safety requirements, including adequate space, light, and ventilation, in addition to providing clean, nonhazardous facilities and furnishings.

C. 30:5B-23 Certificates of registration.

8. a. The division shall also establish standards for the issuance, renewal, denial, suspension and revocation of a certificate of registration which the family day care sponsoring organization shall apply. In developing the standards, the division shall consult with the Advisory Council on Child Care established pursuant to the "Child Care Center Licensing Act," P.L. 1983, c. 492 (C. 30:5B-1 et seq.).

b. A person operating as a registered family day care provider who violates the provisions of this act by failing to adhere to the standards established by the division pursuant to this act shall be notified in writing of the violation of the provisions of this act and provided with an opportunity to comply with those provisions. For a subsequent violation, the person's certificate of registration may be revoked, or the person may be fined in an amount determined by the Commissioner of Human Services, or both.

c. The division, before denying, suspending, revoking or refusing to renew a certificate of registration, shall give notice thereof to the provider personally, or by certified or registered mail to the last known address of the family day care home with return receipt requested. The notice shall afford the provider the opportunity to be heard. The hearing shall take place within 60 days from the receipt of the notice and shall be conducted in accordance with the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.).

d. If the certificate of registration is suspended or revoked or not renewed, the provider shall so notify the parent of each child attending the family day care home in writing within 10 days of the action.

C. 30:5B-24 Report of findings, recommendations.

9. The division shall prepare and submit to the Governor and the Legislature a report of its findings and recommendations no later than two years after the effective date of this act. The report shall include, but not be limited to, the following information: the number of family day care homes registered; the number of children served and their ages; the estimated number of family day care homes not

registered; the number of inquiries by parents or guardians to the family day care sponsoring organizations or to the State-operated child care clearinghouse; and an evaluation of the need for mandatory family day care registration.

C. 30:5B-25 Regulations.

10. The Commissioner of Human Services shall, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt regulations necessary to implement the provisions of this act.

11. There is appropriated from the General Fund to the Department of Human Services the sum of \$175,000.00 to implement the provisions of this act.

12. This act shall take effect on the 90th day following enactment.

Approved January 27, 1987.

CHAPTER 28

AN ACT concerning the estates of minors and supplementing chapter 15 of Title 3B of the New Jersey Statutes.

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

C. 3B:15-17.1 Payment at age 18.

1. Where the estate of a minor consists of the proceeds of a judgment recovered in favor of the minor in any court of this State and the funds recovered are placed under the control of the county surrogate, the funds shall be paid over to the person when the person reaches the age of 18 years, unless the court finds the person incompetent.

2. This act shall take effect immediately and be applicable to the proceeds of judgments recovered in favor of minors on or after the effective date.

Approved January 27, 1987.

CHAPTER 29

AN ACT prohibiting the sale, purchase, giving or lending of certain law enforcement agency badges and supplementing chapter 21 of Title 2C of the New Jersey Statutes.

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

C. 2C:21-2.2 Ban on police badge transfers.

1. It shall be a disorderly persons offense to:

a. Sell a law enforcement agency badge, the prescribed form of which is presently in use or has been in use in New Jersey during any of the five years preceding the sale, to a person other than a member of a law enforcement agency who presents a letter authorizing the purchase, signed by the commanding officer of that law enforcement agency;

b. Purchase a law enforcement agency badge, described in subsection a. of this section, unless the purchaser is a member of a law enforcement agency who presents a letter authorizing the purchase, signed by the commanding officer of that law enforcement agency; or

c. Give or lend a law enforcement agency badge described in subsection a. of this section, unless the person to whom a badge was given or loaned is a member of a law enforcement agency who presents a letter authorizing the transfer, signed by the commanding officer of that law enforcement agency.

2. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 30

AN ACT to amend and supplement the "Hotel and Multiple Dwelling Law," approved May 31, 1967 (P.L. 1967, c. 76) as said short title was amended by P.L. 1970, c. 138, and repealing section 15 thereof.

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

1. Section 6 of P.L. 1967, c. 76 (C. 55:13A-6) is amended to read as follows:

C. 55:13A-6 Powers of commissioner.

6. The commissioner is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this act, including but not limited to, the power:

(a) To provide owners or groups of owners with such advisory consultation and educational services as will assist said owners or groups of owners to discharge their responsibilities under this act, and to suggest to said owners or groups of owners methods and procedures by which they may develop and implement health and safety programs;

(b) To enter and inspect, without prior notice, any hotel or multiple dwelling as provided by this amendatory and supplementary act, and to make such investigation as is reasonably necessary to carry out the provisions of this act;

(c) To administer and enforce the provisions of existing law, and any amendments and supplements thereto, and any rules or regulations promulgated thereunder, concerning the regulation of multiple dwellings, also commonly known as tenements, and hotels;

(d) To issue subpoenas to any person subject to this act which shall compel attendance at any hearing as a witness and shall compel production of such reports, documents, books or papers, in any part of the State before the commissioner or a member of the department designated by him, as the commissioner may deem necessary to implement the purposes of this act. In any case where a person neglects or refuses to obey the command of such subpoena, the commissioner may apply ex parte to the Superior Court for an order compelling a person to testify or to produce files, books, papers, documents or other objects in accordance with the subpoena issued by the commissioner and, in addition, said person shall be subject to a penalty of \$100,000.00 for each instance in which he does not comply with the subpoena issued by the commissioner, said penalty to be recovered pursuant to section 18 of this act;

(e) To issue and promulgate such rules and regulations as the commissioner may deem necessary to implement the purposes of this act, which rules and regulations shall have the force and effect of law until revised, repealed or amended from time to time by the commissioner in the exercise of his discretion; provided, that any

such rules and regulations shall be filed with the Office of Administrative Law;

(f) To enforce and administer the provisions of this act, enter complaints against any person violating the provisions of this act, and to prosecute or cause to be prosecuted violations of the provisions of this act in administrative hearings and civil actions in State or local courts;

(g) To assess penalties and to compromise and settle any claim for a penalty for any violation of the provisions of this act in such amount in the discretion of the commissioner as may appear appropriate and equitable under all of the circumstances of said violation in any of the actions or proceedings mentioned in subsection (f);

(h) To institute an in rem action against the property upon which a violation exists in cases where the owner, after diligent effort, cannot be served;

(i) To institute a quasi in rem action against the owner by attachment of the property upon which a violation exists, followed by service by publication, in cases where the owner, after diligent effort, cannot be served;

(j) To hold and exercise all the rights and remedies available to a judgment creditor where a judgment lien arises as a result of a penalty action or an administrative proceeding taken pursuant to enforcement of this act; and

(k) To adopt, amend and repeal, after consultation with the Hotel and Multiple Dwelling Health and Safety Board, rules concerning the qualifications and licensing of persons employed by local agencies and municipalities to enforce this amendatory and supplementary act and fees to cover the cost of any licensing program.

2. Section 13 of P.L. 1967, c. 76 (C. 55:13A-13) is amended to read as follows:

C. 55:13A-13 Multiple dwelling, hotel inspections.

13. (a) Each multiple dwelling shall be inspected at least once in every five years, and each hotel shall be inspected at least once in every three years, for the purpose of determining the extent to which each hotel or multiple dwelling complies with the provisions of this act and regulations promulgated hereunder.

(b) On or before January 1, 1968, and within 90 days of the most

recent inspection thereafter, the owner of each hotel shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Said application shall be accompanied by a fee as follows: a basic fee of \$50.00 for the inspection of the common areas and \$10.00 per unit of dwelling space except in the case of hotels open and operating less than six months in each year, \$5.00 per unit of dwelling space, provided that the maximum total fee is limited to \$350.00 for each building. In the event there are more than three buildings within a project, the fees for inspection of those buildings in excess of three shall be as follows: the fee for the fourth building shall not exceed one-half of the fee which could be charged for such inspection; the fee for the fifth building shall not exceed one-fourth of the fee which could be charged for such inspection; the fee for the sixth and all remaining buildings shall not exceed \$50.00 for each such building, provided that in no event shall the total of such fees for all buildings within a project exceed \$750.00. A certificate of inspection and the fees therefor shall not be required more often than once every three years.

Within 90 days of the most recent inspection of any multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, the owner of each such multiple dwelling shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Said application shall be accompanied by a fee as follows: a basic fee of \$20.00 for the inspection of the common areas and \$15.00 per unit of dwelling space, provided that the maximum total fee is limited to \$350.00 for each building. In the event there are more than three buildings within a project, the fees for inspection of those buildings in excess of three shall be as follows: the fee for the fourth building shall not exceed one-half of the fee which could be charged for such inspection; the fee for the fifth building shall not exceed one-fourth of the fee which could be charged for such inspection; the fee for the sixth and all remaining buildings shall not exceed \$50.00 for each such building, provided that in no event shall the total of such fees for all buildings within a project exceed \$1,250.00. A certificate of inspection and the fees therefor shall not be required more often than once every five years.

(c) If the commissioner determines, as a result of the most recent

inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling complies with the provisions of this act and regulations promulgated hereunder, then the commissioner shall issue to the owner thereof, upon receipt of the application and fee as required by subsection (b) of this section, a certificate of inspection. Any owner to whom a certificate of inspection is issued shall keep said certificate posted in a conspicuous location in the hotel or multiple dwelling to which the certificate applies. The certificate of inspection shall be in such form as may be prescribed by the commissioner.

(d) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling does not comply with the provisions of this act and regulations promulgated thereunder, then the commissioner shall issue to the owner thereof, a written notice stating the manner in which any such hotel or multiple dwelling does not comply with this act or regulations promulgated thereunder. Said notice shall fix such date, not less than 60 days nor more than 180 days, on or before which any such hotel or multiple dwelling must comply with the provisions of this act and regulations promulgated thereunder. If any such hotel or multiple dwelling is made to comply with the provisions of this act and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall issue to the owner thereof a certificate of inspection as described in subsection (c) of this section. If any such hotel or multiple dwelling is not made to comply with the provisions of this act and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall not issue to the owner thereof a certificate of inspection as described in subsection (c) of this section, and shall enforce the provisions of this act against the owner thereof.

C. 55:13A-13a Conduct of inspections.

3. (New section) a. Any inspection required under P.L. 1967, c. 76 (C. 55:13A-1 et seq.) shall be conducted by the commissioner except as provided in subsection b. of this section or where a municipality has a cooperative arrangement, with the bureau to perform these inspections in which case the inspection shall be conducted by the municipality; provided, however, that nothing in this section shall preclude the bureau from conducting inspections in any municipality for the purpose of monitoring or auditing the performance of local agencies, as provided hereinafter, or inspectors, or for the purpose of dealing with imminent hazards.

b. In any municipality which maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances and regulations concerning buildings and structures within the municipality, and such agency is supervised by, and has all hotel and multiple dwelling inspections performed by persons licensed by, the commissioner under this act, the municipal governing body may by ordinance designate that agency to conduct the inspections and enforce the regulations prescribed by or pursuant to P.L. 1967, c. 76 (C. 55:13A-1 et seq.). Where an ordinance is in effect all inspections required pursuant to P.L. 1967, c. 76 within the territorial limits of the municipality shall be conducted by the agency so designated, subject to the supervision and control of the commissioner; and all applications otherwise directed by law to be filed with the commissioner, and all fees and penalties otherwise to be imposed or collected by the commissioner, shall in such a municipality be filed with, or imposed or collected by, the local agency designated by ordinance pursuant to this subsection; provided, that in no case shall the local agency collect or impose a penalty in excess of the minimum amount which the commissioner is authorized by law to collect or impose for the same violation, or to assess a continuing penalty, without the written prior approval of the bureau. The commissioner shall have the power to order corrective action as may be necessary where a local agency is found to be failing to carry out its responsibilities under this act and to suspend the authority of the local agency under this subsection where the local agency repeatedly or habitually fails to enforce the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C. 55:13A-1 et seq.) and the regulations adopted pursuant thereto.

c. Any person affected by the determinations made pursuant to any inspection conducted under P.L. 1967, c. 76 (C. 55:13A-1 et seq.) may appeal those determinations to the Office of Administrative Law with the final decision to be issued by the commissioner; provided, however, that the cost of any such hearing to the department shall be borne by the local agency in any case where the inspection fee is required to be paid to a local agency or in which the notice, order or decision being contested was issued by a local agency.

Repealer.

4. Section 15 of P.L. 1967, c. 76 (C. 55:13A-15) is repealed.
5. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 31

AN ACT concerning county and municipal support of first aid and emergency volunteer ambulance or rescue squad associations, and amending R.S. 40:5-2.

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

1. R.S. 40:5-2 is amended to read as follows:

Contributions to first aid squads.

40:5-2. Any county or municipality may make a voluntary contribution of not more than \$35,000.00 annually to any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association of the county, or of any municipality therein, rendering service generally throughout the county, or any of the municipalities thereof. In addition, if any such associations experience extraordinary need, the county or municipality may contribute an additional amount of not more than \$35,000.00 annually; provided, however, that the need for such additional funds is established by the association and is directly related to the performance of said association's duties. Whenever the total annual county or municipal contribution to an association exceeds \$35,000.00, the chief financial officer of the county or municipality shall receive an audit performed by a certified public accountant or a registered municipal accountant of each association's financial records for the current year which shall certify to the governing body of the county or municipality that such records are being maintained in accordance with sound accounting principles.

Any county or municipality may appropriate such additional sums as it may deem necessary for the purchase of first aid, ambulance, rescue or other emergency vehicles, equipment, supplies and materials for use by these associations, the title to which shall remain with the county or municipality, provided that the funds are controlled and disbursed by the county or municipality.

In the case of a joint purchase made by the governing bodies of two or more local units pursuant to the provisions of the "Consolidated Municipal Services Act," P.L. 1952, c. 72 (C. 40:48B-1 et seq.), the title to the purchase shall be held by the joint meeting formed by the contracting governing bodies.

2. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 32

AN ACT establishing the Developmental Center at Ancora, supplementing chapter 4 of Title 30 of the Revised Statutes, amending R.S. 30:1-7, and making an appropriation.

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

C. 30:4-177.39 Findings, declarations.

1. (New section) The Legislature finds and declares that:

a. There exists a population of two groups of clients of the Division of Mental Health and Hospitals and Division of Developmental Disabilities in the Department of Human Services who are underserved in their current institutional settings.

b. One group of these individuals is comprised of clients in the State psychiatric hospitals or developmental centers who are developmentally disabled and who exhibit psychiatric or behavioral problems and are known as "dually diagnosed" clients. The severity of their conditions precludes effective treatment in either developmental centers or State psychiatric hospitals. For these clients, a more intensive, specialized, behaviorally oriented program is required.

c. The other group of these individuals includes clients of institutions administered by the Division of Mental Health and Hospitals who are developmentally disabled, have been administratively or judicially discharged from the Division of Mental Health and Hospitals, and who are in need of the services of the Division of Developmental Disabilities. These clients are known as "discharged pending placement" clients.

d. There exists on the grounds of Ancora Psychiatric Hospital as a pilot program a facility designed to serve the special needs of both the dually diagnosed and discharged pending placement populations that is unfunded for continued operation.

C. 30:4-177.40 Developmental Center at Ancora.

2. (New section) The Developmental Center at Ancora is estab-

lished within the Division of Developmental Disabilities in the Department of Human Services and shall include the pilot program designed to serve the special needs of both the dually diagnosed and discharged pending placement populations. The Developmental Center at Ancora shall accept for treatment only those individuals transferred from State facilities under the supervision of the Division of Mental Health and Hospitals and the Division of Developmental Disabilities in the Department of Human Services.

Nothing in this amendatory and supplementary act shall be construed to require placement at the Developmental Center at Ancora of those persons discharged pending placement who are not in need of institutional care and who have been judicially or administratively determined appropriate for community placement.

For those persons for whom institutional placement is initially determined to be judicially or administratively appropriate, the Developmental Center at Ancora shall nevertheless provide discharge-oriented treatment to achieve the goal of ultimate discharge into community settings as soon as their conditions permit.

C. 30:4-177.41 Community placement objective.

3. (New section) Since community placement is the ultimate objective for the persons placed at the center, the Division of Developmental Disabilities shall establish a funding priority within the funds appropriated to the division for community services, for the establishment of appropriate community placements for persons discharged from the developmental center.

C. 30:4-177.42 Report, evaluation.

4. (New section) Two years from the date of enactment of this amendatory and supplementary act, the Division of Developmental Disabilities shall prepare and submit to the Governor and the Legislature a report and evaluation of the operation of the Developmental Center at Ancora.

5. R.S. 30:1-7 is amended to read as follows:

Institutions, agencies covered by Title 30.

30:1-7. The charitable, hospital, relief and training institutions and noninstitutional agencies of this State, within the meaning of this Title, shall include the following, and, as well, any institution established hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

Trenton Psychiatric Hospital,
Greystone Park Psychiatric Hospital,
Marlboro Psychiatric Hospital,
Ancora Psychiatric Hospital,
Senator Garrett W. Hagedorn Center for Geriatrics,
The Forensic Psychiatric Hospital,
North Princeton Developmental Center,
North Jersey Developmental Center,
New Lisbon Developmental Center,
Woodbine Developmental Center,
Vineland Developmental Center,
Woodbridge Developmental Center,
Hunterdon Developmental Center,
Developmental Center at Ancora,
New Jersey Memorial Home for Disabled Soldiers at Menlo Park,
New Jersey Memorial Home for Disabled Soldiers, Sailors,
Marines and their Wives and Widows at Vineland,
Diagnostic Center at Menlo Park,
Arthur Brisbane Child Center at Allaire,
Board of Public Welfare,
Commission for the Blind and Visually Impaired.

The correctional institutions of this State, within the meaning of this Title, shall include the following and, as well, any institution established hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

State Prison, Trenton,
State Prison, Rahway,
State Prison, Leesburg,
Youth Reception and Correction Center, Yardville,
Youth Correctional Institution, Bordentown,
Correctional Institution for Women, Clinton,
Youth Correctional Institution, Annandale,
Training School for Boys, Jamesburg,
Training School for Girls, Trenton,
Training School for Boys, Skillman.

6. There is appropriated from the General Fund to the Department of Human Services \$1,600,000.00 to continue the center's operation at the same level of clients and staffing that exists at the center on the effective date of this act.

7. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 33

AN ACT authorizing the sale of certain surplus real property owned by the State and appropriating the proceeds from the sale thereof.

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

1. The following State-owned real property is declared surplus and shall be disposed of in accordance with the provisions of this act:

DEPARTMENT OF CORRECTIONS

Residence, 30 Georgetown road, Bordentown township,
Burlington county—Block 129, Lot 4 1.65 ± acres

2. The sale shall be upon terms and conditions as approved by the State House Commission.

3. The proceeds from the sale of property under this act shall be deposited in the General Fund of the State.

4. The proceeds from the sale of property under this act are appropriated to the Department of Corrections from the General Fund for use in improving existing real property assets.

5. This act shall take effect immediately.

Approved January 27, 1987.

CHAPTER 34

AN ACT authorizing counties of the third class to establish a low interest farm loan program and to issue bonds to fund the program, and supplementing chapter 23 of Title 40 of the Revised Statutes.

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

C. 40:23-12.1 Definitions.

1. As used in this act:

“Farmland” means land that qualifies for valuation, assessment, and taxation pursuant to the “Farmland Assessment Act of 1964,” P.L. 1964, c. 48 (C. 54:4-23.1 et seq.).

“Low-interest loan” means a loan issued at an annual interest rate not in excess of 1% above the rate paid by the county on the obligations issued to fund the loan program authorized pursuant to section 2 of this act.

C. 40:23-12.2 Farm loan program.

2. The governing body of any county of the third class may, by ordinance or resolution, establish a low-interest loan program for the purpose of assisting persons in purchasing farmland, to be kept in continuous use as farmland, in accordance with criteria established by a County Agriculture Development Board established under section 7 of P.L. 1983, c. 32 (C. 4:1C-14).

C. 40:23-12.3 Bonds authorized.

3. For the purpose of funding a farm loan program authorized pursuant to section 1 of this act, the county is authorized, by bond ordinance, to incur indebtedness, borrow money, and authorize and issue negotiable obligations in an amount not to exceed \$5,000,000.00 in any five-year period. All the provisions of the “Local Bond Law” (N.J.S. 40A:2-1 et seq.) not in conflict with this act shall be complied with by the county in adopting its bond ordinances.

4. This act shall take effect immediately.

Approved January 28, 1987.

CHAPTER 35

AN ACT concerning liabilities of certain corporate directors and officers and insurance with respect to certain corporate agents and revising parts of statutory law.

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

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

Certificate of incorporation.

14A:2-7. Certificate of incorporation.

- (1) The certificate of incorporation shall set forth:

- (a) The name of the corporation;

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

- (c) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one class only, the par value of each of such shares, or a statement that all of such shares are without par value;

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

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

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

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

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

- (i) The names and addresses of the incorporators;
- (j) The duration of the corporation if other than perpetual; and
- (k) If, pursuant to subsection 14A:2-7(2), the certificate of incorporation is to be effective on a date subsequent to the date of filing, the effective date of the certificate.

(2) The certificate of incorporation shall be filed in the office of the Secretary of State. The corporate existence shall begin upon the effective date of the certificate, which shall be the date of the filing or such later time, not to exceed 30 days from the date of filing, as may be set forth in the certificate. Such filing shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and, after the corporate existence has begun, that the corporation has been incorporated under this act, except as against this State in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation.

(3) The certificate of incorporation may provide that a director shall not be personally liable, or shall be liable only to the extent therein provided, to the corporation or its shareholders for damages for breach of any duty owed to the corporation or its shareholders, except that such provision shall not relieve a director from liability for any breach of duty based upon an act or omission (a) in breach of such person's duty of loyalty to the corporation or its shareholders, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit.

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

Indemnification of directors, officers and employees.

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

(1) As used in this section,

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

(b) "other enterprise" means any domestic or foreign corporation, other than the indemnifying corporation, and any partnership, joint

venture, sole proprietorship, trust, employee benefit plan or other enterprise, whether or not for profit, served by a corporate agent;

(c) “expenses” means reasonable costs, disbursements and counsel fees;

(d) “liabilities” means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties; and

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

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

(a) such corporate agent acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation; and

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

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

agent is fairly and reasonably entitled to indemnity for such expenses as the Superior Court or such other court shall deem proper.

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

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

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

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

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

(6) Expenses incurred by a corporate agent in connection with a proceeding may be paid by the corporation in advance of the final disposition of the proceeding as authorized by the board of directors upon receipt of an undertaking by or on behalf of the corporate agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified as provided in this section.

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

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

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

(b) Application for such indemnification may be made

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

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

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

(8) The indemnification and advancement of expenses provided by or granted pursuant to the other subsections of this section shall not exclude any other rights to which a corporate agent may be entitled under a certificate of incorporation, bylaw, agreement, vote of shareholders, or otherwise; provided that no indemnification shall be made to or on behalf of a corporate agent if a judgment or other final adjudication adverse to the corporate agent establishes that his acts or omissions (a) were in breach of his duty of loyalty to the corporation or its shareholders, (b) were not in good faith or involved a knowing violation of law or (c) resulted in receipt by the corporate agent of an improper personal benefit.

(9) Any corporation organized for any purpose under any general or special law of this State shall have the power to purchase and maintain insurance on behalf of any corporate agent against any

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

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

(11) Except as required by subsection 14A:3-5(4), no indemnification shall be made or expenses advanced by a corporation under this section, and none shall be ordered by a court, if such action would be inconsistent with a provision of the certificate of incorporation, a bylaw, a resolution of the board of directors or of the shareholders, an agreement or other proper corporate action, in effect at the time of the accrual of the alleged cause of action asserted in the proceeding, which prohibits, limits or otherwise conditions the exercise of indemnification powers by the corporation or the rights of indemnification to which a corporate agent may be entitled.

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

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

Liability of directors; reliance on corporate records.

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

Directors and members of any committee designated by the board shall discharge their duties in good faith and with that degree of diligence, care and skill which ordinarily prudent men would exercise under similar circumstances in like positions. In discharging their duties, directors and members of any committee designated by the board shall not be liable if, acting in good faith, they rely upon the opinion of counsel for the corporation or upon written reports setting forth financial data concerning the corporation and prepared by an independent public accountant or certified public accountant or firm of such accountants or upon financial statements, books of account

or reports of the corporation represented to them to be correct by the president, the officer of the corporation having charge of its books of account, or the person presiding at a meeting of the board. A director shall not be personally liable to the corporation or its shareholders for damages for breach of duty as a director if and to the extent that such liability has been eliminated or limited by a provision in the certificate of incorporation authorized by subsection (3) of N.J.S. 14A:2-7.

4. (New section) Notwithstanding the provisions of subsection (3) of N.J.S. 14A:2-7, the certificate of incorporation referred to therein may also provide that an officer of the corporation shall not be personally liable, or shall be liable only to the extent therein provided, to the corporation or its shareholders for damages for breach of any duty owed to the corporation or its shareholders, except that such provision shall not relieve an officer from liability for any breach of duty based upon an act or omission (a) in breach of such person's duty of loyalty to the corporation or its shareholders, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit.

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

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

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

a. Any mutual insurer heretofore or hereafter incorporated under any general or special law of this State may change its name and extend its corporate existence or amend its charter or certificate of incorporation for any lawful purpose by a 3/4 vote of its directors present at any regular or special meeting, held in accordance with its charter and bylaws, held not less than 30 nor more than 90 days after notice of the proposed amendment has been given to the directors and to the commissioner.

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

certificate. When so approved, it shall be filed in the Department of Insurance whereupon the charter or certificate of incorporation shall be deemed to be amended accordingly.

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

d. To the extent that an amendment of the charter or certificate of incorporation of a mutual insurer is adopted in accordance with subsection (3) of N.J.S. 14A:2-7, or section 4 of this 1987 amendatory and supplementary act, the commissioner shall approve such amendment unless he finds that it unreasonably affects the interest of the policyholders.

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

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

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

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

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

(10) Such other provisions, not inconsistent with this act, as the incorporators may choose to insert for the regulation of the business and affairs of the bank.

The certificate of incorporation may provide that a director shall not be personally liable, or shall be liable only to the extent therein provided, to the bank or its stockholders for damages for breach of any duty owed to the bank or its stockholders, except that such provision shall not relieve a director from liability for any breach of duty based upon an act or omission (a) in breach of such person's duty of loyalty to the bank or its stockholders, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit.

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

7. (New section) Notwithstanding the provisions of section 3 of P.L. 1948, c. 67 (C. 17:9A-3), the certificate of incorporation referred to therein may also provide that an officer of the bank shall not be personally liable, or shall be liable only to the extent therein provided, to the bank or its stockholders for damages for breach of any duty owed to the bank or its stockholders, except that such provision shall not relieve an officer from liability for any breach of duty based upon an act or omission (a) in breach of such person's duty of loyalty to the bank or its stockholders, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit.

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

C. 17:9A-8.2 Certificate of incorporation for capital stock savings banks.

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

a. The name by which the capital stock savings bank shall be known;

b. The street, street number, if any, and municipality in which the principal office of the capital stock savings bank is to be located;

c. The amount of the capital stock, the number of shares into which it is divided, and the par value of each share;

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- d. The amount of surplus with which the capital stock savings bank will commence business;
- e. The names and addresses of the incorporators;
- f. The number of directors, or that the number of directors shall be not less than a stated minimum or more than a stated maximum;
- g. The names of the persons who will serve as directors until their successors are elected and qualify;
- h. Any fiduciary powers that the capital stock savings bank shall be authorized to exercise; and
- i. Any other provisions, not inconsistent with this act, which the incorporators choose to insert for the regulation of the business and affairs of the capital stock savings bank.

The certificate of incorporation may provide that a director shall not be personally liable, or shall be liable only to the extent therein provided, to the capital stock savings bank or its stockholders for damages for breach of any duty owed to the capital stock savings bank or its stockholders, except that such provision shall not relieve a director from liability for an act or omission (a) in breach of such person's duty of loyalty to the capital stock savings bank or its stockholders, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit.

9. (New section) Notwithstanding the provisions of section 2 of P.L. 1982, c. 9 (C. 17:9A-8.2), the certificate of incorporation referred to therein may also provide that an officer of the capital stock savings bank shall not be personally liable, or shall be liable only to the extent therein provided, to the capital stock savings bank or its stockholders for damages for breach of any duty owed to the capital stock savings bank or its stockholders, except that such provisions shall not relieve an officer from liability for any breach of duty based upon an act or omission (a) in breach of such person's duty of loyalty to the capital stock savings bank or its stockholders, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit.

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

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

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

A. As used in this section

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) If such a quorum is not obtainable, or, even if obtainable and that quorum of the board of directors or committee by a majority vote of the disinterested directors so directs, by independent legal

counsel in a written opinion, that independent legal counsel to be designated by the board of directors; or

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

F. Expenses incurred by a corporate agent in connection with a proceeding may be paid by the bank in advance of the final disposition of the proceeding, if authorized by the board of directors, upon receipt of an undertaking by or on behalf of the corporate agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified as provided in this section.

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

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

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

(4) Application for such indemnification may be made

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

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

(5) The application shall set forth the disposition of any previous application for indemnification and shall be made in such manner and form as may be required by the applicable rules of court or, in

the absence thereof, by direction of the court to which it is made. Such application shall be upon notice to the bank. The court may also direct that notice shall be given at the expense of the bank to the stockholders of a bank other than a savings bank and such other persons as it may designate in such manner as it may require.

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

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

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

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

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

C. 17:9A-197.1 Amendment to certificate of incorporation.

11. (New section) Notwithstanding the provisions of section 197 of P.L. 1948, c. 67 (C. 17:9A-197), a savings bank may, by amending its certificate of incorporation in the manner provided in section 198 of P.L. 1948, c. 67 (C. 17:9A-198), provide that a manager shall not be personally liable, or shall be liable only to the extent therein provided, to the savings bank or its depositors for damages for breach of any duty owed to the savings bank or its depositors, except that such provision shall not relieve a manager or officer from liability for an act or omission (a) in breach of such person's duty of loyalty to the savings bank or its depositors, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit.

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

12. (New section) Notwithstanding the provisions of section 197 of P.L. 1948, c. 67 (C. 17:9A-197), a savings bank may, by amending its certificate of incorporation in the manner provided in section 198 of P.L. 1948, c. 67 (C. 17:9A-198), provide that an officer shall not be personally liable, or shall be liable only to the extent therein provided, to the savings bank or its depositors for damages for breach of any duty owed to the savings bank or its depositors, except that such provision shall not relieve a manager or officer from liability for an act or omission (a) in breach of such person's duty of loyalty to the savings bank or its depositors, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit.

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

C. 17:12B38.1 No personal liability.

13. (New section) An association may with the approval of the commissioner, amend its certificate of incorporation or bylaws, by a 2/3 vote of its board present and voting at a duly convened regular or special meeting, to provide that a director shall not be personally liable, or shall be liable only to the extent therein provided, to the

association or its members for damages for breach of any duty owed to the association or its members, except that the provision shall not relieve a director or officer from liability for an act or omission: a. in breach of that person's duty of loyalty to the association or its members; b. not in good faith or involving a knowing violation of law; or c. resulting in receipt by that person of an improper personal benefit.

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

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

14. (New section) An association may, with the approval of the commissioner, amend its certificate of incorporation or bylaws, by a 2/3 vote of its board present and voting at a duly convened regular or special meeting, to provide that an officer shall not be personally liable, or shall be liable only to the extent therein provided to the association or its members for damages for breach of any duty owed to the association or its members, except that the provision shall not relieve a director or officer from liability for an act or omission: a. in breach of that person's duty of loyalty to the association or its members; b. not in good faith or involving a knowing violation of law; or c. resulting in receipt by that person of an improper personal benefit.

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

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

C. 17:12B-250.1 Amendment of capital stock association certificate of incorporation.

15. (New section) A capital stock association may with the approval of the commissioner, amend its certificate of incorporation or bylaws, by a 2/3 vote of its board present and voting at a duly convened regular or special meeting, to provide that a director shall not be personally liable, or shall be liable only to the extent therein provided, to the association or its stockholders for damages for breach of any duty owed to the association or its stockholders, except that the provision shall not relieve a director or officer from liability for an act or omission: a. in breach of that person's duty of loyalty to the association or its stockholders; b. not in good faith or involving a knowing violation of law; or c. resulting in receipt by that person of an improper personal benefit.

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

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

16. (New section) A capital stock association may, with the approval of the commissioner, amend its certificate of incorporation or bylaws, by a 2/3 vote of its board present and voting at a duly convened regular or special meeting, to provide that an officer shall not be personally liable, or shall be liable only to the extent therein provided, to the association or its stockholders for damages for breach of any duty owed to the association or its stockholders, except that the provision shall not relieve a director or officer from liability for an act or omission: a. in breach of that person's duty of loyalty to the association or its stockholders; b. not in good faith or involving a knowing violation of law; or c. resulting in receipt by that person of an improper personal benefit.

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

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

17. This act shall take effect immediately and sections 4, 7, 9, 12, 14 and 16 of this act shall expire on the 730th day after the effective date.

Approved February 4, 1987.

CHAPTER 36

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

07-5120 Special Education	\$750,000*
State Aid:	
County Special Services districts	(\$750,000)*
Total Appropriation, Department of Education	\$750,000*

2. This act shall take effect immediately but shall remain inoperative until the enactment into law of the annual appropriations act for the fiscal year ending June 30, 1987, P.L. 1986, c. 41.

Approved February 5, 1987.

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

Statement to Chapter 36
(Senate Bill No. 2177 (OCR))

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 2177 (OCR) at the time of my signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill would provide for a supplemental appropriation of \$1,510,000 to the Department of Education to provide additional State aid to the four county special services school districts. Although county special services districts received an 8.6 percent increase over the Fiscal Year 1986 appropriation, these districts received \$1,510,000 less in State aid than their actual need required.

I recognize that because county special services districts are funded on a current year basis, any shortfall in revenues has a direct impact upon services provided. Accordingly, I favor providing the county special services with additional State aid in order to assist them in the provision of their very important educational services to our special education pupils. However, I believe that the long-range solution to this problem lies not with supplemental appropriations for these entities, but rather with changing the method of funding these districts to prebudget year funding in order to facilitate more effective budget planning for all concerned.

While I favor granting the county special services districts additional funds, I believe it would be inequitable to fully fund these districts through a supplemental appropriation of \$1,510,000 when other school districts did not receive full funding. This bill originally provided for a supplemental appropriation of \$750,000. I believe that amount is the most appropriate since it would provide county special services districts with approximately 96 percent funding. Therefore, county special services districts and other school districts will have received similar treatment.

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

<u>Page 1, Section 1, Line 4:</u>	Delete "\$1,510,000" insert "\$750,000"
<u>Page 1, Section 1, Line 6A:</u>	Delete "\$1,510,000" insert "\$750,000"
<u>Page 1, Section 1, Line 8:</u>	Delete "\$1,510,000" insert "\$750,000"

Respectfully,

Thomas H. Kean
Governor

CHAPTER 37

AN ACT concerning the sale and distribution of cigarettes, amending and supplementing P.L. 1948, c. 65 and amending P.L. 1952, c. 247.

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

1. Section 202 of P.L. 1948, c. 65 (C. 54:40A-4) is amended to read as follows:

C. 54:40A-4 Issuance of license; fee.

202. Issuance of license; fee.

a. All licenses shall be issued by the director, who shall make rules and regulations respecting applications therefor and issuance thereof.

b. The following individuals related to distributors, wholesale dealers, retail dealers operating more than nine cigarette vending machines, and retail dealers who sell cigarettes at retail at more than nine premises shall submit with applications for a license, fingerprints, which shall be processed through the Federal Bureau of Investigation and the New Jersey State Police, and such other information as the director may require:

(1) Individuals having any interest whatsoever in a proprietorship or company.

(2) Partners of a partnership, regardless of percentage.

(3) Joint venturers in a joint venture.

(4) Officers, directors, and all stockholders holding directly or indirectly a beneficial interest in more than 5% of the outstanding shares of a corporation.

(5) Employees receiving in excess of \$30,000.00 per annum compensation whether as salary, commission, bonus or otherwise and persons who, in the judgment of the director are employed in a supervisory capacity or have the power to make or substantially affect discretionary business judgments of the applicant entity with regard to the cigarette business.

(6) Other persons who the director establishes have the ability to control the applicant entity through any means including but not limited to, contracts, loans, mortgages or pledges of securities where such control is inimical to the policies of this act because such person is a career offender or a member of a career offender cartel as defined in paragraph (2) of subsection e. of this section. Individuals licensed pursuant to the "Casino Control Act," P.L. 1977, c. 110 (C. 5:12-1 et seq.) shall only be required to produce evidence of said licensure in satisfaction of the foregoing.

The provisions in this subsection as to wholesale dealers, retail dealers operating more than nine cigarette vending machines, and retail dealers who sell cigarettes at retail at more than nine premises do not apply to retail grocery stores and supermarkets primarily engaged in the self-service sale of foods and household supplies for off-premises consumption or to restaurants, hotels and motels operated by national corporations with such premises in six or more states and primarily engaged in the sale of foods for retail consumption or in the rental of rooms for lodging.

c. The director shall not issue any license under this act where

he has reasonable cause to believe that anyone required to submit information under this act has willfully withheld information requested of him for the purpose of determining the eligibility of the applicant to receive a license or where the director has reasonable cause to believe that information submitted in the application is false and misleading and is not made in good faith.

d. The director shall not issue any license under this act where he has reasonable cause to believe that anyone required to be licensed or anyone required to submit information under this act, has been convicted of any offense in any jurisdiction which would be at the time of conviction a crime involving moral turpitude.

It is further provided that any applicant or person required to submit information who has a charge pending pursuant to any of the foregoing shall disclose that fact to the director. The director may then withhold action on new applications or, in the case of an application for the renewal of a license, issue a temporary license until there has been a disposition of the charge. The director shall have the discretion to waive the prohibition against licensure herein provided upon the presentation of proof that a period of not less than five years has elapsed since the last conviction or the expiration of any period of incarceration imposed with respect thereto.

e. The director shall not issue any license where the applicant or anyone required to submit information has been identified as a career offender or a member of a career offender cartel in such a manner as to create a reasonable belief that the association is of such a nature as to be inimical to the policies of this act or to the taxation, distribution, and sale of cigarettes within the State. The director may request the Attorney General for advice respecting whether a person is a "career offender" within the meaning of this subsection, or is a "contumacious defiant" within the meaning of subsection f. of this section.

(1) As used in this subsection: "career offender" means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this State; and (2) "career offender cartel" means any group of persons who operate together as career offenders.

f. The director shall not issue any license where the applicant or anyone required to submit information has been found to be contumaciously defiant before any legislative investigative body or other

official investigative body of this State or of the United States when such body is engaged in the investigation of organized crime, official corruption or the cigarette industry itself.

g. Each such license shall lapse on March 31 of the period for which it is issued, and each such license shall be continued annually upon the conditions that the licensee shall have paid the required fee and complied with all the provisions of this act and the rules and regulations of the director made pursuant thereto.

h. For each license issued to a distributor there shall be paid to the director a fee of \$350.00. If a distributor sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license shall be required for each place of business. Each license, or certificate, thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director. The director shall require each licensed distributor to file with him a bond in an amount not less than \$6,000.00 to guarantee the proper performance of his duties and the discharge of his liabilities under this act. The bond shall be executed by such licensed distributor as principal, and by a corporation approved by the director and duly authorized to engage in business as a surety company in the State of New Jersey, as surety. The bond shall run concurrently with the distributor's license.

For each license issued to a manufacturer, and for each continuance thereof, there shall be paid to the director a fee of \$10.00.

For each license issued to a manufacturer's representative, and for each continuance thereof, there shall be paid to the director a fee of \$5.00.

For each license issued to a wholesale dealer there shall be paid to the director a fee of \$250.00. If a wholesale dealer sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license shall be required for each place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director.

For each license issued to a retail dealer and for each continuance thereof, excepting a retail dealer operating a cigarette vending machine, there shall be paid to the director a fee of \$5.00. For each license issued to a retail dealer operating a vending machine for the

sale of cigarettes and for each continuance thereof, there shall be paid to the director a fee of \$5.00. If a retail dealer sells or intends to sell cigarettes at two or more places of business, whether established or temporary, or whether in the same building or not, a separate license shall be required for each place of business. Each vending machine for the sale of cigarettes shall be separately licensed and be deemed a separate place of business. Each license, or certificate thereof, and such other evidence of license shall be exhibited in the place of business for which it is issued and in such manner as may be prescribed by the director.

Any person licensed only as a distributor or as a manufacturer or as a manufacturer's representative or as a wholesale dealer or as a retail dealer shall not operate in any other capacity except under that for which he is licensed herein, unless the appropriate license or licenses therefor are first secured.

For each license issued to a consumer and for each continuance thereof there shall be paid to the director a fee of \$1.00. Each license, or certificate thereof, or such other evidence of license as may be prescribed by the director, shall be so kept by the consumer as to be readily available for inspection.

No license shall be issued to any person except upon the payment of the full fee therefor, any statute or exemption to the contrary notwithstanding. No license shall be assignable or transferable, except as hereinafter provided, but in the case of death, bankruptcy, receivership, or incompetency of the licensee, or if for any other reason whatsoever the business of the licensee shall devolve upon another by operation of law, the director may, in his discretion, extend said license for a limited time to the executor, administrator, trustee, receiver, or person upon whom the same has devolved. A purchaser or assignee of a licensed wholesaler or licensed distributor, or any other person upon whom the business of a licensed wholesaler or licensed distributor shall devolve by operation of law, shall upon application to the director, be entitled to an assignment or transfer of the wholesale or distributor license for the balance of the existing license period upon payment of a transfer fee of \$5.00 and subject to his qualification to be a licensed wholesaler or licensed distributor under the provisions of this act. The license issued for each vending machine for the sale of cigarettes may be transferred from machine to machine in the same ownership. No refund of the license fee shall be paid to any person upon the surrender or revocation of any license except a license fee paid or collected in error. But, upon payment

of \$1.00 fee, there may be obtained (1) a duplicate license, or certificate thereof, in the event the original is lost, destroyed or defaced, and (2) an amended license, or certificate thereof, upon a change in the location of the place of business of any distributor or dealer.

2. Section 401 of P.L. 1948, c. 65 (C. 54:40A-11) is amended to read as follows:

C. 54:40A-11 Director to provide revenue stamps.

401. Director to provide revenue stamps. The taxes imposed and levied by this act shall be paid through the use of stamps, except as provided in section 205 (Consumers) of this act. The director shall secure stamps of such designs and denominations as he shall prescribe, suitable to be affixed to packages, and provide for the sale thereof to licensed distributors. Only licensed distributors shall affix and cancel stamps and no distributor shall affix or cancel any stamp except at the tax rate in effect on the date of such affixing or cancellation; except that on the effective date of a tax rate increase or of a surtax or of an increase in a surtax, imposed under this act, licensed distributors and wholesale dealers must take a physical inventory of cigarettes on hand at the close of business prior to the date of the tax increase or surtax or surtax increase imposed under this act and must pay any additional tax for all cigarettes bearing stamps at the rate in effect prior to the tax increase. The director shall prescribe the method of collecting the additional tax. The director shall not authorize any person to sell revenue stamps except his duly constituted agents and assistants. On sales of revenue stamps the director shall allow, as compensation for the services and expenses of the distributor in affixing and handling of such stamps, a discount of 1.80% of the face amount of any sale of 1,000 stamps or more; provided, that the distributor has complied with all the provisions of this act, and provided, however, that the director shall be empowered to adjust such discount whenever an increase in the surtax is required under section 4 of P.L. 1982, c. 40 (C. 54:40A-8.2); and, provided, further, however, that the director shall be empowered to adjust such discount to provide equivalent compensation with respect to the face value of each 1,000 stamps or more required for packages of cigarettes which contain 25 cigarettes. No discount shall be allowed on any sale of less than 1,000 stamps and stamps shall not be sold in blocks of less than 100 stamps.

C. 54:40A-11.1 Cost study.

3. (New section) Within six months following the effective date of this 1987 amendatory and supplementary act and not less than

every two years thereafter, the director shall conduct a study of the cost of stamping cigarettes in New Jersey. The results of each study shall be transmitted to the Governor and to the Legislature and may serve as the basis for any further modifications of the stamping discount, except insofar as the director is empowered to administratively adjust the discount pursuant to section 401 of P.L. 1948, c. 65 (C. 54:40A-11). Except for adjustments made by the director, no further modification of the stamping discount shall be permitted until the first cost study required by this section is completed.

In conducting this study, the licensed cigarette distributors of the State of New Jersey shall provide the director access to their books and records so that the director has all information necessary to accurately calculate the distributors' cost of stamping a unit of cigarettes. The distributors' projected cost shall also be considered for the purposes of this study.

4. Section 3 of P.L. 1952, c. 247 (C. 56:7-20) is amended to read as follows:

C. 56:7-20 Violations.

3. It shall be unlawful and a violation of this act:

a. For any retailer or wholesaler with intent to injure competitors or destroy or substantially lessen competition—

(1) to advertise, offer to sell, or sell, at retail or wholesale, cigarettes at less than cost to such retailer or wholesaler, as the case may be,

(2) to offer a rebate in price, to give a rebate in price, to offer a concession of any kind, or to give a concession of any kind or nature whatsoever in connection with the sale of cigarettes;

b. For any retailer—

(1) to induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes at a price less than "cost to wholesaler" as defined in this act.

(2) to induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind or nature whatsoever in connection with the purchase of cigarettes.

c. Any retailer or wholesaler who violates the provisions of this section is a disorderly person and shall be prosecuted and punished by a fine of not more than \$1,000.00 for each offense, in accordance with the provisions of Title 2C of the New Jersey Statutes.

d. Evidence of advertisement, offering to sell or sale of cigarettes by any retailer, or wholesaler at less than cost to him, or evidence of any offer of a rebate in price or the giving of a rebate in price or an offer of a concession or the giving of a concession of any kind or nature whatsoever in connection with the sale of cigarettes or the inducing or attempt to induce or the procuring or the attempt to procure the purchase of cigarettes at a price less than cost to the wholesaler or the retailer shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

5. Section 16 of P.L. 1952, c. 247 (C. 56:7-33) is amended to read as follows:

C. 56:7-33 Suspension, revocation of license.

16. a. In addition to the provisions of section 3 and section 15 of this act, the director is empowered to suspend or revoke the license or any licenses of any person, licensed under the provisions of the "Cigarette Tax Act," P.L. 1948, c. 65 (C. 54:40A-1 et seq.). No such license or licenses shall be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by said director. The said director, upon a finding by him that the licensee has failed to comply with any provision of this act or any rule or regulation promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the said licensee for a period of not less than 10 nor more than 20 consecutive business days, in the case of a second offender, shall suspend the license or licenses for a period of not less than 30 consecutive business days nor more than 12 months, and, in the case of a third offender, shall suspend the license or licenses for a period of 12 months. If the director finds that an offender has been guilty of willful and persistent violations, he may revoke said person's license or licenses.

b. Any person whose license or licenses have been so revoked may apply to the director at the expiration of one year for a reinstatement of his license or licenses. Such license or licenses may be reinstated by the director if it shall appear to the satisfaction of said director that the licensee will comply with the provisions of this act and the rules and regulations promulgated thereunder.

6. This act shall take effect July 1, 1987 and the amendment to section 401 of P.L. 1948, c. 65 (C. 54:40A-11) with respect to the discount rate permitted on the sale of revenue stamps shall apply to stamps sold on or after that date.

Approved February 10, 1987.

CHAPTER 38

AN ACT to amend the title of "An act authorizing the State Treasurer to deposit pay checks of certain State employees in specific banking institutions under certain circumstances and supplementing chapter 14 of Title 52 of the Revised Statutes," approved January 4, 1982 (P.L. 1981, c. 385) so that the same shall read "An act concerning the deposit of pay checks of certain State and other public employees in specific banking institutions under certain circumstances" 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. 1981, c. 385 is amended to read as follows:

An act concerning the deposit of pay checks of certain State and other public employees in specific banking institutions under certain circumstances.

C. 52:14-5f Deposit of net pay.

2. (New section) Upon the adoption of an ordinance or resolution, as appropriate, the governing body of a county or municipality may provide for the deposit of the net pay of any employee of the county or municipality, or of a board, commission, bureau, department, or other public agency thereof, in a specific banking institution in a designated checking account, savings account, or share account. When the employee shall indicate in writing to the proper disbursing officer his or her desire to have his or her net pay deposited, the disbursing officer shall make the deposit in the respective banking institution on behalf of the employee. As used in P.L. 1981, c. 385, "employee" shall also mean any person holding public office, position, or employment whose compensation is paid by a county or municipality or any board, commission, bureau, department, or other public agency thereof.

3. Section 2 of P.L. 1981, c. 385 (C. 52:14-15b) is amended to read as follows:

C. 52:14-15b Total amount for all employees.

2. If more than one employee designates the same banking institution as the depository for his or her net pay, the State Treasurer,

in the case of State employees, and the proper disbursing officer in all other cases, may make the deposits by sending to the banking institution an electronic fund transfer, a computer tape or a check that is drawn in favor of the banking institution for the total amount designated by those employees and by specifying the amount to be credited to the account of each of those employees.

4. Section 3 of P.L. 1981, c. 385 (C. 52:14-15c) is amended to read as follows:

C. 52:14-15c Definitions.

3. For purposes of this act:

“Net pay” means the net amount of wages or compensation owed to an employee in any pay period after withholding of various federal and State taxes and all other deductions authorized by law including deductions construed as voluntary payments;

“Banking institution” means a State or federally chartered bank, savings bank, savings and loan association, or credit union.

5. This act shall take effect on the first day of the sixth month following its enactment.

Approved February 19, 1987.

CHAPTER 39

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, 1987 and regulating the disbursement thereof,” approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated from the General Fund the following sum for the purposes specified:

CAPITAL CONSTRUCTION
 42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 40 Community Development and Environmental Management
 45 Recreational Resource Management

Capital Projects:

Performance Pavilion Design at Waterloo	\$125,000

2. This act shall take effect immediately.

Approved February 19, 1987.

CHAPTER 40

AN ACT appropriating \$22,800,000.00 from the "Jobs, Science and Technology Bond Act of 1984" to the Department of Higher Education for the construction and improvement of undergraduate technical and engineering related facilities and equipment and for high technology job training and retraining programs at the State's public and private institutions of higher education.

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

1. There is appropriated to the Department of Higher Education from the "Jobs, Science and Technology Fund" created pursuant to the "Jobs, Science and Technology Bond Act of 1984," P.L. 1984, c. 99, the sum of \$22,800,000.00 for the projects cited at the following institutions:

a. Public Senior Institutions:	
(1) Kean College of New Jersey, computer-integrated design and manufacturing, a consortium	\$1,800,000
(2) Rutgers University-Newark, biotechnology program	\$2,000,000
(3) Stockton State College, improvement of the study of science and technology	\$2,000,000
(4) Trenton State College, expansion of facilities for the School of Technology and the Center for Manufacturing Automation	\$1,800,000

b. Independent Colleges and Universities:

(1) Fairleigh Dickinson University, undergraduate program enhancement in telematics and photonics	\$1,200,000
(2) Monmouth College, construction of a high technology facility	\$1,200,000
(3) Seton Hall University, major undergraduate laboratory renovations	\$1,800,000
(4) Stevens Institute of Technology, the CREATE project	\$3,400,000

c. Community Colleges:

(1) Camden County College, South Jersey CIM Consortium (CAD/CAM program)	\$2,000,000
(2) Camden County College, laser electro- optic technology facility expansion ..	\$1,100,000
(3) Cumberland County College, fisheries and marine technology	\$ 370,000
(4) Cumberland County College, plastics processing technician program	\$ 700,000
(5) Mercer County Community College, Central New Jersey CIM technician education center	\$ 894,850
(6) Middlesex County College, technical services center	\$2,000,000

d. Joint Vocational Education Projects:

(1) Brookdale Community College, marine science education with Monmouth County Vocational School District	\$ 166,666
(2) Mercer County Community College, partnership for computer-integrated manufacturing with Mercer County Vocational Technical School	\$ 166,666
(3) Union County College, CAD/CAM programs with Union County Vocational Technical Schools	\$ 166,666

The amounts hereinabove for joint vocational education projects shall be allocated subject to the commitment of an equal amount of funding from the Department of Education and subject to the other provisions of this act.

e. For allocation by the Board of Higher Education for adjusted project costs resulting from final project approval \$35,152

2. The amounts appropriated in section 1 of this act shall be allocated upon final approval of project plans submitted by the institutions, as determined by the Board of Higher Education.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L. 1984, c. 99.

4. In order to provide flexibility in administering this act, the Chancellor of Higher Education may apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer funds from any item to any other item in this act. Upon the approval of an application by the director and by the Joint Budget Oversight Committee or its successor, in writing, the director shall make the transfer as provided by law.

5. This act shall take effect immediately.

Approved February 19, 1987.

CHAPTER 41

AN ACT creating a commission to study the feasibility of establishing a railroad and transportation museum in New Jersey and making an appropriation therefor.

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

1. The Legislature finds and determines that:

a. New Jersey has had a long and fruitful history of railroad activity dating back to the granting of a charter by the Legislature to the Camden and Amboy Railroad and Transportation Company in 1830 for the operation of the State's first commercial railroad.

b. New Jersey was a leader in the development and production of railroad equipment, beginning in 1825 with the introduction of the "Steam Waggon," the nation's first locomotive, built by Colonel John Stevens, and continuing throughout the nineteenth century, particularly in the city of Paterson, with the production of quality locomotives known throughout the world.

c. Colonel John Stevens startled and pleased New Jersey legislators and other invited guests on November 12, 1831, in Bordentown, the day his new locomotive the "John Bull" took its first trip.

d. The city of Paterson, which won the State's second railroad charter on January 21, 1831 for the Paterson and Hudson Railroad that eventually extended to Jersey City, opened the first section of the railroad by June 1832 between Paterson and Passaic, at which time three double-decker cars, carrying 30 passengers apiece, made the four-mile trip in 15 minutes.

e. The New Jersey Railroad and Transportation Co. was chartered March 7, 1832, becoming New Jersey's third chartered railroad company running to New Brunswick by way of Newark, Elizabethtown and Rahway.

f. During the 1830's, in the mountains of Essex and Morris and on the plains of Union and Somerset, visionaries persevered to build the Elizabethtown and Somerville Railroad.

g. A battle for power between the various railroads during the nineteenth century led to some of the State's most intriguing railroad "wars"—the Jersey Central's "Garbage War" with Jersey City, the "Frog War" at Hopewell in Mercer County and the "Tunnel War" that occurred in the Meadows.

h. The Belvidere-Delaware Railroad, a railroad which reached Belvidere in 1854 extending from Trenton, was affectionately called the "Bel-Del" by people residing along the banks of the Delaware River who were particularly proud of the railroad shops in Lambertville, where in 1851 a locomotive, the "Warren," was built.

i. Many small railroads, including the Bel-Del, the Sussex, the Newark and Bloomfield, the Northern and the New Jersey and New York, served their communities well prior to being absorbed by larger railroad lines.

j. The engineering world marvelled at the ability of the New Jersey railroads to build in a straight line by leveling mountains and tunneling through rock and riverbed as was evidenced by the Lehigh

Valley burrowing through Musconetcong Mountain, the Lackawanna piercing Bergen Hill west of Hoboken in the 1870's, and the West Shore slicing through the flinty rock of Bergen Hill at Weehawken to create a 4,225-foot tunnel in 1881.

k. New Jersey's greatest railroad engineering feat was the creation of the Lackawanna's Cut-Off from Lake Hopatcong to Delaware Water Gap, a 28-mile Cut-Off started in August 1908, and finished in December 1911 at a cost of \$10,000,000.00, which required 6,000,000 pounds of dynamite, 6,625,000 cubic yards of fill, 4,500,000 cubic yards of earth borrowed from surrounding farms and which included the Pequest Valley fill—fully three miles long and unprecedented in massiveness for a single piece of work at a given point.

l. Safety on the railroads was fostered by the introduction of an automatic semaphore, which was first used in 1893 near Phillipsburg.

m. Other great railroads founded to provide basic transportation, such as the New York and Long Branch Railroad and the Central Railroad of New Jersey, now serve to transport thousands of commuters on a daily basis enabling the citizens of our State to reside and work in the locations that they desire.

n. Many forms of transportation, including buses, subways, and trolleys, have played a vital role in the social and cultural history of New Jersey.

o. Railroads and other modes of transportation have also played a major and significant role in the economic development of this State and in the movement of passenger and freight traffic.

p. It is appropriate to create a commission to investigate the feasibility of establishing a railroad and transportation museum in New Jersey so that our transportation history receives appropriate public recognition, together with any incidental benefits that may accrue to the State through the augmentation of tourism encouraged by the establishment of a railroad and transportation museum.

2. There is created a commission to be known as the New Jersey Railroad and Transportation Museum Study Commission with a membership of 11 members. The commission shall consist of:

a. Two members of the Senate to be appointed by the President thereof, no more than one of whom shall be of the same political party, and two members of the General Assembly to be appointed by the Speaker thereof, no more than one of whom shall be of the

same political party, who shall serve only as long as they are members of that House.

b. One representative from the Department of Transportation to be appointed by the commissioner thereof, one representative from the Department of Commerce and Economic Development to be appointed by the commissioner thereof, one representative of the Department of Environmental Protection to be appointed by the commissioner thereof, and one representative of the New Jersey Transit Corporation to be appointed by the executive director thereof.

c. Three public members, to be appointed by the Governor, who shall be chosen from among persons who are affiliated with railroad or other transportation historical organizations in New Jersey or who have knowledge of or individual experience with New Jersey railroad or other transportation history.

All appointments shall be made within 60 days of the effective date of this act. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. Members of the commission shall serve without compensation for performing their duties as members, but the commission may, within the limits of funds appropriated or otherwise made available therefor, reimburse members for the actual expenses necessarily incurred in the performance of their duties.

3. The commission shall organize within 30 days after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

4. It shall be the duty of the commission to study the feasibility of establishing a railroad and transportation museum in New Jersey. In conducting the study, the commission shall address such issues as, but not limited to, the possible location of a railroad and transportation museum, the costs associated with creating and operating a museum, and potential sources and types of financial support.

5. The commission shall be entitled to call to its assistance and avail itself of the services and assistance of such officials and employees of the State and its political subdivisions and their departments, boards, bureaus, commissions and agencies as it may require and as may be available to it for its purposes 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 may expend any funds as may be appropriated or otherwise made available to it for the purposes of its study. The Departments of Transportation, Commerce and Economic Development, and Environmental Protection, and the New Jersey Transit Corporation shall provide whatever staff assistance as the commission may request.

6. The commission may meet and hold hearings at any place or places as it shall designate during the sessions or recesses of the Legislature. The commission shall report its findings, conclusions and recommendations to the Governor and the Legislature as soon as practicable but not later than 12 months after the effective date of this act, accompanying them with any legislative bills which it may desire to recommend for adoption by the Legislature.

7. There is appropriated \$10,000.00 to the commission from the General Fund to effectuate the purposes of this act.

8. This act shall take effect immediately and shall expire on the last day of the 12th month following enactment.

Approved February 19, 1987.

CHAPTER 42

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*:

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that notices to persons desiring Military Service Ballots and Civilian Absentee Ballots were not published in accordance with the requirements of N.J.S. 18A:14-25 and were not published in accordance with the requirements of section 7 of the "Absentee Voting Law (1953)," P.L. 1953, c. 211 (C. 19:57-7); and notwithstanding that the notices to persons desiring Military Service and Civilian Absentee Ballots fail

to indicate which school district will be conducting the special school election as required by the provisions of section 7 of the "Absentee Voting Law (1953)," P.L. 1953, c. 211 (C. 19:57-7); and notwithstanding that in addition, the notice for the Military Service Ballot was a classified advertisement rather than a display advertisement as required by the provisions of section 7 of the "Absentee Voting Law (1953)," P.L. 1953, c. 211 (C. 19:57-7); provided, however, that no action, suit or other proceeding has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved February 19, 1987.

CHAPTER 43

AN ACT concerning membership in the Police and Firemen's Retirement System of New Jersey and supplementing P.L. 1944, c. 255 (C. 43:16A-1 et seq.).

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

1. Any member of a county pension fund or retirement system employed in a position making the member eligible for membership in the Police and Firemen's Retirement System who was prohibited from enrolling in that system because the member's age exceeded the maximum age limit prescribed for membership at the time the member would have otherwise been eligible for membership, may transfer to the Police and Firemen's Retirement System by waiving all rights and benefits which would otherwise be provided by the county fund or retirement system. The waiver shall be accomplished by filing a form satisfactory to the Division of Pensions within 90 days following the effective date of this act. In the absence of a timely filing of a waiver, the pension status of a person eligible to transfer under this act shall remain unchanged.

2. Within 120 days following the effective date of this act, the county pension fund or retirement system shall remit to the Police and Firemen's Retirement System all accumulated deductions stand-

ing to the credit of a transferred member. Within 180 days following the effective date of this act, the county pension fund or retirement system shall remit an amount equal to the reserve which would have been established for the member in the Public Employees' Retirement System, less the amount of employee contributions remitted, based upon the transferred service credit and the salary at the time of transfer, as determined by the actuary for that system. The employer and the county pension fund or retirement system shall provide the actuary with all of the information necessary to determine the amount of the reserve. The Police and Firemen's Retirement System shall enter the respective sums so remitted to the credit of the member in the annuity savings fund and to the credit of the employer in the pension accumulation fund. Interest at the rate of 6% shall be added to the employer's obligations if the moneys are not remitted within the prescribed time periods.

3. This act shall take effect immediately.

Approved February 19, 1987.

CHAPTER 44

AN ACT concerning school elections and amending N.J.S. 18A:14-6.

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

1. N.J.S. 18A:14-6 is amended to read as follows:

Election officers.

18A:14-6. Each board of education shall, at its regular January meeting, if paper ballots are used in election in the district, or at its last regular meeting held not less than 40 days prior to the date fixed for the next annual school election, if voting machines are used in elections in the district, appoint a judge of elections, an inspector of elections, and two clerks of elections for each polling district therein, and may appoint additional clerks for any polling district, not exceeding one for every two signature copy registers used therein, to act as election officers, and shall notify them accordingly. They shall be appointed from the qualified voters of the State if qualified voters of the district are not available, who are not members or employees of the board of education and who do not intend to stand as candidates for any office of the school district during the ensuing

year, and in school districts in which voting machines will be used during the ensuing year they shall be chosen, as far as practicable, from the members of the district boards of election in office in the municipality or municipalities comprising the school district.

2. This act shall take effect immediately.

Approved February 19, 1987.

CHAPTER 45

AN ACT concerning acts of graffiti and supplementing chapter 153 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:153-4.1 Acts of graffiti.

1. The governing body of any municipality may, by ordinance, provide for the offering of rewards not exceeding \$500.00 each, for the detection and apprehension of any person guilty of purposely or knowingly damaging tangible property of another by an act of graffiti in violation of N.J.S. 2C:17-3. A reward is to be payable after conviction out of those funds of the municipality made available therefor. The reward shall be paid to any person who the governing body, acting upon the recommendation of the municipal chief of police or other principal municipal law enforcement officer, may deem entitled thereto, but no reward shall be paid to any public employee whose duty it is to investigate or to enforce the law or to the employee's spouse, child or parent, living in the same household.

For the purposes of this act, "act of graffiti" means the drawing, painting or the making of any inscription on a bridge, building, public transportation vehicle, rock, wall, sidewalk, street or other exposed surface on public or private property without the permission of the owner.

2. This act shall take effect immediately.

Approved February 19, 1987.

CHAPTER 46

AN ACT concerning proof of compulsory motor vehicle insurance coverage and amending P.L. 1972, c. 197.

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

1. Section 2 of P.L. 1972, c. 197 (C. 39:6B-2) is amended to read as follows:

C. 39:6B-2 Penalties for no motor vehicle insurance coverage.

2. Any owner, or registrant of a motor vehicle registered or principally garaged in this State who operates or causes to be operated a motor vehicle upon any public road or highway in this State without motor vehicle liability insurance coverage required by this act, and any operator who operates or causes a motor vehicle to be operated and who knows or should know from the attendant circumstances that the motor vehicle is without motor vehicle liability insurance coverage required by this act shall be subject, for the first offense, to a fine of not less than \$100.00 nor more than \$300.00 or imprisonment for a term of not less than 30 days nor more than three months or both, in the discretion of the municipal judge, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of six months from the date of conviction. Upon subsequent conviction, he shall be subject to a fine of not less than \$250.00 nor more than \$500.00 and may be subject to imprisonment for a term of not less than three months nor more than six months in the discretion of the municipal judge and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances, and shall forfeit his right to operate a motor vehicle for a period of two years from the date of his conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director. The director's discretion shall be based upon an assessment of the likelihood that the individual will operate or cause a motor vehicle to be operated in the future without the insurance coverage required by this act. A complaint for violation of this act may be made to a municipal court at any time within six months after the date of the alleged offense.

Failure to produce at the time of trial an insurance identification card or an insurance policy which was in force for the time of oper-

ation for which the offense is charged, creates a rebuttable presumption that the person was uninsured when charged with a violation of this section.

2. This act shall take effect immediately and shall apply to offenses occurring on or after the effective date.

Approved February 19, 1987.

CHAPTER 47

AN ACT concerning certain costs incurred in the training and hiring of county and municipal police officers and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

C. 40A:14-178 Payment of examination, training costs.

1. Whenever a person who resigned as a member of a county or municipal police department is appointed to the police department of another county or municipality within 120 days of resignation, and that person held a probationary appointment at the time of resignation or held a permanent appointment for 30 days or less prior to resignation, the county or municipality appointing the person is liable to the former county or municipal employer, as appropriate, for the total certified costs incurred by the former employer in the examination, hiring, and training of the person.

Whenever a person who resigned as a member of a county or municipal police department is appointed to the police department of another county or municipality within 120 days of resignation, and that person, at the time of resignation held a permanent appointment for more than 30 days but less than two years, the county or municipality appointing the person is liable to the former county or municipal employer, as appropriate, for one-half of the total certified costs incurred by the former employer in the examination, hiring and training of that person.

The appointing county or municipality shall notify the former employer immediately upon the appointment of a former employee and shall reimburse the former employer within 120 days of the receipt of the certified costs.

For the purposes of this act, "examination costs" means and includes, but is not limited to, the costs of all qualifying examinations and the public advertisements for these examinations, and "training costs" means the police training course fees and the base salary received while attending the police training course, as required by P.L. 1961, c. 56 (C. 52:17B-66 et seq.).

2. This act shall take effect immediately.

Approved February 19, 1987.

CHAPTER 48

AN ACT to amend 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 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 the amount set forth in, or the amount calculated by the Governor pursuant to, section 3 of P.L. 1971, c. 198 (C. 40A:11-3), 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 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. The contracting unit shall require evidence of performance security to be submitted simultaneously with the list of the subcontractors. Evidence of performance security may be supplied by the bidder on behalf of himself and any or all subcontractors, or by each respective subcontractor, or by any combination thereof which results in evidence of performance security equalling, but in no event exceeding, the total amount bid.

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 amounts 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.

2. 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. a. 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 be returned, unless otherwise requested by the bidder, within 10 days after the opening of the bids, Sundays and holidays excepted, and the bids of such bidders shall be considered as withdrawn. Within three days, Sundays and holidays excepted, after the awarding and signing 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.

b. The contract shall be signed by all parties within the time limit set forth in the specifications, which shall not exceed 21 days, Sundays and holidays excepted, after the making of the award; provided, however, that all parties to the contract may agree to extend the limit set forth in the specifications beyond the 21 day limit required in this subsection. The contractor, upon written request to the contracting unit, is entitled to receive, within seven days of the request, an authorization to proceed pursuant to the terms of the contract on the date set forth in the contract for work to commence, or, if no date is set forth in the contract, upon receipt of authorization. If for any reason the contract is not awarded and the bidders have paid for or paid a deposit for the plans and specifications to the contracting unit, the payment or deposit shall immediately be returned to the bidders when the plans and specifications are returned in reasonable condition within 90 days of notice that the contract has not been awarded.

3. This act shall take effect immediately.

Approved February 25, 1987.

CHAPTER 49

AN ACT concerning the care of newborn children.

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

C. 26:2H-12.6 Care of newborn children.

1. The governing body of a health care facility licensed in this State pursuant to P.L. 1971, c. 136 (C. 26:2H-1 et seq.) which provides health care services to newborn children shall adopt policies

and procedures which ensure that newborn children, including newborn handicapped children, receive a level of nourishment and medical care consistent with accepted medical standards.

If a federal statute or regulation requires that the State submit its regulations and policy to the federal government for approval in order to qualify for federal funding, then the State Department of Health shall so comply.

2. This act shall take effect immediately.

Approved February 25, 1987.

CHAPTER 50

AN ACT to establish a Neighborhood Housing Services Grant Fund in the Department of Community Affairs and making an appropriation therefor.

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

C. 52:27D-366 Short title.

1. This act shall be known and may be cited as the "Neighborhood Housing Services Grant Fund Act."

C. 52:27D-367 Findings.

2. The Legislature finds that:

a. A substantial number of housing units in New Jersey are in deteriorating condition, many residents are living in dwelling units which do not conform to applicable local codes and ordinances that are intended to ensure the health and safety of the occupants, and this condition impedes the development and conservation of healthy, safe, and viable communities in this State;

b. The rehabilitation of suitable housing will increase its economic life, is more economical and less disruptive than replacement of the housing and the relocation of its occupants, can better promote community development when conducted through organized housing rehabilitation programs, and is essential to promote sound community development in this State;

c. The amount of public resources currently available or likely to be available for the rehabilitation and maintenance of marginal

or substandard residential units is grossly inadequate and if significant progress is to be made in reducing or eliminating the stock of substandard housing in this State, it is imperative that the resources of the private sector be utilized to their best effect;

d. A partnership of State and local public agencies with private residential financing institutions to coordinate and optimize their respective efforts is critical to any serious attempt to conserve and protect existing housing, and, in this regard, the neighborhood housing services program of the Neighborhood Reinvestment Corporation has distinguished itself as a highly effective mechanism for rehabilitating housing and revitalizing declining neighborhoods by combining both public and private resources; and

e. The creation and expansion of neighborhood housing services programs within New Jersey hold the promise of improving the quality of life in those neighborhoods beset with problems associated with substandard housing and can serve as a model of an effective and innovative approach to a remedy, which has traditionally been viewed as the exclusive responsibility of the public sector, and by so improving the quality of life throughout New Jersey and forging new methods of public-private cooperation will serve the interests of all of the citizens of this State.

C. 52:27D-368 Determinations.

3. It is determined that it is the policy of this State to provide a necessary means to prevent the deterioration of housing, the decline of neighborhoods and surrounding areas, and the problems associated with deterioration and decline; that these conditions are detrimental not only to the health, safety, and welfare of the people of the State, but reduce economic values and impair private investments and public revenues; that the support of corporations hereinafter described is necessary and desirable to alleviate those problems, and the rehabilitation of substandard housing as proposed in this act is a public purpose and a public use for which public money may be borrowed, expended, loaned and granted; and that the necessity in the public interest for provisions hereinafter enacted is a matter of legislative determination.

C. 52:27D-369 Definitions.

4. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Community Affairs;

b. "Corporation" means a neighborhood housing services corpor-

ation or umbrella corporation, as defined hereinafter, unless the context indicates otherwise;

c. "Department" means the Department of Community Affairs;

d. "Fund" means the Neighborhood Housing Services Grant Fund established pursuant to section 5 of this act;

e. "Housing rehabilitation loan" means any loan made by a neighborhood housing services corporation or umbrella corporation to a homeowner pursuant to section 7 of this act;

f. "Neighborhood housing services corporation" means a private, nonprofit, community-based corporation organized under Title 15A of the New Jersey Statutes to develop and administer a local neighborhood housing services program, established in connection with the National Neighborhood Reinvestment Corporation or recognized by the commissioner as substantially the equivalent of a corporation so established;

g. "Neighborhood housing services program" means a program which is established and supervised by a neighborhood housing services corporation for the purpose of administering the corporation's goals and services within a specific neighborhood;

h. "Residential borrower" means any homeowner who has entered into a contract for a loan with a neighborhood housing services corporation or umbrella corporation as provided in section 7 of this act; and

i. "Umbrella corporation" means a neighborhood housing services corporation which establishes and supervises two or more neighborhood housing services corporations.

C. 52:27D-370 Neighborhood Housing Services Grant Fund.

5. There is established a Neighborhood Housing Services Grant Fund to be administered by the Department of Community Affairs. The fund shall be maintained by the Department of the Treasury and may be invested by the Division of Investment in the Department of the Treasury in investments in which other State funds may be invested. There shall be deposited in the fund all moneys appropriated thereto by the Legislature and any other moneys made available for the purposes for which the fund is established. The goals which the fund are designed to realize are set forth in section 3 of this act, and the means by which the corporation will realize these goals must be set forth in a plan which the corporation is required

to submit to the commissioner pursuant to subsection c. of section 8 of this act.

C. 52:27D-371 Grants from fund.

6. The department is authorized to make grants to neighborhood housing services corporations which meet the qualifications set forth in section 8 of this act. The department is also authorized to grant moneys to umbrella corporations for each neighborhood housing services program under its supervision, provided that each constituent program fulfills the qualifications set forth in section 8, and provided further that no program shall qualify for more than one grant from the fund in any calendar year.

C. 52:27D-372 Revolving loan fund.

7. Each neighborhood housing services corporation or umbrella corporation which qualifies for a grant as provided in section 8 of this act shall establish and administer a revolving loan fund to make loans at below market interest rates and flexible terms of repayment to neighborhood homeowners who are unable to obtain mortgage financing on reasonable terms through normal lending channels for the purposes of preserving or revitalizing neighborhoods and to encourage home ownership.

C. 52:27D-373 Qualifications for grants.

8. In order to qualify for a grant, a neighborhood housing services corporation or umbrella corporation shall:

a. Submit an application to the department on a form prescribed by the commissioner, which shall include the following information:

(1) A description of the geographic boundaries served by the neighborhood housing services corporation or neighborhood housing services program;

(2) Certification that the applicant is governed by a Board of Directors which is composed of neighborhood residents, representatives of local financial institutions and where not inconsistent with local law, representatives of local political subdivisions;

(3) Certification that the applicant is currently registered with the Neighborhood Reinvestment Corporation if appropriate;

(4) Certification of incorporation under Title 15A of the New Jersey Statutes;

(5) Certification of receipt of a current ruling from the Internal Revenue Service of the United States Department of the Treasury

that the applicant is an organization which is exempt from federal income taxation; and

(6) Certification that the remaining two-thirds portion of the applicant's annual operating budget has been provided exclusively from political subdivisions or private sources pursuant to section 9 of this act;

b. Demonstrate, to the commissioner's satisfaction, the corporation's capacity to establish, and administer a revolving loan fund as provided in section 7 of this act; and

c. Provide the department with an outline of a plan to administer and establish, in cooperation with appropriate officials of the political subdivision, a housing program to bring neighborhood dwellings to acceptable levels of health and safety, indicating how the moneys are to be disbursed and at what terms and rates of interest. The plan shall include, but not be limited to: (1) criteria under which the credit worthiness of applicant homeowners shall be determined, consonant with the purposes of this act; (2) procedures for securing loans made to homeowners pursuant to this act; and (3) criteria to ensure that displacement of residential tenants is minimized, adequate tenant relocation assistance is provided and that the provisions of P.L. 1974, c. 49 (C. 2A:18-61.1 et al.), P.L. 1975, c. 311 (C. 2A:18-61.6 et al.), P.L. 1978, c. 139 (C. 2A:18-61.13 et seq.), P.L. 1971, c. 362 (C. 20:4-1 et seq.), P.L. 1967, c. 79 (C. 52:31B-1 et seq.) and P.L. 1981, c. 226 (C. 2A:18-61.22 et seq.) are complied with.

C. 52:27D-374 Limitation on grants.

9. Each neighborhood housing services corporation or umbrella corporation which fulfills the qualifications set forth in section 8 of this act may apply for a grant in an amount not to exceed one-third of its annual operating budget or \$50,000.00 for each neighborhood housing services program, whichever is less.

C. 52:27D-375 Commissioner as member of board of directors.

10. The commissioner, or the commissioner's designee, shall be an ex officio and voting member of the board of directors of each neighborhood housing services corporation or umbrella corporation receiving grants from the department.

C. 52:27D-376 Reduction of grants.

11. If in any fiscal year the total amount of grant applications received by the department exceeds the total amount of the fund, the commissioner shall reduce each qualifying applicant's grant on

a pro rata basis in order to not exceed the total dollar amount of the fund appropriated for that fiscal year.

C. 52:27D-377 Inspections by commissioner.

12. The commissioner shall be entitled to make inspections of any housing rehabilitation project funded pursuant to this act, to request and secure the submission of certifications, maps, documents, and other information by the municipality or the appropriate corporation, to audit and examine any books and records of the corporation and the political subdivisions which contribute to the corporation's annual operating budget, and to require such periodic reports as shall be necessary to ascertain the progress of any housing rehabilitation project assisted with a loan pursuant to this act and the extent of compliance with the contract for these loans.

C. 52:27D-378 Default.

13. In the event of any default in connection with the terms and provisions of any contract to which the corporation and a residential borrower are party, the corporation shall not take any steps it may otherwise be entitled to take, until it has first notified the residential borrower and provided a reasonable opportunity, in light of the nature of the default and the available means to correct it to cure the same; but in any case shall allow not less than 30 days for that purpose. After this time, the corporation may institute any action or proceeding against any residential borrower who is in default on a housing rehabilitation loan in any court of competent jurisdiction.

C. 52:27D-379 Additional funding.

14. The commissioner may seek, receive and make use of any funds which may be available from federal or other sources in order to augment any State funds appropriated for the purposes of this act, and shall make every effort to qualify the program for federal funding.

C. 52:27D-380 Rules, regulations.

15. The commissioner is authorized to make and issue rules and regulations in accordance with the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) for the effectuation of the provisions of this act.

16. a. There is appropriated from the General Fund to the Neighborhood Housing Services Grant Fund the sum of \$200,000.00 to effectuate the purposes of this act.

b. There shall be annually appropriated a sum which shall be allocated among corporations which qualify for grants under the provisions of this act.

17. This act shall take effect immediately.

Approved February 25, 1987.

CHAPTER 51

AN ACT establishing the Salem Municipal Port Authority Assistance Fund, appropriating \$1,700,000.00 to the Department of the Treasury for deposit in that fund and making an appropriation therefrom.

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

1. There is appropriated from the General Fund to the Department of the Treasury the sum of \$1,700,000.00. This appropriation shall be deposited in a separate, dedicated, non-lapsing account within the State Treasury to be known as the Salem Municipal Port Authority Assistance Fund.

2. The State Treasurer shall have custody of the Salem Municipal Port Authority Assistance Fund and is authorized to invest the assets of the fund in direct obligations of the United States government or obligations guaranteed by the United States government or in the State of New Jersey Cash Management Fund. Earnings from the investments held in the Salem Municipal Port Authority Assistance Fund shall accrue to the fund and shall be deposited therein.

3. There shall be annually appropriated from the fund an amount, not to exceed \$120,000.00, to assist the City of Salem Municipal Port Authority to make timely payments of the principal of and interest payable within that year on the debt issued by the authority and known as the "City of Salem Municipal Port Authority Port Development Bond Series of 1985," and such other amounts as may be required for reasonable expenses associated with the administration of the fund.

4. The amount annually appropriated for assistance to the authority shall be paid to the authority in full or in part, only on such terms and conditions as the State Treasurer shall specify and as shall be set forth in a written agreement between the State Treasurer and the authority as to each annual payment. The terms and conditions may include provision for repayment to the General

Fund, with or without interest. In addition, the agreement may require actions to be taken to promote the continued economic viability of the City of Salem Municipal Port, including, without limitation: the employment of competent management; managerial and operational reforms as might be recommended by independent financial, managerial and operational consultants; and a significant financial involvement of the City of Salem in the port's revitalization by a matching appropriation by the City of Salem.

5. The authority shall annually certify to the State Treasurer, on or before December 31, the outstanding indebtedness under the "City of Salem Municipal Port Authority Port Development Bond Series of 1985," until this indebtedness is entirely discharged. The Salem Municipal Port Authority Assistance Fund shall cease to exist and any amount remaining therein shall be returned to the General Fund upon certification that the indebtedness is entirely discharged or upon the ceasing of operation of the Salem Port by the City of Salem Municipal Port Authority.

6. There is appropriated from the Salem Municipal Port Authority Assistance Fund, established by section 1 of this act, \$120,000.00 to the Department of the Treasury for the initial annual payment to assist the City of Salem Municipal Port Authority to make timely payments of the principal of and interest payable within 1987 on the debt issued by the authority and known as the "City of Salem Municipal Port Authority Port Development Bond Series of 1985," and such other amounts as may be required for reasonable expenses associated with administration of the fund. The State Treasurer shall specify the terms and conditions under which any or all of this appropriation shall be paid to the authority, as provided in section 4 of this act.

7. Nothing in this act shall be construed as creating or constituting any indebtedness, liability or obligation of the State to the holders of the bonds issued by the authority and entitled the "City of Salem Municipal Port Authority Port Development Bond Series of 1985," or being or constituting a pledge of the faith and credit of the State.

8. This act shall take effect immediately.

Approved February 25, 1987.

CHAPTER 52

AN ACT concerning the teaching of New Jersey history and amending
N.J.S. 18A:35-1 and N.J.S. 18A:35-2.

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

1. N.J.S. 18A:35-1 is amended to read as follows:

2-year course of study in history.

18A:35-1. The superintendent of schools in each school district shall prepare and recommend to the board of education of the district, and the board of education shall adopt a suitable two-year course of study in the history of the United States, including the history of New Jersey, to be given to each student during the last four years of high school. Said course of study shall include materials recommended by the commissioner dealing with the history of the Negro in America.

2. N.J.S. 18A:35-2 is amended to read as follows:

Contents of course of study.

18A:35-2. Such course of study shall include instruction in

- (1) The principles and ideals of the American form of representative government as expressed in the Declaration of Independence and the Constitution of the United States and particularly in the Bill of Rights; and

- (2) The history of the origin and growth of the social, economic and cultural development of the United States, of American family life and of the high standard of living and other privileges enjoyed by the citizens of the United States; and

- (3) Such other events in the history of the United States as will tend to instill, into every girl and boy, a determination to preserve these principles and ideals as those of citizens of the United States and an appreciation of their solemn duty and obligation to exercise the privilege of the ballot, upon their reaching voting age, to the end that said principles and ideals may be so preserved; and

- (4) The history of the State of New Jersey.

3. This act shall take effect July 1 next following its enactment.

Approved February 25, 1987.

CHAPTER 53

AN ACT concerning the disclosure of certain gifts made to institutions of higher 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*:

C. 18A:3-19.1 Definitions.

1. As used in this act:

“Foreign government” means any government other than the government of the United States or of its states, territories or possessions or any political subdivision thereof.

“Foreign legal entity” means a. any legal entity created under the laws of a foreign government or b. any legal entity created under the laws of the United States or any of its political subdivisions if a majority of the ownership of that legal entity is directly or indirectly held legally or beneficially by one or more foreign governments or one or more foreign persons or one or more legal entities created under the laws of a foreign government and includes an agent acting for the legal entity.

“Foreign person” means any individual who is not a citizen of or resident alien of the United States or of its territories or possessions and includes an agent acting for the foreign person.

“Gift” means any endowment, gift, grant, contract, award, present or property of any kind.

C. 18A:3-19.2 Disclosure.

2. Every institution of higher education licensed or approved by the State Board of Higher Education to award an academic degree shall disclose the amount, terms, restrictions and requirements attached to or made a part of any gift of value in excess of \$100,000.00 made to the institution by a foreign government, foreign legal entity or foreign person in any one fiscal year. If the foreign government, foreign legal entity or foreign person makes more than one gift to an institution, and the total value of those gifts in any one fiscal year exceeds \$100,000.00, the institution shall report all of the gifts received.

C. 18A:3-19.3 Information to Department of Higher Education.

3. This information shall be forwarded to the Department of Higher Education no later than 30 days after the last day of the fiscal

year. The information shall include:

- a. The amount of the gift.
- b. The date on which it was received.
- c. Full details of any conditions, matching provisions, or designation of the gift for a specific purpose.
- d. The name of the foreign government in the case of a gift by a foreign government; the name of the foreign entity in the case of a gift by a foreign entity; and the name of the foreign country in which a foreign person is located or resides in the case of a gift by a foreign person.
- e. The purpose or purposes for which the gift will be used.

C. 18A:3-19.4 Public record.

4. This information shall be a matter of public record and shall be made available by the department to the general public for review and copying during normal business hours.

5. This act shall take effect immediately.

Approved February 25, 1987.

CHAPTER 54

AN ACT establishing "The New Jersey Alternative Procedure for Dispute Resolution Act" and supplementing Title 2A of the New Jersey Statutes.

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

C. 2A:23A-1 Short title.

1. This act shall be known and may be cited as "The New Jersey Alternative Procedure for Dispute Resolution Act."

C. 2A:23A-2 Contracts to submit; enforcement of submission; waiver of appeal.

2. a. Any provision in a written contract whereby the parties agree to settle by means of alternative resolution, as provided in this act, (1) any controversy that may arise from the contract or from a refusal to perform the contract or (2) any written agreement whereby the parties to an existing controversy agree to use alternative resolution as provided in this act, whether the controversy arose out

of a contract or otherwise, is valid, enforceable and irrevocable, except upon such grounds as exist at law or in equity for the revocation of a contract. In order for the provisions of this act to be applicable, it shall be sufficient that the parties signify their intention to resolve their dispute by reference in the agreement to "The New Jersey Alternative Procedure for Dispute Resolution Act" (P.L. 1987, c. 54; C. 2A:23A-1 et seq.).

b. Any contract provision or agreement described in subsection a. of this section shall be construed as an implied consent by the parties to the jurisdiction of the Superior Court to enforce that provision or agreement pursuant to the provisions set forth in this act and to enter judgment thereon. The contract provision or agreement shall constitute a waiver by the parties of the right to trial by jury and to appeal or review, except as specifically provided for in this act.

C. 2A:23A-3 Coordinated alternative dispute resolution, court proceedings.

3. a. When parties have agreed to alternative resolution proceedings under separate agreements under this act, and the claims to be resolved may involve evidence, witnesses and testimony reasonably necessary to resolve issues and facts arising out of a related project or series of agreements, then these proceedings may be held in a consolidated alternative resolution proceeding. Whenever reasonably possible, the same umpire shall be designated to hear and determine these claims.

b. Whenever the claims to be resolved in an alternative resolution proceeding may involve evidence, witnesses and testimony reasonably necessary to resolve issues and facts arising out of a related project or series of agreements, which are the subject of litigation in any court of this State, the court may authorize consolidation of the alternative resolution proceeding and the court proceedings to advance expeditious use of court time; provided, however, that consolidation shall not be permitted to unduly delay the expeditious resolution of the alternative resolution proceedings provided for by this act.

c. The provisions of subsections a. and b. of this section shall be liberally construed to effectuate the remedial purpose of this act to provide for the expeditious resolution of disputes arising out of a related project or series of agreements.

C. 2A:23A-4 Demand for alternative resolution; action for order for alternative resolution.

4. a. Any party to an agreement which provides for alternative

resolution under this act shall institute a proceeding pursuant to that agreement by:

(1) Giving written notice to all other parties of the party's demand for resolution, which notice shall set forth concisely the claims, and where appropriate the defenses, in dispute between the parties and the relief sought, including the amount of liquidated damages demanded, if any; and

(2) Initiating the procedure for selecting the umpire or, if no procedure is provided in the agreement, by initiating a summary action as provided in this act to have an umpire appointed.

b. When a party is aggrieved by the failure, neglect or refusal of another to perform under a written agreement providing for alternative resolution that party may apply to the Superior Court for an order directing that alternative resolution proceed in the manner provided for in the agreement. The court shall proceed in a summary action to determine whether there has been an agreement in writing for alternative resolution or whether there has been a failure to comply with a demand for alternative resolution.

C. 2A:23A-5 Complete authority of umpire; Prima Paint rule.

5. a. Whenever an alternative resolution is properly demanded, the umpire designated therein shall have full jurisdiction to provide all relief and to determine all claims and disputes arising thereunder, including whether the particular issue or dispute is covered by the agreement for alternative resolution, and whether there was fraud in the inducement of the entire agreement which provides for alternative resolution; however, the umpire shall not have jurisdiction with regard to a claim that an alternative resolution clause was procured by fraud. Whenever possible, all requests for relief ancillary to the claims and disputes covered by the agreement for alternative resolution shall first be addressed to the umpire for determination.

b. There shall be no review of any intermediate ruling or determination made by the umpire during the course of alternative resolution proceedings, except as provided in this act. An appeal from a final award decision by the umpire may be obtained only as provided in section 13 of this act.

C. 2A:23A-6 Provisional remedies.

6. a. Whenever an umpire acts upon an application for relief in the nature of a civil provisional remedy under any applicable law, including the civil remedies of attachment, replevin, sequestration, and other corresponding or equivalent remedies, however designated

and regardless of whether the remedy is ancillary to an action or must be obtained by an independent action, the umpire shall have full authority to act thereon. Whenever any of these remedies are applied for during an alternative resolution proceeding, the umpire shall promptly rule on that application. Any determination reached before a final award shall be considered an intermediate ruling as provided for in subsection b. of section 5 of this act. Any party may apply at any time to the Superior Court or any other court of competent jurisdiction for an order enforcing the determination of the umpire directing relief in the nature of any of the provisional remedies provided for in this section. Whenever enforcement of an order is sought pursuant to this subsection, review of the validity of the order may be had by way of defense to enforcement.

b. Where reasonably required by the circumstances, a party may apply to the Superior Court or any other court of competent jurisdiction for an order granting any of the provisional remedies or other relief set forth in this section, before the umpire provided for in the agreement, or designated by the court, is authorized or able to act on the request for relief.

C. 2A:23A-7 Limited intermediate review.

7. a. In exceptional circumstances, to prevent a manifest denial of justice, or when it clearly appears that a party will suffer irreparable harm or that damages may not be reasonably calculated or, if capable of calculation, that they will not be collectible, a party who is aggrieved by any intermediate ruling, except intermediate rulings made pursuant to section 6 of this act, or the failure to rule by an umpire may move before the Superior Court for an expedited summary review under procedures adopted by the Supreme Court. The alternative resolution proceeding shall not be abated, stayed or delayed by the application for an intermediate review unless the umpire or the court, in exceptional cases or circumstances, so rules. The ruling on a summary intermediate review application by the court shall thereafter govern the parties in the alternative resolution proceeding, provided, however, that this ruling may be later modified or vacated by the umpire or the court where specific facts are thereafter determined that would make the continuance of the court ruling manifestly unfair, unjust or grossly inequitable. When it appears that resort to the court to review an intermediate ruling has been abused by any party, the court may award reasonable counsel fees without regard to the ultimate outcome of the alternative resolution proceeding.

b. The signature of an attorney or party to an intermediate appeal, or in opposition thereto, constitutes a certification by him:

(1) That he has read the pleadings and all supporting papers relating to the intermediate appeal;

(2) That to the best of his knowledge, information and belief, formed after reasonable inquiry, the appeal or opposition is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and

(3) That it is not interposed for any improper purpose, such as to cause unnecessary delay or a needless increase in the cost of litigation.

If such a pleading, application or other paper is filed in violation of this subsection, the court by summary review, upon motion by one of the parties or upon its own initiative, may impose upon the party causing the summary review, reasonable expenses, including a reasonable attorney's fee, incurred because of the filing of the pleading, application or other paper.

C. 2A:23A-8 Stay of court action for proceeding subject to alternative resolution.

8. In an action brought in any court upon an issue arising out of an agreement providing for alternative resolution under this act, the court, when satisfied that the issue involved is referable to alternative resolution, shall stay the action until the alternative resolution proceeding has been conducted in accordance with the terms of the agreement, unless the party seeking the stay is already in default.

C. 2A:23A-9 Umpires.

9. a. An alternative resolution proceeding shall be conducted by a single umpire unless otherwise expressly provided for in the agreement. If the agreement designates a person or persons, the person or persons named shall conduct the proceeding. If a method is provided in the agreement for appointing one or more umpires to conduct the alternative resolution proceeding, it shall be followed; but, if no method is provided, or if a method is provided and a party fails to avail himself of that method, or if for other reasons there is a lapse in the naming of an umpire or in filling a vacancy, the Superior Court shall in a summary action appoint the umpire. Any umpire so appointed shall serve with the same powers as if specifically designated.

b. Unless otherwise provided for in the agreement, or set by the parties at the commencement of the proceeding, the court shall set the umpire's hourly fee.

c. An umpire is not competent to testify in any subsequent proceeding arising out of or related to an alternative resolution proceeding in which the umpire served, except for an action brought against the umpire pursuant to subsection d. of this section.

d. An umpire shall be immune from any claim for damages arising out of a proceeding in which the umpire served unless the award is overturned for the reasons set forth in paragraph (1) of subsection c. of section 13 of this act and there is a finding that the umpire participated in such wrongful conduct. Upon such a finding, a separate civil action or proceeding may be instituted against an umpire.

e. A finding that an umpire participated in wrongful conduct proscribed in paragraph (1) of subsection c. of section 13 of this act which results in the award being overturned, shall not be admissible as evidence in any subsequent action against the umpire, nor shall it establish any fact as a claim of *res judicata*. The wrongful conduct shall be proved *de novo* in any subsequent action or proceeding where the issue arises.

C. 2A:23A-10 Discovery.

10. a. Each party shall be entitled to discovery by way of oral deposition, including videotape deposition, inspection and copying of all relevant documents within the care, custody or control of a party or witness, and interrogatories when authorized by leave of the umpire. Except as provided herein, the rules of the Supreme Court governing discovery shall be applicable.

b. All discovery shall be completed within 60 days following receipt of the demand for alternative resolution or the entry of a final order compelling alternative resolution. The umpire shall have the authority to extend the time for completion of permitted discovery or to limit or terminate any permitted discovery upon application which can be heard in any suitable way, including telephone conference or on submitted papers. The decision of the umpire shall be subject to modification upon review by the Superior Court in a summary review as provided for by rules of the New Jersey Supreme Court when the umpire is shown to have improperly exceeded his discretion.

c. Reasonable production of documents at any oral deposition upon notice in lieu of subpoena given to a party may be required.

d. A notice for inspection and copying of documents provided for in this act may require that the same shall be produced no sooner than 15 days after receipt of service. The cost of copying shall be paid by the party demanding the inspection.

C. 2A:23A-11 Hearing by umpire; witnesses; subpoena; factual, legal contentions.

11. a. When more than one umpire is agreed upon, all the umpires shall sit at the hearing of the case, unless by written consent, all parties agree to a lesser number.

b. The umpire conducting an alternative resolution proceeding may require the attendance of any person as a witness and the production of any book or written instrument. The fees for the attendance shall be those allowed witnesses in a civil action.

c. Subpenas shall issue in the name of and be signed by the umpire, or if there is more than one umpire, by a majority of them, and shall be directed to the person therein named and served in the same manner as a subpoena to testify before a court of record. If a person subpoenaed to testify refuses or neglects to obey a subpoena, the Superior Court, upon application, may compel his attendance before the umpire or hold the person in contempt as if the person had failed to respond to a subpoena issued by the court.

d. In alternative resolution proceedings held under this act, parties shall not be bound by the statutory and common law rules of evidence, except as provided for conduct of contested cases under the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.); provided, however, that all statutes and common law rules relating to privilege shall remain in effect. In any case when no rule, procedure or practice applies to the offer of evidence or procedure to be adopted, the umpire shall proceed so that the informality of the proceedings is assured.

e. Each party to an alternative resolution proceeding shall submit to the umpire and his adversary a statement of the party's factual and legal position with respect to the issues to be arbitrated, at a date fixed by the umpire to permit proper preparation for all hearings. The submitted statement shall govern, control and limit the facts and legal issues to be determined in the alternative resolution proceeding. Amended or supplemental legal and factual statements may be filed as permitted by the umpire where the same will not unduly prejudice the other party to the proceeding.

f. In an alternative resolution proceeding when the umpire is of the opinion that evidence by impartial experts would be of assistance,

the umpire may direct that expert evidence be obtained. The fees and expenses of expert witnesses shall be paid by the parties as directed by the umpire.

g. Unless otherwise provided by the agreement for alternative resolution:

(1) The umpire shall appoint a time and place for the hearing and cause notification to the parties by personal service or by certified mail, with return receipt requested, not less than five days before the hearing. Appearance at the hearing waives the notice requirement. The umpire may adjourn the hearing from time to time as necessary and, on request of a party and for good cause, or upon their own motion, may postpone the hearing to a time not later than the date fixed by the agreement for making the award, unless the parties consent to a later date. The umpire may determine the controversy upon the evidence produced, notwithstanding the failure of a party duly notified to appear. The Superior Court, on application in any pending summary proceeding, may direct the umpire to proceed promptly with the hearing and determination of the controversy.

(2) The parties are entitled to be heard, to present evidence material to the controversy and to cross-examine witnesses appearing at the hearing.

(3) The hearing shall be conducted by all the umpires, but a majority may determine any question and render a final award. If, during the course of the hearing, an umpire for any reason ceases to act, the remaining umpires appointed to act may continue with the hearing and determination of the controversy.

C. 2A:23A-12 Determination in writing; application for modification of award by umpire; confirmation.

12. a. The award in an alternative resolution proceeding shall be in writing and acknowledged or proved in the same manner as a deed for the conveyance of real estate and delivered personally or by certified mail, return receipt requested, or as provided in the agreement to each party or his attorney who has appeared in the proceeding. The award shall state findings of all relevant material facts, and make all applicable determinations of law.

b. An award shall be made within the time fixed by the agreement for alternative resolution or, if not fixed, within such time as the Superior Court orders on application of a party. The parties or the Superior Court upon application and for good cause shown may

extend the time for making the award either before or after the expiration of that time. A party waives the right to object that an award was not made within the time required unless the party notifies the umpire of the party's objection prior to the delivery of the award.

c. The power of the umpires may be exercised by a majority of them unless otherwise provided by the agreement for alternative resolution or by this act.

d. On written application of a party to the umpire within 20 days after delivery of the award to the applicant, the umpire may modify the award upon the grounds stated in subsection e. of section 13 of this act. Written notice of the application shall be given to other parties to the proceeding. Written objection to modification must be served on the umpire and other parties to the proceeding within 10 days of receipt of the notice. The umpire shall dispose of any application made under this section in writing, signed and acknowledged by him, within 30 days after either written objection to modification has been served or the time for serving an objection has expired, whichever is earlier. The parties may in writing extend the time for the disposition either before or after its expiration.

e. The umpire shall make the award on all issues submitted for alternative resolution in accordance with applicable principles of substantive law.

f. The court shall confirm an award upon application of a party made within one year after its delivery to him, unless the award is vacated or modified upon a ground specified in section 13 of this act.

C. 2A:23A-13 Application to court for review of award.

13. a. A party to an alternative resolution proceeding shall commence a summary application in the Superior Court for its vacation, modification or correction within 45 days after the award is delivered to the applicant, or within 30 days after receipt of an award modified pursuant to subsection d. of section 12 of this act, unless the parties shall extend the time in writing. The award of the umpire shall become final unless the action is commenced as required by this subsection.

b. In considering an application for vacation, modification or correction, a decision of the umpire on the facts shall be final if there is substantial evidence to support that decision; provided, however, that when the application to the court is to vacate the award pursuant to paragraph (1), (2), (3), or (4) of subsection c., the court

shall make an independent determination of any facts relevant thereto de novo, upon such record as may exist or as it may determine in a summary expedited proceeding as provided for by rules adopted by the Supreme Court for the purpose of acting on such applications.

c. The award shall be vacated on the application of a party who either participated in the alternative resolution proceeding or was served with a notice of intention to have alternative resolution if the court finds that the rights of that party were prejudiced by:

- (1) Corruption, fraud or misconduct in procuring the award;
- (2) Partiality of an umpire appointed as a neutral;
- (3) In making the award, the umpire's exceeding their power or so imperfectly executing that power that a final and definite award was not made;
- (4) Failure to follow the procedures set forth in this act, unless the party applying to vacate the award continued with the proceeding with notice of the defect and without objection; or
- (5) The umpire's committing prejudicial error by erroneously applying law to the issues and facts presented for alternative resolution.

d. The award shall be vacated on the application of a party who neither participated in the proceeding nor was served with a notice of intention to have alternative resolution if the court finds that:

- (1) The rights of that party were prejudiced by one of the grounds specified in subsection c. of this section; or
- (2) A valid agreement to have alternative resolution was not made; or
- (3) The agreement to have alternative resolution had not been complied with; or
- (4) The claim was barred by any provision of this act.

e. The court shall modify the award if:

- (1) There was a miscalculation of figures or a mistake in the description of any person, thing or property referred to in the award;
- (2) The umpire has made an award based on a matter not submitted to them and the award may be corrected without affecting the merits of the decision upon the issues submitted;

(3) The award is imperfect in a matter of form, not affecting the merits of the controversy; or

(4) The rights of the party applying for the modification were prejudiced by the umpire erroneously applying law to the issues and facts presented for alternative resolution.

f. Whenever it appears to the court to which application is made, pursuant to this section, either to vacate or modify the award because the umpire committed prejudicial error in applying applicable law to the issues and facts presented for alternative resolution, the court shall, after vacating or modifying the erroneous determination of the umpire, appropriately set forth the applicable law and arrive at an appropriate determination under the applicable facts determined by the umpire. The court shall then confirm the award as modified.

C. 2A:23A-14 Rehearing, confirmation.

14. Upon vacating an award pursuant to section 13, except for the reasons stated in paragraph (5) of subsection c. of section 13, the court may order a rehearing and determination of all or any of the issues, either before the same umpire, having due regard for whether the award was vacated by reason of the actions of the umpire which were violative of paragraph (1), (2), (3), or (4) of subsection c. of section 13 or before a new umpire appointed in accordance with the alternative resolution agreement of this act. Time, in any provision limiting the time for a rehearing or an award, shall be measured from the date of the order or rehearing, whichever is appropriate, or from a time as may be specified by the court. Upon denial of a motion to vacate or modify, the court to which the application for that relief is directed shall confirm the award.

C. 2A:23A-15 Death, incompetency of party.

15. When a party dies after making a written agreement to submit a controversy to alternative resolution, the proceedings may be initiated or continued upon the application of, or upon notice to, the party's executor or administrator or, when it relates to real property, the party's distributee or devisee who has succeeded to the party's interest in the real property. When a custodian of the property or a guardian of the person of a party to an agreement is appointed, the proceedings may be continued upon the application of, or notice to, the custodian or guardian. Upon the death or incompetency of a party, the court may extend the time within which an application to confirm, vacate or modify the award or to stay alternative resolution must be made. Where a party has died since an award was

delivered, the proceedings thereupon are the same as when a party dies after a verdict.

C. 2A:23A-16 Limitation of time.

16. If, at the time a demand for alternative resolution was made or served, the claims sought to be resolved would have been barred by a limitation of time had it been asserted in a court of this State, a party may assert the limitation as a bar to the alternative resolution to a court to which application has been made to compel alternative resolution under this act. A party may also assert such bar before the umpire, who shall promptly rule upon that issue in a separate determination.

C. 2A:23A-17 Fees, expenses.

17. Unless otherwise provided in the agreement for alternative resolution, the expenses and fees of the umpire with other expenses, including, but not limited to, costs for the place where the hearings are held, deposition or hearing transcripts, expert fees, and copying of documents, incurred in the conduct of the proceeding, shall be paid as provided in the award. When the agreement for alternative resolution expressly provides, the umpire may provide for payment of attorney's fees.

C. 2A:23A-18 Judgment on award.

18. a. Whenever a court shall vacate, modify or correct an award as provided for in this act and thereupon enter an award based on that determination, the court, upon application, shall in a summary proceeding as provided for herein determine all costs and expenses permitted by section 17 of this act. The court may thereupon include the costs and expenses in the final judgment entered confirming the award.

b. Upon the granting of an order confirming, modifying or correcting an award, a judgment or decree shall be entered by the court in conformity therewith and be enforced as any other judgment or decree. There shall be no further appeal or review of the judgment or decree.

C. 2A:23A-19 Superior Court jurisdiction of proceedings.

19. Whenever a party to an agreement for alternative resolution has the right to apply to the Superior Court under this act, those proceedings shall be heard in the Chancery Division in accordance with rules adopted by the New Jersey Supreme Court. These proceedings shall be summary in nature and expedited. This act shall be liberally construed to effectuate its remedial purpose of allowing parties by agreement to have resolution of factual and legal issues

in accordance with informal proceedings and limited judicial review in an expedited manner.

20. This act shall take effect immediately.

Approved February 25, 1987.

CHAPTER 55

AN ACT to create the Division of Development for Small Businesses and Women and Minority Businesses in the Department of Commerce and Economic Development, supplementing Title 52 of the Revised Statutes, repealing P.L. 1981, c. 283, and making an appropriation.

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

C. 52:27H-21.7 Findings, declarations.

1. The Legislature finds and declares:

a. That small businesses play a major role in the economy of this State; and

b. That small businesses, and businesses owned by minorities and women in particular, are often in need of financial and technical assistance which may be unavailable to them through traditional sources; and

c. That it is the public policy of this State to provide a source of technical assistance and financial assistance in order to encourage the establishment and the growth of small businesses and businesses owned by minorities and women; and

d. That, in the interest of efficiency, the services now provided by the State to these businesses should be combined into a single division within the Department of Commerce and Economic Development; and

e. That it is the intention of this Legislature that the division, in concert with the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises created pursuant to the provisions of P.L. 1985, c. 386 (C. 34:1B-47 et seq.), provide a full range of financial and technical assistance to small businesses

and businesses owned by minorities and women in order to ensure their success and their growth.

C. 52:27H-21.8 Definitions.

2. For the purposes of this act:

a. "Authority" means the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises established pursuant to the provisions of P.L. 1985, c. 386 (C. 34:1B-47 et seq.);

b. "Commissioner" means the Commissioner of the Department of Commerce and Economic Development;

c. "Division" means the Division of Development for Small Businesses and Women's and Minority Businesses;

d. "Eligible business" means a small business or a minority or women's business certified by the division and determined to be eligible to receive assistance and to participate in programs according to the standards established pursuant to this act;

e. "Minority" means a person who is:

(1) Black, which is a person having origins in any of the black racial groups in Africa;

(2) Hispanic, which is a person of Spanish or Portuguese culture, with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race;

(3) Asian American, which is a person having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent, Hawaii, or the Pacific Islands; or

(4) American Indian or Alaskan native, which is a person having origins in any of the original peoples of North America;

f. "Minority business" means a business which is:

(1) A sole proprietorship, owned and controlled by a minority;

(2) A partnership or joint venture owned and controlled by minorities in which at least 51% of the ownership interest is held by minorities and whose management and daily business operations are controlled by one or more of the minorities who own it; or

(3) A corporation or other entity the management and daily business operations of which are controlled by one or more minorities who own it, and which is at least 51% owned by one or more minorities,

or, if stock is issued, at least 51% of the stock of which is owned by one or more minorities;

g. "Small business" means a sole proprietorship, partnership or corporation which is a size and type defined by the commissioner;

h. "Women's business" means a business which is:

(1) A sole proprietorship owned and controlled by a woman; or
(2) A partnership or joint venture owned and controlled by women in which at least 51% of the ownership is held by women; or

(3) A corporation or other entity the management and daily business operations of which are controlled by one or more women who own it, and which is at least 51% owned by women, or, if stock is issued, at least 51% of the stock of which is owned by one or more women.

C. 52:27H-21.9 Division of Development for Small Businesses and Women's and Minority Businesses.

3. There is established within the Department of Commerce and Economic Development a Division of Development for Small Businesses and Women's and Minority Businesses. The administrative head of the division shall be a division director, who shall be appointed by the commissioner and who shall serve at the pleasure of the commissioner during the commissioner's term of office and until a successor is appointed and qualified. Any vacancy occurring in the office of division director shall be filled in the same manner as the original appointment. The position of division director shall be a full-time position and the salary shall be as provided by law. The division director may employ professional, technical, research and clerical staff as necessary within the limits of available appropriations. The provisions of Title 11 (Civil Service) of the Revised Statutes shall be construed to extend to all those personnel.

C. 52:27H-21.10 3 advisory councils.

4. a. The division shall establish three offices for business assistance for eligible businesses. One office shall be established for business assistance to women, one office shall be established for business assistance to minorities and one office shall be established for small businesses.

b. There is created a Small Business Advisory Council, a Women's Business Advisory Council and a Minority Business Advisory Council.

(1) The Small Business Advisory Council shall consist of nine members, who shall be appointed by the Governor with the advice and consent of the Senate, five of whom shall be persons who own or are affiliated with small businesses. Of the four remaining members, one shall represent local government.

(2) The Minority Business Advisory Council shall consist of nine members, who shall be appointed by the Governor with the advice and consent of the Senate, six of whom shall be minorities, one of whom shall have expertise in marketing, and one of whom shall have expertise in capital formation and small business finance.

(3) The Women's Business Advisory Council shall consist of nine members, who shall be appointed by the Governor with the advice and consent of the Senate, six of whom shall be women, one of whom shall have expertise in marketing or advertising, one of whom shall have expertise in capital formation or finance, and one of whom shall represent the Division on Women in the Department of Community Affairs.

c. Members of the Small Business Advisory Council, the Minority Business Advisory Council, and the Women's Business Advisory Council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. The Governor shall designate from among each council's members a person to serve as chairman. Members of each council shall serve for a term of three years; provided, however, that of the members first appointed, three shall be appointed for a one-year term, three shall be appointed for a two-year term, and three shall be appointed for a three-year term. Each advisory council established pursuant to this section shall meet at least six times each year.

d. The Small Business Advisory Council shall assist the division in the establishment of a financial and technical assistance policy for the division's small business program. The policy shall describe the proposed allocation of the resources of the division, establish standards for eligibility for assistance and participation in the program established and operated by the division, and establish a means of coordinating the programs of the division with the authority. To the extent possible, the programs established by the division in consultation with the advisory council shall be consonant with, and complementary to, the program established by the authority.

e. The Minority Business Advisory Council shall assist the division in the establishment of a financial and technical assistance

policy for the division's program for minority businesses. The policy shall describe the proposed allocation of the resources of the division, establish standards for eligibility for assistance and participation in the program established and operated by the division, and establish a means of coordinating the programs of the division with the authority. To the extent possible, the program for minority businesses established by the division in consultation with the advisory council shall be consonant with, and complementary to, the program established by the authority.

f. The Women's Business Advisory Council shall assist the division in the establishment of a financial and technical assistance policy for the division's program for women's businesses. The policy shall describe the proposed allocation of the resources of the division, establish standards for eligibility for assistance and participation in the program established and operated by the division, and establish a means of coordinating the programs of the division with the authority. To the extent possible, the program for women's businesses established by the division in consultation with the advisory council shall be consonant with, and complementary to, the program established by the authority.

C. 52:27H-21.11 Powers of division.

5. The division shall have the power to:

a. Establish a loan referral program and loan packaging program for eligible businesses, using criteria for eligibility which meet the standards established by the authority or which meet the standards established by private sources or by other State or federal programs;

b. Compile lists of qualified professionals, including women and minorities in specific areas of expertise, to be disseminated to eligible businesses and to be used in making referrals;

c. Use available resources within the State, including, but not limited to, small business development centers, business organizations, academic institutions with business programs, and minority business development offices, to coordinate managerial and technical assistance;

d. Establish, in cooperation with institutions of higher education, an internship program for candidates for undergraduate and graduate degrees in business administration and related fields for the purpose of providing assistance to the division, the authority and to businesses which are eligible to receive assistance under this act;

e. Provide, consistent with the provisions of this act and in conjunction with, or at the request of, the authority, assistance to eligible businesses, including, but not limited to:

- (1) Assistance in researching markets or in market analysis;
- (2) Advice in advertising and marketing;
- (3) Advice in selecting sales or other distribution channels;
- (4) Providing information and training with respect to bidding on government contracts;
- (5) Serving as liaison with the Department of the Treasury and other departments and agencies of State, federal and local government to promote the procurement of contracts for eligible businesses;
- (6) Assistance in obtaining legal counsel;
- (7) Providing financial analysis and accounting assistance;
- (8) Assistance in obtaining appropriate insurance, including benefit packages for employees;
- (9) Assistance in arranging contracts with franchisers;
- (10) Assistance in arranging commercial loans made by a State or federally chartered bank, savings bank, or savings and loan association, if, with respect to loans made by State chartered institutions, the loans are made in accordance with the powers conferred on those institutions pursuant to Title 17 of the Revised Statutes, including bridge loans and cash flow loans;
- (11) Assistance in negotiating license agreements;
- (12) Assistance in procuring bonding or substitutes therefor;
- (13) Making referrals to private consultants, institutions, and other providers of services, according to the specific needs of an eligible business;
- (14) Assistance in finding sources of financing from federal, State, and local sources;
- (15) Assistance in gaining information about employee training and development programs; and

f. Provide a central resource for eligible businesses in their dealing with federal, State, and local governments, including information regarding government regulations or laws which affect eligible businesses;

g. Initiate and encourage education programs for eligible businesses;

h. Notwithstanding any other provision of law, exercise exclusive authority within the State to establish a uniform procedure for departments, agencies and authorities of the State and of its political subdivisions to certify the eligibility of a business to bid on contracts, or otherwise represent itself as a minority or women's business under any program of the State or of its political subdivisions for which that certification is required. The division shall be the certifying authority for departments, agencies and authorities of the State, except that when the division's procedure for certification of a business as a minority business or women's business conflicts with a federal certification procedure that affects a State project in which the federal government participates, the federal certification procedure shall take precedence. Public agencies shall identify those projects and shall notify the division. A political subdivision shall have the responsibility of certifying the eligibility of a women's business or minority business to bid on contracts or otherwise represent itself as a women's business or minority business within the political subdivision, except that, if the business is certified by the division to represent itself as being a minority or women's business under State programs, the political subdivision may accept that certification for eligibility of the business under programs of the political subdivision. A political subdivision shall utilize the uniform certification procedure formulated by the division;

i. Submit to the Governor and the Legislature an annual report regarding its activities and setting forth recommendations of methods which might be utilized to more efficiently and effectively carry out the purposes of this act, and submit to the commissioner periodic reports on the condition of small businesses, and women's and minority businesses in the State; and

j. Provide any other services which it deems necessary or which may be requested by the authority.

C. 52:27H-21.12 Fees.

6. The division may charge any fees to eligible businesses as are reasonable and necessary for the provision of technical or other assistance under this act. The division may contract with any person to provide technical or other assistance to eligible businesses on a discounted fee basis or otherwise, or it may provide these services directly.

C. 52:27H-21.13 Advertising, promotional campaigns.

7. The division shall conduct advertising and promotional campaigns to increase awareness of the services provided by the division to eligible businesses and shall prepare, compile, and disseminate research and other information useful to eligible businesses. The division shall sponsor seminars and programs directed toward eligible businesses to provide information which is useful to persons seeking practical information on business management, marketing, and other matters, and shall compile lists of qualified professionals in specific areas of expertise, which shall be disseminated to eligible businesses or used by the division in making referrals.

C. 52:27H-21.14 Assistance.

8. The division may, in order to carry out the purpose of this act, request from any department, division, board, bureau, commission or other agency of the State or from any public corporation or district, and the same are authorized to provide, any assistance, services and data as will enable the division properly to carry out its functions, powers, and duties hereunder.

C. 52:27H-21.15 Rules, regulations.

9. The commissioner may promulgate rules and regulations necessary to effectuate the purposes of this act.

C. 52:27H-21.16 Functions transferred.

10. The functions of the Office of Small Business Assistance and the Office of Minority Business Enterprises are transferred to the Division of Development for Small Businesses and Women's and Minority Businesses and the provisions of the "State Agency Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.) shall apply to the transfer.

Repealer.

11. Sections 1 through 6 of P.L. 1981, c. 283 (C. 52:27H-21.1 through C. 52:27H-21.6) are repealed.

12. There is appropriated \$340,000.00 from the General Fund to the Department of Commerce and Economic Development to effectuate the provisions of this act.

13. This act shall take effect on the 90th day after enactment.

Approved March 2, 1987.

CHAPTER 56

AN ACT providing financial assistance to county and municipal pilot programs assisting the promotion and development of small, minority and women-owned businesses, supplementing Title 34 of the Revised Statutes and making an appropriation.

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

C. 52:27H-21.25 Findings, declarations.

1. The Legislature finds and declares that:
 - a. The economy of our State is vitally dependent upon the health and stability of the small and independent businesses in the State. The Legislature finds further that the future welfare of the State depends on the continued existence and development of these same small and independent businesses. It is, therefore, the declared policy of the Legislature to assist, counsel, aid and protect small and independent business development in the furtherance of the general welfare.
 - b. Historically, businesses owned by minority group members and women have been small establishments offering products and services, and their participation in the nation's business community has been disproportionate to their numbers in society as a whole.
 - c. The opportunity for full participation in our free enterprise system by minority group members and women is essential if social and economic justice for them is to be attained, and the functioning of our economy improved.
 - d. The role of government at the national and State levels in encouraging the development of small businesses, as well as businesses owned by minority group members and women, has been recognized and is developing at a rapid pace with technical and financial assistance, contract procurement, contract set-asides and other programs designed to encourage development.
 - e. In addition to the national and State governments' role in providing assistance, local levels of government have a unique opportunity and responsibility in encouraging the development of such businesses within their jurisdictions, and for coordinating local assistance with assistance and certification procedures provided at the national and State levels of government.
 - f. The Legislature, therefore, declares that in order to aid local

units of government in establishing pilot projects to provide development and coordination assistance to small, minority and women-owned businesses within their jurisdictions, the Commissioner of the Department of Commerce and Economic Development shall be authorized to make grants of financial assistance to county and municipal units of government; that the making of those grants to county and municipal governments shall be regarded as a complement to the State's program to directly assist small, minority and women's businesses; that the authority and powers conferred hereunder and the expenditure of public moneys as provided herein are in service 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 so declared as a matter of express legislative determination.

C. 52:27H-21.26 Definitions.

2. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Commerce and Economic Development or his designated representative, which may be the New Jersey Economic Development Authority.

b. "Minority" means a person who is:

(1) Black, which is a person having origins in any of the black racial groups in Africa; or

(2) Hispanic, which is a person of Spanish or Portuguese culture, with origins in Mexico, South or Central America, or the Caribbean Islands regardless of race; or

(3) Asian American, which is a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, Hawaii, or the Pacific Islands; or

(4) American Indian or Alaskan native, which is a person having origins in any of the original peoples of North America.

c. "Minority business" means a business which is:

(1) A sole proprietorship, owned and controlled by a minority;

(2) A partnership or joint venture owned and controlled by minorities in which at least 51% of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or

(3) A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it, and which is at least 51% owned by one or more minorities, or, if stock is issued, at least 51% of the stock is owned by one or more minorities.

d. "Small business" means a business which is of a size and type defined by the commissioner.

e. "Women's business" means a business which is:

(1) A sole proprietorship owned and controlled by a woman;

(2) A partnership or joint venture owned and controlled by women in which at least 51% of the ownership is held by women and the management and daily business operations of which are controlled by one or more women who own it; or

(3) A corporation or other entity whose management and daily business operations are controlled by one or more women who own it, and which is at least 51% owned by women, or, if stock is issued, at least 51% of the stock is owned by one or more women.

f. "Grantee" means a county or municipality who has received a grant under this act.

g. "Technical assistance" means aiding the establishment, development and promotion of small, minority and women's businesses operating within the grantee's jurisdiction by means that will be defined by the commissioner under the provisions of the act.

h. "Certification assistance" means aiding minority and women's businesses within the grantee's jurisdiction in becoming certified, under State regulations, to be eligible to bid on public contracts or otherwise represent themselves as a "minority business" or "women's business" under any program conducted by public agencies for which such certification is so required. Certification assistance also covers the cost to the grantee of integrating and standardizing existing local government certification procedures with State certification standards and procedures.

C. 52:27H-21.27 Application for financial assistance grants.

3. The commissioner is authorized to consider and approve an application for a financial assistance grant of State funds from any county or municipality for the purpose of paying up to 50 percent of the cost of a pilot program to provide technical or certification assistance to small, minority and women-owned businesses within

the grantee's jurisdiction. The commissioner may approve any one or more of the applications based on such criteria as he deems appropriate and shall not be required to provide a grant to every applicant. Any application for a grant shall include such information and documentation as the commissioner may require to insure that any financial assistance approved pursuant to the provisions of this section will further the purpose and intent of this act.

Any application to the commissioner for a financial assistance grant pursuant to the provisions of this section shall include the following:

- a. A detailed budget for the services for which grant support is being applied;
- b. Evidence of the availability to the grantee of otherwise unencumbered and uncommitted funds sufficient to finance that portion of the services which is not to be funded from the grant;
- c. Any other information and documentation as the commissioner may require to insure that any grant approved pursuant to the provisions of this section will as effectively as possible further the purpose and intent of this act.

C. 52:27H-21.28 Report on pilot programs.

4. The commissioner is authorized to require any periodic reports necessary to ascertain the progress of any activity supported directly or indirectly by a grant of financial assistance pursuant to the provisions of this act, and further to ascertain the extent of compliance with any contract for a grant. The commissioner shall submit to the Legislature, not more than 12 months following the effective date of this act, a report evaluating the effectiveness of the pilot programs which receive financial assistance pursuant to the provisions of this act. The report shall include recommendations concerning the appropriateness of continued State funding for the county and municipal programs of technical or certification assistance.

C. 52:27H-21.29 Rules, regulations.

5. The commissioner shall issue and promulgate rules and regulations in accordance with the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) as are necessary and appropriate to carry out the purposes of this act, and may revise, repeal or amend them from time to time as he may deem necessary.

6. There is appropriated to the Department of Commerce and Economic Development the sum of \$95,000.00 from the General Fund for the purpose of providing financial assistance grants under the provisions of this act.

7. This act shall take effect immediately.

Approved March 2, 1987.

CHAPTER 57

AN ACT creating a bi-state fund for the purpose of aiding homeless persons of the States of New York and New Jersey and supplementing Title 52 of the Revised Statutes.

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

C. 32:32-1 Findings, determinations.

1. The States of New York and New Jersey hereby find and determine that:

a. It is desirable, due to the special position of honor that Ellis and Liberty Islands occupy in our national heritage, to avoid conflicts regarding jurisdiction and sovereignty over those islands;

b. It is appropriate in this centennial year of the Statue of Liberty that the States of New York and New Jersey dedicate economic benefits attributable to Liberty and Ellis Islands to a purpose which is representative of the symbolic meaning of the national treasures located on those islands;

c. The homeless, because of the ease of access to interstate transportation and their inherently transient lifestyle, now travel frequently and unimpeded back and forth between the two states;

d. Homelessness is increasingly a regional problem that requires regional solutions, making it necessary and appropriate, therefore, for New York and New Jersey to work cooperatively in developing programs to address this urgent problem;

e. Accordingly, it is appropriate that New York and New Jersey annually dedicate the equivalent of the State and local tax revenues attributable directly to Ellis and Liberty Islands for the purpose of

providing assistance to the homeless of New York and New Jersey; and,

f. Moreover, it is appropriate to create a bi-state fund, to receive from each state the sums represented by such state and local tax revenues and to effectuate the goals of the two states with respect to providing assistance to the homeless of New York and New Jersey.

C. 32:32-2 Definitions.

2. As used in this act:

a. "Fund" means the "Statue of Liberty Trust Fund."

b. "Not-for-profit corporation" and "charitable organization" means entities established pursuant to the not-for-profit corporation law of the State of New York, or pursuant to Title 15 or Title 16 of the Revised Statutes of the State of New Jersey, or Title 15A of the New Jersey Statutes, or otherwise established for charitable purposes pursuant to the laws of either state.

c. "Sponsor" means any of the following, whether they are entities of New York or New Jersey: the New York Department of Social Services, the New Jersey Department of Community Affairs, any other appropriate agency with responsibility for the homeless, counties, municipalities or other political subdivisions of either state, not-for-profit corporations or charitable organizations.

d. "Homeless person" means a person without a domicile who is unable to secure permanent and stable housing as determined by the commissioner of the New York Department of Social Services and the New Jersey Commissioner of Community Affairs.

e. "Homeless assistance" means financial assistance to sponsors as defined in this section for costs, including but not limited to, those associated with the provision of food, clothing, furnishings or equipment to homeless persons; establishment, construction and operation of housing for homeless persons, including eligible costs for the development of homeless projects in accordance with the provisions of Article 2A of the New York social services law, P.L. 1985, c. 48 (C. 55:13C-1 et seq.) and P.L. 1984, c. 180 (C. 52:27D-280 et seq.), and research relative to homeless persons.

C. 32:32-3 Statue of Liberty Trust Fund.

3. There is created the "Statue of Liberty Trust Fund," which shall be a public body corporate and politic, constituting a public benefit corporation of the States of New York and New Jersey. The fund and its corporate existence shall continue until terminated by

concurrent legislative action of the States of New York and New Jersey, which shall also provide for the distribution of all properties and rights held by the fund at the time of termination.

C. 32:32-4 Purpose of fund.

4. The purpose of the fund shall be for the receipt and administration of appropriations from the States of New York and New Jersey as provided for herein, as well as grants-in-aid and gifts of real and personal property, including money, from any source whatsoever, to be used to provide food, shelter, and clothing and to otherwise provide aid to homeless persons within the States of New York and New Jersey, in accordance with the powers vested in it, as set forth in this act.

C. 32:32-5 Powers of fund.

5. The fund shall have the following powers:

a. To acquire real property or interests therein by purchase, lease, gift, devise or bequest and to improve, develop or rehabilitate such property.

b. To acquire personal property, including money, by purchase, lease, gift, devise or bequest.

c. To administer or to sell, convey, lease or otherwise dispose of any real or personal property acquired by it and to invest or expend the proceeds thereof and any other moneys made available to it from any other source, in such a manner as shall be consistent with and in furtherance of its corporate purposes.

d. To rent, buy, sell and deal in goods and merchandise in any way connected with or appropriate for providing for the needs of homeless persons.

e. To undertake any work, including the furnishing of services, equipment and materials in connection with providing for the needs of homeless persons.

f. To appoint officers, agents and employees and to fix their compensation and to retain such expert legal, financial and other consultant services as it deems necessary to carry out its powers.

g. To cooperate and contract with such other public and private agencies as may be appropriate in assisting the fund in carrying out its corporate purposes.

h. To make contracts and to execute all necessary instruments to carry out its corporate purposes.

i. To request the New York Department of Social Services, the New Jersey Department of Community Affairs and other appropriate agencies of each state to assist the fund in executing its responsibilities under this act. To this end, the fund shall seek the assistance of the departments and agencies for the following: development of applications for funding; review of proposed operating plans; site reviews; determination of public need; development, negotiation and execution of contracts; and such other tasks as the fund may deem appropriate. The departments and agencies shall cooperate with the fund to carry out such delegated tasks, to the extent funds are available for the administration thereof. The fund, to the extent possible, shall avoid duplicating existing or new programs of either state.

j. To sue and be sued to the extent permitted by the "New Jersey Tort Claims Act," N.J.S. 59:1-1 et seq., or the New York Court of Claims Act.

k. To have a seal and to alter it as it chooses.

l. To adopt measures and procedures to ensure that members of minority groups and women are provided meaningful opportunity to participate in contracts funded by the fund.

m. To do all things necessary or convenient to execute its corporate powers.

n. Notwithstanding any other provision of this section, the fund shall not, in the exercise of its powers or responsibilities under this act, assume the legal title to projects developed to aid homeless persons pursuant to this act.

C. 32:32-6 Board of directors.

6. a. The fund shall be managed by an 11 member board of directors, five of whom shall be appointed by the Governor of New York and five of whom shall be appointed by the Governor of New Jersey. The five directors appointed by the Governor of New Jersey shall be subject to the advice and consent of the Senate. The 11th director, who shall be the chairperson of the board, shall be appointed jointly by the Governors of New York and New Jersey. Two directors shall be appointed by each governor to serve for initial terms of three years each, three directors shall be appointed by each governor to serve for initial terms of four years each, and the 11th director shall be appointed jointly by the governors to serve for a term of five years. All subsequent appointments shall be for terms of five years. All terms shall commence upon the date of appointment.

b. Each director shall continue to hold office until a successor is appointed. The resignation of any director shall be filed with the governor who shall have made the appointment and shall be effective when so filed. Vacancies occurring otherwise than by expiration of term of office shall be filled for the remainder of the unexpired term in the same manner as the original appointment. A director may be removed from office in accordance with the laws of the state from which the appointment was made relating to the removal of public officers serving at the pleasure of the Governor. The jointly appointed director may be removed from office in accordance with the law of either the State of New York or the State of New Jersey relating to the removal of public officers serving at the pleasure of the Governor.

c. The board may appoint a vice chairperson and such other officers as may be necessary or appropriate to accomplish its corporate purposes and may adopt bylaws to govern its conduct and the operation of the fund. No action of the board shall be binding unless taken at a meeting at which at least three members from each state are present and vote in favor thereof. The board may delegate to one or more of its members such powers as it may deem proper. Members of the board shall serve without compensation, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their duties.

C. 32:32-7 Contracts with sponsors; operating plan.

7. a. Within the limits of moneys available, the fund is hereby authorized to enter into contracts with sponsors to provide homeless assistance pursuant to the expenditure plan adopted by the board of directors of the fund as provided in this section. The fund may authorize sponsors in turn to enter into subcontracts with counties, municipalities, other political subdivisions, not-for-profit corporations and charitable organizations to provide homeless assistance.

b. The board of directors of the fund shall annually identify the specific funding objectives of the fund and shall adopt a plan for the expenditure of the resources of the fund. The plan shall identify those projects which meet the specific funding objectives of the fund and for which the fund intends to provide resources. The plan shall be submitted to the Governor of the State of New Jersey and the Governor of the State of New York and shall not become effective without the approval of both governors. The governors shall approve or reject in writing the plan within 30 days of the receipt of the plan; however, the failure of either governor to do so within the time period without requesting an extension in writing of the period for approval or rejection shall be construed as approval of the plan by that governor.

c. The fund shall require that, in order to receive moneys pursuant to this section, the recipient must submit an operating plan, which shall include, but not be limited to the following:

(1) The manner in which the homeless assistance funds shall be used;

(2) The manner in which the operating expenses of the facility providing services to homeless persons shall be met;

(3) The services to be provided to homeless persons, including procedures for intake, referral and outreach;

(4) Where appropriate, the respective responsibilities of the recipient and of the municipality in which the services facility is located, in connection with the services to be provided;

(5) Where appropriate, a detailed description of the facility providing services or the facility proposed to be established;

(6) Evidence demonstrating that the activity to be performed under a contract pursuant to this section will comply with existing local, state and federal laws and regulations; and

(7) Such other information as the fund may deem necessary or appropriate.

d. Prior to entering into a contract with a recipient pursuant to this section, the fund shall determine that the recipient is a bona fide organization which shall have demonstrated by its past and current activities that it has the ability to satisfactorily provide service to homeless persons, that the organization is financially responsible, that the proposed homeless assistance project is financially viable and that the homeless assistance project has been determined to be appropriate for the needs of the homeless in the relevant community. In making this determination, the fund shall seek the assistance of the respective state departments and other appropriate agencies of each state with responsibility for programs for homeless persons.

e. Every contract entered into pursuant to this section for construction, renovation, rehabilitation or operation of housing for homeless persons shall contain a provision that in the event that the property which is the subject of the contract ceases to be used as housing for the homeless during a seven year period commencing with the date of the fund's written approval of occupancy of the housing, or any longer period of time as may be established in the contract, or in case of any other substantial violation, the fund may terminate

the contract and may require the repayment of any moneys previously advanced to the recipient pursuant to the terms of the contract. In the case of any other contract, the period of performance shall be established by the fund.

f. The resources administered by the fund shall be apportioned equally between sponsors located within the State of New York and those located within the State of New Jersey.

C. 32:32-8 Appropriation by each state.

8. a. Commencing with the state fiscal year commencing in calendar year 1987, and each fiscal year thereafter, as part of the state's budget process for the fiscal year, an appropriation shall be made by each state to the fund for the purpose of carrying out the purposes for which the fund was created.

b. (1) The annual appropriation by each state shall be an amount at least equal to the amount set forth in the annual certificate of each state's tax administrator.

(2) On or before the first day of the month preceding the month during which the state's fiscal year commences, the tax administrator shall deliver to his respective governor, the leaders of both houses of the Legislature and the chairperson of the fund an annual certificate setting forth the sum of: (a) his estimate determined in accordance with this section, of the net amount of tax revenues collected by his respective state and its localities during the preceding calendar year from the state and local taxes enumerated in subsection c. of this section which are attributable directly to Ellis and Liberty Islands, which estimate shall be made on a net basis taking into account the costs of administering and collecting the state and local taxes attributable to the islands; and (b) all tolls and fees described in subsection c. of this section which are collected by his respective state and its localities and one-half the amount of the tolls and fees collected by joint agencies of the two states during that calendar year.

(3) The sum set forth in the annual certificate of the tax administrator shall fix the amount of the required annual appropriation by the respective state to the fund. In making the estimate of the net collection during the calendar year of the state and local taxes attributable to Ellis and Liberty Islands, the tax administrators of the States of New York and New Jersey shall employ the uniform procedures and methods that shall be adopted jointly by them for that purpose.

(4) The tax administrator of either state shall not be liable for any overestimation or underestimation of tax revenues or any overstatement or understatement of tolls or fees contained in any certification made pursuant to this act, and any material overestimation or underestimation or any overstatement or understatement, as the case may be, shall be taken into account subsequently by way of subtracting the amount of any such overestimation or overstatement from or adding the amount of any such underestimation or understatement to certifications for subsequent calendar years.

c. (1) The collections of the following state and local taxes, presently or hereafter imposed, shall be taken into account for the purpose of the annual appropriation to be made by the states to the fund: (a) franchise taxes or business privilege or like taxes on the doing of business, (b) taxes imposed on the earnings or income of business entities (including corporations) or persons, and (c) sales and compensating use taxes.

(2) The tolls and fees which shall be taken into account for the purpose of the appropriation are those tolls and fees now or hereafter collected by either state and its localities, and each state shall also take into account one-half of the amount collected by joint agencies thereof, for the use of bridges, roads or other land connections providing access to or from Ellis and Liberty Islands.

(3) The following rules shall apply for the purpose of determining the amount, if any, of the tax revenues collected from the state and local taxes described in paragraph (1) of this subsection which are attributable directly to Ellis or Liberty Islands:

(a) If a state or locality, as part of its general state or local tax system, imposes such taxes on the islands, revenue attribution to Ellis or Liberty Islands of the receipts from any such taxes collected by the state or its localities shall be made by applying the same factors, method or concept with respect to allocation or attribution which is used by that state or the locality thereof imposing such tax for the purposes of determining allocation to that state or, if a local tax, to that locality; provided, however, such factors, method or concept shall be modified where appropriate to account for the fact that the allocation or attribution hereunder is not to the state or locality but to an area therein. In the case of revenues from sales and compensating use taxes, if the tax results from an event occurring on the islands, the state and local tax revenue derived therefrom shall be allocable to the islands; and

(b) In addition to the foregoing attribution of state and local taxes by the method set forth in subparagraph (a) above, the revenues collected from the following taxes, to the extent presently or hereafter imposed by the states and their localities, and to the extent not included in subparagraph (a) above, shall, for the purpose of this section, be deemed to be attributable directly to the islands;

(i) State and local sales and compensating use taxes imposed with respect to 1, the provision of water, sewerage, gas, electricity, telephone or like utilities or utility services when the utilities or utility services are used or consumed on Ellis or Liberty Islands, irrespective of the fact that the delivery of the utilities or utility services occurs off the islands, 2, the building of or the provision of access to or from Ellis or Liberty Islands, 3, the provision of sightseeing tours to, of or around Ellis or Liberty Islands, or both, or transportation to or from the islands, irrespective of the fact that the tour or transportation was purchased off the islands, 4, sales of food and beverages and other tangible personal property by providers of sightseeing tours to their patrons or by the providers of transportation to their passengers, 5, fuel and all other tangible personal property purchased by providers of tours or transportation and used directly in connection with the provision of tours or transportation. Where a sightseeing tour or transportation includes other sites or destinations, such taxes shall be apportioned.

(ii) State and local sales tax imposed by either state or its localities with respect to the purchase of tangible personal property, services or other items which are used or consumed on Ellis or Liberty Island by persons residing thereon or in connection with a trade or business conducted thereon if with respect to the use or consumption there is due and owing state or local compensating use tax.

(iii) State and local franchise taxes or business privilege or like taxes on the doing of business or taxes imposed on the earnings or income of business entities (including corporations), in the case of business activities conducted in either state which consists of 1, providing water, sewerage, gas, electricity, telephone or like utilities or utility services where the utilities or utility services are used or consumed on Ellis or Liberty Islands, 2, the building of or the provision of access to or from Liberty or Ellis Island or 3, conducting tours to, of or around Ellis or Liberty Islands, or both, or providing transportation to or from the islands. The portion of the state and local taxes derived from these business activities shall be attributable directly to Ellis and Liberty Islands.

(iv) 1, personal income taxes imposed by the states and their localities with respect to income, wages or earnings of resident individuals other than those residing on Ellis or Liberty Islands, derived from sources, including employment or self-employment within or on Ellis or Liberty Islands, or with respect to the building of or the provision of access to or from the islands, the conducting of tours to, of or around Ellis or Liberty Islands, or both, or the provision of transportation to or from the islands;

2, income or earnings taxes imposed by the states and localities thereof on nonresident individuals with respect to income, wages or earnings derived from sources, including employment or self-employment, within or on Ellis or Liberty Islands or with respect to the building of or the provision of access to or from the islands or the conducting of tours to, of or around Ellis or Liberty Islands, or both, or the provision of transportation to or from the islands; and

3, nonresident income and earnings taxes imposed by either state or its localities with respect to individuals residing on Ellis or Liberty Islands.

C. 32:32-9 Examination of accounts; report; administration of fund.

9. a. The moneys of the fund shall be retained by the fund and deposited into a general account and other accounts as the fund may deem necessary for the transaction of its business and shall be paid out in checks signed by the chairperson of the fund or other officer thereof as the fund may authorize by a resolution of the fund board.

b. The Comptroller of the State of New York and the Treasurer of the State of New Jersey and their legally authorized representatives are hereby authorized and empowered, either jointly or individually, from time to time, but not less than every two years, to examine the accounts and books of the fund, including its receipts, disbursements, contracts, investments and any other matters relating to its financial standing and shall make a report of the examination available to the legislative bodies of their respective states.

c. The fund shall not expend more than 5% of the annual appropriations made by the States of New York and New Jersey pursuant to section 8 of this act for the administration of the fund unless the fund shall have received prior written approval of the Governors of New York and New Jersey to expend a greater sum for the administration of the fund.

C. 32:32-10 Officers of state where claim arises.

10. The directors, officers and employees of the fund shall, with

respect to any claim arising out of or in connection with the exercise of their duties or in the course of their employment as directors, officers or employees, be deemed to be officers or employees of the state where the claim arises, and any liability arising therefrom shall be governed by the laws of that state.

C. 32:32-11 Not subject to tax.

11. a. It is hereby found, determined and declared that the creation of the fund and the carrying out of its corporate purposes is in all respects for the benefit of the people of the States of New York and New Jersey and in furtherance of their welfare, and is a public purpose, in that the fund will be performing a governmental function in the exercise of the powers conferred upon it by this act.

b. The fund shall not be subject to pay taxes or assessments, by the State of New Jersey, the State of New York, or by any political subdivision of either of them, on any property acquired by it or under its jurisdiction and control, or upon its activities in the operation and maintenance of such properties or upon the use of any moneys, revenues or other income received by it, or upon its income, or upon any of its fees, charges, grants, gifts, appropriations, receipts or other moneys received or to be received.

c. All contributions of real and personal property made to the fund, whether by gift, devise or bequest, shall qualify as deductions in computing the net taxable income of the donor for the purposes of any tax on or measured by income, or estate or gift tax, imposed by the States of New Jersey or New York or any political subdivision thereof, to the extent that such deductions are otherwise authorized by the law imposing such income, estate, or gift tax.

12. This act shall take effect immediately and remain inoperative until the day of approval by the Governor of the State of New York of concurrent legislation providing for the establishment of the fund in New York, and imposing identical powers, functions and obligations upon the fund and the State of New York as in this act, provided, however, that if the Governor of the State of New York has approved such concurrent legislation prior to the effective date of this act, then this act shall take effect immediately.

Approved March 2, 1987.

CHAPTER 58

AN ACT creating the Capital City Redevelopment Corporation, establishing the Capital City Redevelopment Loan and Grant Fund and making an appropriation therefor.

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

C. 52:9Q-9 Short title.

1. This act shall be known and may be cited as the "Capital City Redevelopment Corporation Act."

C. 52:9Q-10 Findings, declarations.

2. The Legislature finds and declares that:

a. The city of Trenton is of unique significance to the State and the nation both as the State capital and center of State governmental operations, and as the site of the battle which in the nation's memory turned the tide toward American independence;

b. The historic and public importance of the city, once contemplated as the site of the nation's capital has too long been neglected in a State which lacks a demographic or commercial center of sufficient magnitude to serve as a focus for State identity and pride, and, as a result, the city is in great need of redevelopment and revitalization;

c. The actions and decisions of the State government are vitally connected to the redevelopment and revitalization of those portions of the city which serve as the commercial center of the community and in which public buildings and historic sites are located;

d. It is a public purpose of this State to establish a capital district within the city and to create a redevelopment corporation operating within the boundaries of the district, which will plan, coordinate and promote the public and private development of the district in a manner which enhances the vitality of the district as a place of commerce, recreation and culture and as an area in which to conduct public business and visit historic sites and thereby restores the prominence and prestige of the seat of State government for the benefit of all of the citizens of this State; and

e. In the exercise of its powers toward this public purpose, the Capital City Redevelopment Corporation will plan, coordinate and encourage an appropriate balance of governmental and nongovernmental facilities and activities in the district, and assist

in the provision of public, recreational and cultural facilities, in the preservation and restoration of historic structures and sites, and in the stimulation of private investment in the district in order to establish it as a source of State pride equal in standard to the best of State capitals in the country.

C. 52:9Q-11 Definitions.

3. As used in this act, except where otherwise indicated:
 - a. "Board of Directors" or "board" means the board of directors of the Capital City Redevelopment Corporation;
 - b. "City" means the city of Trenton;
 - c. "Corporation" means the Capital City Redevelopment Corporation established pursuant to section 4 of this act;
 - d. "Director" means a director of the corporation;
 - e. "District" means the Capital City District delineated in section 6 of this act;
 - f. "Fund" means the Capital City Redevelopment Loan and Grant Fund established pursuant to section 11 of this act;
 - g. "Person" means any natural person or persons or any firms, partnerships, associations, societies, trusts, corporations, or other legal entities;
 - h. "Plan" means the Capital City Renaissance Plan adopted pursuant to this act;
 - i. "Project" means (1) the acquisition, construction, reconstruction, redevelopment, historic restoration, repair, alteration, improvement or extension of any building, structure or facility, or public area or (2) the acquisition and improvement of real estate and the extension or provision of utilities, access roads and other appurtenant facilities in connection therewith, provided that the work undertaken is consistent with the Capital City Renaissance Plan adopted pursuant to section 9 of this act; a project may also include planning, designing, acquiring, constructing, reconstructing or otherwise improving a building, structure or facility and extension or provision of utilities, access roads and other appurtenant facilities in connection therewith, or any redevelopment undertaken by any person pursuant to section 12 of this act; and
 - j. "Redevelopment" means a program of renewal through planning, conservation, rehabilitation, clearance, development and re-

development, and historic restoration; and the construction and rehabilitation of commercial, industrial, public or other structures; and the grant, dedication or rededication of land as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds or other public purposes including recreational and other facilities appurtenant thereto.

C. 52:9Q-12 Capital City Redevelopment Corporation.

4. a. There is established in the Executive Branch of the State Government a public body corporate and politic, with corporate succession, to be known as the Capital City Redevelopment Corporation. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the corporation is allocated within the Department of the Treasury, but, notwithstanding that allocation the corporation shall be independent of any supervision or control by the department or by the State Treasurer or any officer or employee thereof. The corporation is constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the corporation of the powers conferred by this or any other act shall be deemed to be an essential governmental function of the State.

b. The board of directors of the corporation shall consist of the following: a member of the Executive Branch to be appointed by the Governor, and the State Treasurer who shall both serve ex officio and may each designate, by written notification to the board, an alternate who shall act in their place with the authority to attend, vote and perform any duty or function assigned to them in their absence; one other high-ranking State officer designated by the Governor; the mayor of the city of Trenton, ex officio; and five public members appointed by the Governor with the advice and consent of the Senate, one of whom shall be a public employee of the State or city, one of whom shall have the city of Trenton as his principal place of business, and at least one of whom shall have the county of Mercer as his principal place of business. The five directors appointed by the Governor shall be residents of the State and shall have knowledge and expertise in the areas of economic development, urban planning, community affairs or finance;

c. Each public member shall serve for a term of four years and until the appointment and qualification of a successor, except that of the directors who are first appointed, three shall be designated to serve for terms of two years, and two shall be designated to serve for terms of four years, from the date of appointment. All vacancies

shall be filled in the same manner as the original appointment but for the unexpired term only. The directors shall receive no compensation for their services, but may be reimbursed for their expenses in performing their official duties;

d. Each director, before entering upon the duties of office, shall take and subscribe an oath to perform the duties of the office faithfully, impartially and justly to the best of their ability. A record of these oaths shall be filed in the Office of the Secretary of State. Each director appointed by the Governor may be removed from office by the Governor, for cause, after a public hearing, and may be suspended by the Governor pending the completion of the hearing;

e. The Governor shall appoint a chairman from among the members of the board. The vice chairman shall be one of the five public members and shall be elected by majority vote of all the directors. The directors shall elect a secretary and a treasurer from among their number, and the same person may be elected to serve both as secretary and treasurer. Five directors shall constitute a quorum at any meeting of the board. Action may be taken and motions and resolutions adopted by the board at any meeting thereof by the affirmative vote of at least five directors. No vacancy in a directorship shall impair the right of a quorum to exercise all the powers and perform all the duties of the board;

f. Each director shall execute a bond to be conditioned upon the faithful performance of their respective duties in such form and amount as may be prescribed by the Director of the Division of Budget and Accounting in the Department of the Treasury. The bonds shall be filed in the office of the Secretary of State. At all times thereafter the directors shall maintain these bonds in full force. All costs of the bonds shall be borne by the corporation; and

g. The corporation may be dissolved by act of the Legislature if it has no debts or obligations outstanding or if adequate provision has been made for the payment or retirement of any outstanding debts or obligations. Upon dissolution of the corporation all property, funds and assets thereof shall be vested in the State, the city or the county, subject to the terms of the act of dissolution.

C. 52:9Q-13 General powers.

5. The corporation shall have the following general powers:

- a. To sue and be sued;
- b. To adopt an official seal and alter it;

c. To make and alter bylaws for its organization and internal management and to make rules and regulations with respect to its projects, operations, properties and facilities;

d. To make and enter into all contracts, leases, as lessee or lessor, and agreements necessary or incidental to the performance of its duties and the exercise of its powers under this act, and consent to any modification, amendment or revision of any contract, lease or agreement to which it is a party;

e. To enter into agreements or other transactions with, and to accept grants, appropriations or the cooperation of the United States or any agency thereof or the State or any agency thereof in furtherance of the purposes of this act;

f. To receive and accept aid or contributions from any public or private source of money, property, labor or other thing of value, to be held, used and applied to carry out the purposes of this act subject to the conditions upon which that aid or contribution may be made, including, but not limited to, gifts or grants from the United States or any agency thereof or the State or any agency thereof for any purpose consistent with this act;

g. To invest moneys not required for immediate use in any obligations, securities or other investments in the same manner as trust funds in the custody of the State Treasurer;

h. To acquire or contract to acquire from any individual, partnership, trust, association or corporation, or any public agency, by grant, purchase or otherwise, real or personal property or any interest therein; to own, hold, clear, improve and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, mortgage or otherwise dispose of or encumber the same;

i. To sell, lease, assign, transfer, convey, exchange, mortgage, or otherwise dispose of or encumber any project, and in the case of the sale of any project, to accept a purchase money mortgage in connection therewith, and to lease, repurchase or otherwise acquire and hold any project which the corporation has theretofore sold, leased or otherwise conveyed, transferred or disposed of;

j. To grant options to purchase any project or to renew any leases entered into by it in connection with any of its projects, on such terms and conditions as it may deem advisable;

k. To manage any project, whether then owned or leased by the corporation, and to enter into agreements with any individual, part-

nership, trust, association or corporation, or with any public agency, for the purpose of causing any project to be managed;

l. To consent to the modification, with respect to rate of interest, time of payment or any installment of principal or interest, security, or any other terms, of any loan, mortgage, commitment, contract or agreement of any kind to which the corporation is a party;

m. In connection with any property on which it has made a mortgage loan, to foreclose on the property or commence any action to protect or enforce any right conferred upon it by any law, mortgage, contract or other agreement, and to bid for or purchase the property at any foreclosure or at any other sale, or acquire or take possession of the property; and in such event the corporation may complete, administer, pay the principal of and interest on any obligations incurred in connection with the property, dispose of and otherwise deal with the property, in such manner as may be necessary or desirable to protect the interests of the corporation therein;

n. To procure insurance against any loss in connection with its property and other assets and operations in any amounts and from any insurers it deems desirable;

o. To arrange or contract with any county or municipal government, or instrumentality thereof, with jurisdiction within the Capital City District, for the planning, opening, grading or closing of streets, roads or other places or for the construction or reconstruction of improvements, or public works necessary or convenient to carry out its purposes;

p. To appoint an executive director and any other officers, employees and agents as it may require for the performance of its duties. The executive director, and any employees appointed as personal staff to the executive director, shall be appointed by the corporation, which shall determine their qualifications, terms of office, duties, fix their compensation, and promote and discharge them, all without regard to the provisions of Title 11A of the New Jersey Statutes. All other officers, employees and agents appointed by the corporation shall be subject to the provisions of Title 11A of the New Jersey Statutes;

q. To engage the services of attorneys, accountants, architects, building contractors, engineers, urban planners, and any other advisors, consultants and agents as may be necessary in its judgment for the performance of its duties and fix their compensation;

r. To provide advisory, consultative, training and educational services, technical assistance and advice to any person, firm, association, partnership or corporation, either public or private, in order to carry out the purposes of this act; and

s. To do any and all things necessary or convenient to the exercise of the foregoing powers or reasonably implied therefrom.

C. 52:9Q-14 Capital City District.

6. a. The corporation is authorized to carry out the purposes of this act on behalf of and exercise its powers within the Capital City District, which shall consist of that portion of the city of Trenton, beginning at the Delaware river at the point at which the center line of the Amtrak railroad corridor line crosses the center line of the river boundary of the city of Trenton; thence running northeasterly along the center line of the railroad to the point at which it intersects with the center line of South Clinton avenue; thence on a line running northeasterly from the intersection of the center line of South Clinton avenue and the railroad to the center line of the Walnut avenue extension at the point at which it bends northeasterly; thence running northeasterly along the center line of the Walnut avenue extension to its intersection with the center line of Hollywood avenue; thence on a line running northeasterly from the intersection of the center lines of the Walnut avenue extension and Hollywood avenue to the center line of Chestnut avenue at the point at which it would be intersected by the center line of the Amtrak railroad; thence on a line running in a southwesterly direction from the intersection of the Amtrak railroad and Chestnut avenue to the intersection of the center lines of Yard avenue and Fairview avenue; thence running southwesterly along the center line of Fairview avenue following it along to its intersection with the center line of South Clinton avenue; thence running northerly along the center line of South Clinton avenue to its intersection with the center line of East State street; thence running westerly along the center line of East State street to its intersection with the center line of West Canal street; thence running northerly along the center line of West Canal street to its intersection with the center line of Merchant street; thence running westerly along the center line of Merchant street to its intersection with the center line of North Stockton street; thence running northerly along the center line of North Stockton street to its intersection with the center line of Hanover street; thence running westerly along the center line of Hanover street to its intersection with the center line of North Broad street; thence running northerly along the center line of North Broad street to its intersection with the center line of

Brunswick avenue where it meets the center line of Pennington avenue; thence running along the center line of Pennington avenue around to its intersection with the center line of Warren street; thence running southwesterly along the center line of Warren street to its intersection with the center line of the feeder canal; thence following along the center line of the feeder canal in a westerly direction to the point at which it intersects with the center line of the waste weir which connects the feeder canal with the Delaware river; thence running southwesterly along the center line of the waste weir to the point reached by prolongating the center line of the waste weir to the center line of the Delaware river boundary of the city of Trenton; thence running along the center line of the Delaware river boundary of the city of Trenton downstream to the point at which the river boundary intersects with the center line of the Amtrak railroad.

b. The boundaries of the district may be expanded by mutual consent of the corporation and the city of Trenton. In order to expand the boundaries of the district, the city of Trenton shall, by ordinance duly adopted, or in the case of the corporation, by a parallel resolution, designate that area to be added to the district as (1) a blighted area pursuant to section 1 of P.L. 1949, c. 187 (C. 40:55-21.1) or an area in need of rehabilitation pursuant to section 3 of P.L. 1979, c. 233 (C. 54:4-3.123) and (2) an area in which the corporation may undertake a project or series of projects. No such ordinance or resolution may be adopted within the three years immediately following the effective date of this act. In addition to whatever information shall be required in the ordinance establishing a blighted area or area in need of rehabilitation pursuant to Titles 40 and 54 of the Revised Statutes, respectively, the ordinance and resolution provided herein shall include a description of the metes and bounds of the area and a statement setting forth the basis for the designation.

C. 52:9Q-15 Duties of corporation.

7. It shall be the duty of the corporation to:

a. Promote the revitalization of the Capital City District through the initiation of projects, encouragement of private redevelopment, restoration and improvement of historic areas, sites and structures, and formulation and implementation of programs and strategies which will enhance the vitality of the district as a place to live, visit, work, and conduct business, and thereby help restore the prominence and prestige of the capital area;

b. Facilitate the development of a transportation system within the district which is designed to assure the safe, convenient and

efficient movement of people and goods within and through the district and which serves as the hub of a regional transportation system in which the various modes of travel are integrated and coordinated;

c. Facilitate coordination of its efforts with other governmental entities which currently have jurisdiction within, and in areas adjacent to, the district and in conjunction with the Capital District Oversight Committee, monitor the impact of the district on public safety in the city of Trenton, and on any other aspects of city life which the corporation determines may be affected by its existence.

C. 52:9Q-16 Executive director.

8. a. In order to oversee the performance of its duties, the board shall appoint an executive director, who shall be the chief executive officer of the corporation. The executive director shall perform the duties of office on a full-time basis, shall hold office at the pleasure of the board and shall receive such salary as the board shall provide.

b. The executive director shall, subject to the approval of the board, appoint such employees, officers or agents as the board shall deem necessary without reference to political party affiliation, solely on grounds of fitness to perform their duties. The employees of the corporation shall receive such compensation as shall from time to time be fixed by the corporation within the limits of available appropriations therefor.

C. 52:9Q-17 Capital City Renaissance Plan.

9. a. Within one year after the date of its first organizational meeting, the board shall adopt a 20-year Capital City Renaissance Plan. The plan may be revised from time to time as may be necessary. The plan shall guide the use of lands within the district in a manner which promotes the economic vitality of the district and enhances the quality of the public environment. The plan shall comprise a report or statement presenting the following elements:

(1) A statement of objectives, principles, assumptions and policies upon which the constituent proposals for the physical, economic and social development of the district are based;

(2) A design plan element which contains an inventory and evaluation of buildings within the district which are of unique historic or architectural merit; streets, parks and public spaces; and any other relevant aspect of the public environment. The commission shall make specific recommendations for conserving and improving the

public landscape, including streets, recreational facilities, and other public spaces and amenities;

(3) A cultural plan element which contains an inventory of the district's museums, theaters, parks, sports facilities and recommendations for the maintenance and enhancement of these facilities for the benefit of residents of the city, region and State;

(4) A transportation plan element which contains an inventory of facilities for all modes of transportation within the district, establishes the importance of the district transportation system in the regional context, sets forth a statement of objectives and principles regarding the transport of people and goods to and within the district and develops recommendations designed to improve the accessibility of the district to the rest of the city and the surrounding region;

(5) A land use plan element which incorporates recommendations contained in the other three elements; recommends appropriate future governmental and private land uses in specific areas; contains proposals for conservation, rehabilitation and adaptive reuse of existing governmental and nongovernmental buildings; proposes strategies concerning conservation and improvement of the public environment, including streets, walkways, parks, and other public spaces; and sets forth proposals for the restoration and improvement of the historic areas, sites and structures; and

(6) A relocation plan element which includes an assessment of the displacement of households and businesses within the district that would result from the implementation of the plan, and a strategy for relocation of households to adequate and affordable housing units.

b. The plan shall be developed in consultation with the State Building Authority, the planning board of the city of Trenton, and the planning board of the county of Mercer. The corporation shall consider existing plans for areas included in the district in formulating its plan.

c. Prior to the adoption of the plan, the board shall provide a copy of the proposed plan to the planning boards of the city of Trenton and the county of Mercer and the State Building Authority and shall make copies available for public inspection and provide public notice of availability. Not less than 45 days after distribution of the plan to the planning boards and the State Building Authority, the board shall conduct public hearings on the plan and shall provide for a public comment period which shall extend at least 30 days after the final hearing.

d. Upon adoption of the plan, the planning board of the city of Trenton, the planning board of the county of Mercer, the State Building Authority, and any other governmental entities with plans affecting physical development within the district shall review and revise their plans to ensure that they are consistent with the Capital City Renaissance Plan. Any plan which affects the physical development of the district and is adopted by any governmental entity after the adoption of the Capital City Renaissance Plan shall be consistent with that plan.

C. 52:9Q-18 Capital District Impact Statement.

10. Any department, board, agency, division or commission of the State and any county or municipal government entity, or instrumentality thereof, which undertakes any construction, reconstruction or extension of any building, structure or facility or other improvement within the district shall, prior to undertaking such action, file with the corporation a Capital District Impact Statement which describes the ways in which the proposed construction, reconstruction or extension is consistent with the plan in its various elements. Whenever a governmental entity is granted final authority to review and approve plans for private development proposed for the district, the appropriate governmental entity with authority to grant final approval of an action shall file an impact statement for each development which is granted final approval explaining the ways in which the proposed development is consistent with the plan. The approving authority is empowered to require the preparation and submission of that impact statement by the developer as part of the application for development.

C. 52:9Q-19 Capital City Redevelopment Loan, Grant Fund.

11. a. There is established in the State Treasury a nonlapsing, revolving fund to be known as the Capital City Redevelopment Loan and Grant Fund, and which shall be at the disposal of the executive director for carrying out the provisions of this act, and for no other purpose.

b. The State Treasurer may from time to time invest and reinvest those portions of the fund in investments in which other State funds may be invested.

c. There shall be included in the fund (1) all moneys appropriated and made available by the Legislature for inclusion therein, (2) any other moneys made available to the corporation from any source or sources, for its purposes, (3) any moneys repaid by persons pursuant to loan agreements under the terms of this act, which payments shall

be transmitted to the State Treasurer for inclusion in the fund, and (4) any income, increment or interest derived from investment or reinvestment.

C. 52:9Q-20 Financing of projects.

12. The fund created by this act shall be used by the corporation to undertake projects in accordance with the goals, objectives and priorities outlined in the plan and to make loans or grants for the purpose of financing projects which are consistent with the plan. Financing of projects pursuant to this act shall be in such form, amount and on such terms as the corporation shall believe necessary in order to assure the economic feasibility of a project and to assure, to the greatest degree compatible with that purpose, the full recovery of costs incurred by the authority in the undertaking of the project. The interest rate shall be sufficiently below the prevailing rate of interest to attract private participation in the loan program. The corporation shall assure by the terms of the financing of projects that at least 65% of the moneys appropriated to the fund shall be recovered and shall continue to be available for financing under this act.

C. 52:9Q-21 Considerations.

13. With respect to projects for which costs are to be financed by the corporation pursuant to this act, the corporation shall in approving the financing for those projects, and in the planning and undertaking of its own projects, consider the following:

- a. The economic feasibility of the project;
- b. The degree to which the project will advance the goals and objectives set forth in the plan; and
- c. The likelihood that the project shall, after its completion, be able to repay to the fund all or part of any financing costs incurred.

C. 52:9Q-22 Removal, relocation of public utility facilities.

14. The corporation shall have the power to provide for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances herein called "public utility facilities" of any public utility, as defined in R.S. 48:2-13, in, on, along, over or under any project.

Whenever the corporation shall determine that it is necessary that any public utility facilities which now are, or hereafter may be located in, on, along, over or under any project, should be relocated, or should be removed from that project, the public utility owning

or operating those facilities shall relocate or remove them in accordance with the order of the corporation; provided, however, that the cost and expenses of that relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights of the public utility paid to the public utility in connection with the relocation or removal of that property, shall be ascertained and paid by the corporation as part of the cost of that project. In case of any relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate those facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate those facilities in their former location or locations.

C. 52:9Q-23 Capital District Oversight Committee.

15. a. For the purpose of assuring regular and effective liaison between the corporation, other public agencies and officers having responsibilities in areas related to the operations of the corporation, and the public, the Governor shall establish a Capital District Oversight Committee to consist of the following: the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Transportation, the Attorney General, and the Superintendent of the Division of State Police in the Department of Law and Public Safety, or their designees, who shall all serve *ex officio*; the President of the City Council of the city of Trenton or his designee, *ex officio*; and nine public members, of whom five shall be citizen representatives and residents of the city of Trenton and four shall be representatives of the business sector of the city of Trenton who may live within or outside the city of Trenton, but shall be residents of the State, to be appointed as follows: two shall be appointed by the Governor, of whom one shall be a citizen representative and one shall represent the business sector; two shall be appointed by the Mayor of the city of Trenton, of whom one shall be a citizen representative and one shall represent the business sector; and five shall be appointed by the board, of whom three shall be citizen representatives and two shall represent the business sector.

b. Each public member shall serve for a term of three years and until the appointment and qualification of a successor, except that of the five members first appointed by the corporation, one citizen

representative and one business representative shall each serve for a term of one year, one citizen representative and one business representative shall each serve for a term of two years, and one citizen representative shall serve for a term of three years; of the two members first appointed each by the Governor and the Mayor of the city of Trenton, one shall serve for a term of two years and one shall serve for a term of three years. In the event of a vacancy occurring during the unexpired term of office, a public member shall be appointed to serve for the unexpired term by the government entity which made the original appointment.

c. The Mayor shall designate the chairman of the committee, who shall serve in that position for the duration of his term. A chairman may be redesignated. Seven members of the committee shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the committee at any meeting thereof by the affirmative vote of at least seven members. No vacancy in the membership of the committee shall impair the right of a quorum to exercise all the powers and perform all the duties of the committee.

d. The committee shall study, and issue periodic reports assessing, first, the impact of the district on the provision of police and fire service within the city of Trenton and, thereafter, on any other areas of municipal activity which, in the committee's estimation, may be affected by the establishment of the district. The committee shall also study and report on the ways in which such municipal activity may be improved to enhance the attractiveness of the district. Based on these reports, the committee shall make recommendations to improve the efficiency or effectiveness of public agencies in enhancing the district.

e. Upon appointment, the committee shall prepare a budget which shall contain an itemization of those expenses in order that the committee may fulfill its officially prescribed duties. The chairman shall submit a budget to the executive director on an annual basis, and the board shall provide funds within the limits of any funds appropriated or otherwise made available for the committee's purposes. The members of the committee shall receive no compensation for their services, but may be reimbursed for their expenses in performing their official duties. The committee is authorized to engage such employees, advisors or consultants as are necessary in order to fulfill its prescribed duties. These employees, advisors or consultants, as the case may be, shall be appointed without regard to the

provisions of Title 11A of the New Jersey Statutes and shall receive such compensation as shall from time to time be fixed by the corporation within the limits of available appropriations therefor.

f. All officers, departments, boards, agencies, divisions and commissions of the State are hereby authorized and empowered to render any services to the corporation as may be within the area of their respective governmental functions as fixed or established by law, and as may be requested by the corporation.

g. The corporation shall refer each application for financial assistance made to the Capital City Redevelopment Loan and Grant Fund to the committee prior to taking formal action to approve or reject the application. The committee shall have 30 days from the date of referral to provide written comments on the application, and any comments provided within that time shall be a part of the record of the corporation's official action on the application.

C. 52:9Q-24 Acquisition of real property.

16. a. If, in order to implement any of the goals and objectives set forth in the plan, the corporation shall find it necessary or convenient to acquire any real property within its jurisdiction, or if for any of its authorized purposes the corporation shall find it necessary to acquire any real property beyond its jurisdiction, whether for immediate or future use, the corporation may find and determine that such property, whether a fee simple absolute or a lesser interest, is required for public use, and, upon such determination, the property shall be deemed to be required for a public use until otherwise determined by the corporation; and the determination shall not be affected by the fact that the property has heretofore been taken for, or is then devoted to, a public use of the State or any municipality, county, school district, or other local or regional district, authority or agency, but the public use in the hands or under the control of the corporation shall be deemed superior.

b. If the corporation is unable to agree with the owner or owners thereof upon terms for the acquisition of any real property, for any reason whatsoever, then the corporation may acquire that property, whether a fee simple absolute or a lesser interest, in the manner provided in the "Eminent Domain Act of 1971," P.L. 1971, c. 361 (C. 20:3-1 et seq.).

c. Notwithstanding the provisions of subsections a. and b. of this section, the corporation shall not acquire or exercise control over any property in the custody of the State House Commission pursuant to R.S. 52:20-1 et seq. without the written consent of that commission.

C. 52:9Q-25 Annual budget; plan for expenditures.

17. a. On or before February 1 of each year, the board shall submit a budget for the corporation to the State Treasurer for the State Treasurer's approval. The budget shall include those sums made available to the committee pursuant to section 15 of this act. The board shall file a copy of the budget with the governing body of the city of Trenton within 30 days of its approval. The board shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof shall be considered an expense of the corporation and a copy thereof shall be filed with the State Treasurer.

b. The executive director shall submit with the corporation's annual budget request a plan for expenditures from the Capital City Redevelopment 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 fund to date; a description of the various projects to be funded for the upcoming fiscal year; relocation assistance for the upcoming fiscal year; a copy of procedures developed by the corporation governing the operation of the loan and grant fund; 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. 52:9Q-26 Annual report.

18. On or before February 1 of each year, the board shall make an annual report of its activities for the preceding calendar year to the Governor, the Legislature, and the governing body of the city of Trenton. The report shall include, but not be limited to, a description of all projects either planned, under way or completed by the corporation or financed by the corporation and the financial arrangements developed therefor. The report shall set forth relocations of households and businesses occurring in the past year as a result of implementation of the plan, and a description of the relocation assistance provided those households and businesses. The report shall contain an evaluation of the impact of the implementation of the plan on the availability of adequate and affordable housing units in the city. The report shall also set forth the goals, strategies and priorities governing the selection of projects it anticipates financing, supporting or undertaking; and the board shall annually review and evaluate the projects actually undertaken in light of the goals, strategies and priorities established therefor by the Capital City Renaissance Plan.

The report shall set forth a complete operating and financial statement covering the operations of the corporation during the year.

C. 52:9Q-27 Assistance.

19. All officers, departments, boards, agencies, divisions and commissions of the State are hereby authorized and empowered to render any services to the corporation as may be within the area of their respective governmental functions as fixed or established by law, and as may be requested by the corporation.

20. There is appropriated to the Capital City Redevelopment Loan and Grant Fund from the General Fund the sum of \$5,000,000.00, of which the sum of \$500,000.00 shall be available to the corporation immediately upon organization of the board of directors for administrative expenses associated with the initial establishment of the corporation, and of which the sum of \$4,500,000.00 shall be deposited in the fund upon approval of the corporation's first annual budget submitted pursuant to section 17 of this act.

21. This act shall take effect immediately.

Approved March 3, 1987.

CHAPTER 59

AN ACT establishing a program to provide legal assistance to Medicare beneficiaries to appeal denials of federal Medicare benefits, and making an appropriation therefor.

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

C. 30:4H-1 Findings, declarations.

1. The Legislature finds and declares that: New Jersey home health agencies are reporting increased denials of reimbursement for Medicare home-based skilled nursing care by fiscal intermediaries of the federal Health Care Financing Administration; these home health care cutbacks are particularly serious in the context of national efforts to reduce hospital utilization; patients are leaving the hospital earlier and sicker, and need appropriate follow-up care; and the principal source of post-acute home health care for the elderly and disabled should be the Medicare program.

The Legislature further finds and declares that: recent reductions in Medicare home health benefits and other Medicare services may

have been made through federal directives to fiscal intermediaries without public review and comment; in some cases benefits are denied in violation of federal law and regulations; and, therefore, a program of legal assistance to aid New Jersey Medicare beneficiaries in appealing such denials should be established.

C. 30:4H-2 Legal representation program.

2. The Commissioner of the Department of Human Services, in consultation with the Public Advocate and the Director of the Division on Aging in the Department of Community Affairs, shall establish a legal representation program to assist Medicare beneficiaries under Title XVIII of the Social Security Act in appeals of unfairly denied Medicare coverage. The services provided under this program shall include, but not be limited to, the following: outreach to Medicare beneficiaries, the development and dissemination of educational materials pertaining to the Medicare program and the claims appeal process, the development and dissemination of materials for Medicare beneficiaries to submit their own appeals, and the offer of direct legal representation to appeal unfairly denied coverage under Part A and Part B of the Medicare program. Such legal representation may include, but not be limited to, appeals within the administrative appeals structure and appeals to the United States District Court.

C. 30:4H-3 Guidelines.

3. The commissioner shall establish guidelines for the operation of this program, and may contract with one or more qualified non-profit organizations to provide the services described herein.

C. 30:4H-4 Rules, regulations.

4. The commissioner shall adopt rules and regulations in accordance with the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) to effectuate the purposes of this act.

5. There is appropriated \$235,000.00 to the Department of Human Services from the General Fund to carry out the purposes of this act.

6. This act shall take effect immediately.

Approved March 3, 1987.

CHAPTER 60

AN ACT concerning investments of certain domestic insurers and amending N.J.S. 17B:20-2 and N.J.S. 17B:20-4.

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

1. N.J.S. 17B:20-2 is amended to read as follows:

Voting stock limit.

17B:20-2. The amount (excluding amounts invested in the common stock of any corporation pursuant to sections 17B:20-3 and 17B:20-4) invested by a domestic insurer (a) in the common stock of any one corporation shall not exceed 2% of the total admitted assets of such insurer as of December 31 next preceding, or (b) in the common stock of all corporations valued at cost shall not exceed 15% of such assets except that to the extent that such aggregate investment in common stock exceeds 10% of such assets, further investments shall be subject to regulation by the commissioner under a formula which shall take into consideration the actual mandatory securities valuation reserve, as defined by the Subcommittee on Valuation of Securities of the National Association of Insurance Commissioners, held by a company which is applicable to such common stock in the corresponding annual statement filed with the department. The term "common stock" shall mean any voting stock of any class of a corporation which shall not be limited to a fixed sum or percentage of par value in respect to the rights of the holders thereof to participate in dividends or in the distribution of assets upon the voluntary or involuntary liquidation, dissolution or winding up of the corporation. Neither shall the amount invested in the beneficial shares or other ownership interests (other than common stock), evidences of indebtedness (excluding amounts invested in mortgage loans pursuant to subsection c. of section 17B:20-1), preferred stock and certificates of receivers of any one institution exceed 5% of such assets of the insurer. Nothing herein contained shall prevent any such insurer from purchasing, or in any other way acquiring the voting stock of, or otherwise investing in certain corporations as hereinafter provided in sections 17B:20-3 and 17B:20-4.

The total amount of admitted assets invested in the types of investments authorized by subsections b. and c. of N.J.S. 17B:20-1 shall not, in the aggregate, exceed 60% of the domestic insurer's total admitted assets.

All investments made by any such insurer shall be authorized or approved by the board of directors, or by a committee thereof charged with the duty of supervising such investment, or shall be made in conformity with standards approved by such board of directors or such committee.

No such insurer shall enter into any agreement to withhold from sale any of its property or jointly or severally enter into any agreement to purchase the unsold amount of securities which are the subject of an offering for sale to the public or otherwise to guarantee the sale of such securities.

Nothing contained in this section shall prevent any such insurer from distributing shares of an investment company within the meaning of the Investment Company Act of 1940 for which such insurer or its subsidiary is the investment manager or investment adviser.

The term "Investment Company Act of 1940" as used in this section shall mean an Act of Congress entitled "Investment Company Act of 1940," 54 Stat. 847 (15 U.S.C. §80a-1 et seq.) as amended from time to time, or any similar statute enacted in substitution therefor.

2. N.J.S. 17B:20-4 is amended to read as follows:

Investment in voting stock of subsidiary.

17B:20-4. In addition to the authority expressly contained in this chapter and notwithstanding any limitation contained in this Title, any domestic insurer may invest in the voting stock of one or more subsidiaries, as provided in this section.

a. As used in this section the following terms shall have the following meanings: (1) "voting stock" as used with reference to any corporation means any shares of capital stock of such corporation having general voting power under ordinary circumstances, when voting (together with one or more other classes, if any) as a class, to elect a majority of the board of directors of such corporation irrespective of whether or not at the time stock of any other class or classes shall have, or might have, voting power by reason of the happening of any contingency, and shall also include voting trust certificates, certificates of deposit, interim receipts and other similar instruments representing such stock and (2) "subsidiary" means a corporation of which a majority of the voting stock is owned or controlled by a domestic insurer, or by one or more subsidiaries of such insurer or by such insurer and one or more subsidiaries of such insurer, except that "subsidiary" shall not include a corporation of

which a majority of the voting stock is acquired by the insurer or its subsidiaries pursuant to any other section of this chapter.

b. The business of a subsidiary, whether or not it is organized under the laws of this State, shall be limited to that authorized for a corporation organized under any law of this State, except that "subsidiary" shall not include any bank organized pursuant to the laws of this State and shall not include any national bank maintaining its principal office in this State.

c. Except as otherwise specifically permitted by this section, no investment in the voting stock of any subsidiary shall be retained by a domestic insurer or by any of its subsidiaries unless a majority of the voting stock of such subsidiary is owned or controlled by such insurer or by one or more subsidiaries of such insurer or by such insurer and one or more subsidiaries of such insurer.

d. The investments of any such subsidiary of the kinds permitted by subsection b., c., d. or e. of section 17B:20-1, except a subsidiary engaged primarily in any kind of insurance business, when added, on a basis proportional to the insurer's interest in such subsidiary, to the investments of such insurer (referred to herein as the "controlling insurer") shall not cause the investments of the controlling insurer to exceed any of the limitations applicable to domestic insurers contained therein or in section 17B:20-2 of this chapter except as may be permitted by section 17B:20-1h. or section 17B:20-3; provided that investments by any subsidiary which if made by the controlling insurer would be subject to the limitations of section 17B:20-1b. shall not be included to the extent the controlling insurer's investment in the capital stock of such subsidiary is subject to the limitations of section 17B:20-1b. Notwithstanding the foregoing limitations of this subsection d., any such subsidiary shall be permitted to invest in the voting stock of one or more other corporations if:

(1) After such investment, such subsidiary, the controlling insurer and all other subsidiaries of the controlling insurer shall own a majority of the voting stock of such other corporation and such other corporation would, within the meaning of this section, constitute a permitted subsidiary of the controlling insurer, or

(2) The proportion of such investment attributable to the controlling insurer pursuant to this subsection d. could then have been made in the same manner by the controlling insurer under any other provision of this chapter.

e. The investment in such subsidiary shall not tend substantially to lessen competition or tend to create a monopoly.

f. Such subsidiary shall not be used directly or indirectly to promote the private interests of any officer or director of such insurer, except that compensation may be paid by any subsidiary to officers and directors of such insurer for services rendered when such compensation is authorized by the board of directors of such subsidiary and approved by the board of directors of such insurer.

g. The aggregate amount invested by the controlling insurer in the voting stock of all subsidiaries pursuant to this section together with the aggregate amount of all other investments of the controlling insurer in such subsidiaries, valued at cost (less any amount invested by the controlling insurer and such subsidiaries in any subsidiary engaged in a business primarily involving the owning, improving, developing, operating or leasing of real estate) shall not exceed 5%, or with the approval of the commissioner 10%, of the total admitted assets of such insurer as of December 31 next preceding.

h. No investment in voting stock of any subsidiary shall be made by such insurer or any subsidiary thereof pursuant to this section unless a notice of intention to make such proposed investment is filed with the commissioner not less than 30 days, or such shorter period as may be permitted by the commissioner, in advance of such proposed investment, nor shall any such investment be made if the commissioner at any time prior thereto finds that the proposed investment does not meet the requirements of this section or determines, in his sole discretion, that such proposed investment would be contrary to the best interests of policyholders or the public; provided, that after an investment in voting stock has been made pursuant to this section, no notice of intention to make further investments in the voting stock or other securities of the same subsidiary shall be required, and such further investments may be made subject to the limitations contained in subsection d. and subsection g. of this section. The commissioner shall have the power to conduct periodic examinations and require reports in connection with the operation of subsidiaries and, if he shall determine either that the interests of policyholders or the public so requires or that the investments of any subsidiary do not comply with the requirements of this section, to order that a domestic insurer or any subsidiary thereof dispose of its investment in any subsidiary or that any subsidiary dispose of any noncomplying investments, in each case within a reasonable period of time.

i. In addition to the authority contained in the preceding subsections of this section, a domestic insurer and its subsidiaries may invest in and retain more than 8% but less than a majority of the voting stock of any alien corporation engaged in any kind of insurance business or in a business of providing services of a kind the domestic insurer might itself perform independently of any insurance or annuity contract; provided that no such investment shall be made unless notice of intention to make such proposed investment is filed as provided in subsection h. of this section. A domestic insurer may retain less than a majority of the voting stock of any such alien corporation originally acquired as a majority owned subsidiary pursuant to this section without further notice under subsection h. of this section. For the purposes of this section the term "subsidiary" shall include any such alien corporation of which more than 8% of the voting stock is acquired pursuant to this section and is owned or controlled as provided in subsection a., except that subsection d. shall not apply to any such subsidiary of which less than a majority of the voting stock is so owned or controlled.

3. This act shall take effect immediately.

Approved March 10, 1987.

CHAPTER 61

AN ACT concerning supplemental retirement allowances provided by certain domestic insurers and amending N.J.S. 17B:18-52.

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

1. N.J.S. 17B:18-52 is amended to read as follows:

Insurer payments to senior officers restricted.

17B:18-52. No domestic insurer shall:

a. Pay any salary, compensation or emolument to any of its senior officers, directors or trustees, unless the payment is first authorized by a vote of its board of directors;

b. Make any agreement with any of its officers, senior officers, directors, trustees or salaried employees whereby it agrees that for any service rendered or to be rendered he shall receive any salary, compensation or emolument that will extend beyond a period of 24

months from the date of the agreement, but nothing herein shall be construed to prevent a domestic insurer from deferring the payment of any salary, compensation or emolument for such period of time and upon such terms as it may determine or from entering into contracts with its agents or brokers for the payment of renewal commissions;

c. Grant any pension to any officer, senior officer, director, general agent, employee or trustee thereof or to any member of his family after his death, except in accordance with a written plan approved by its board of directors it may: (1) grant to its salaried officers, senior officers, directors, general agents and employees retirement and disability allowances and death benefits; (2) establish a profit sharing plan which meets the requirements of subsection (a) of section 401 of the Internal Revenue Code of 1954, 68A Stat. 134, 26 U.S.C. §401, or any similar legislation which might take its place and which plan, at the option of the insurer, may be in addition to any existing pension plan; and except that it may with the approval of the commissioner provide reasonable supplemental retirement allowances to any of its salaried officers, senior officers and employees and their dependents, whose retirement benefits under the insurer's plan or plans are, in the opinion of its board of directors, inadequate.

The term "senior officers" as used in this section means each officer of an insurer within the four highest salary categories of such insurer; but in instances where an insurer does not have an aggregate of at least five officers from all of the four highest salary categories, then "senior officers" for such insurer shall be the five highest salaried officers of that insurer.

2. This act shall take effect immediately.

Approved March 10, 1987.

CHAPTER 62

AN ACT providing for the inclusion of benefits for expenses incurred in connection with the purchase of blood products for home treatment of hemophilia in hospital service corporation contracts and health service corporation contracts and supplementing P.L. 1938, c. 366 (C. 17:48-1 et seq.) and P.L. 1985, c. 236 (C. 17:48E-1 et seq.).

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

C. 17:48-6d Benefits for blood products, blood infusion equipment.

1. Every group or individual contract providing hospital expense benefits to any subscriber or other person covered thereunder for expenses incurred in connection with the treatment of routine bleeding episodes associated with hemophilia shall provide benefits for expenses incurred in connection with the purchase of blood products and blood infusion equipment required for home treatment of routine bleeding episodes associated with hemophilia when the home treatment program is under the supervision of a State approved hemophilia treatment center. The benefits shall be provided to the same extent as for any sickness under the contract.

As used in this act, "blood product" includes, but is not limited to, Factor VIII, Factor IX and cryoprecipitate; and "blood infusion equipment" includes, but is not limited to, syringes and needles.

Participation in a home treatment program shall not preclude further or additional treatment or care at any eligible facility if the number of home treatments, in accordance with a ratio of home treatments to benefit days established by regulation by the Commissioner of Insurance, does not exceed the total number of benefit days provided for any other sickness under the contract.

C. 17:48E-35.1 Benefits for home treatment of hemophilia.

2. Every group or individual contract providing hospital expense benefits to any subscriber or other person covered thereunder for expenses incurred in connection with the treatment of routine bleeding episodes associated with hemophilia shall provide benefits for expenses incurred in connection with the purchase of blood products and blood infusion equipment required for home treatment of routine bleeding episodes associated with hemophilia when the home treatment program is under the supervision of a State approved hemophilia treatment center. The benefits shall be provided to the same extent as any other sickness under the contract.

As used in this act, "blood product" includes, but is not limited to, Factor VIII, Factor IX and cryoprecipitate; and "blood infusion equipment" includes, but is not limited to, syringes and needles.

Participation in a home treatment program shall not preclude further or additional treatment or care at any eligible facility if the number of home treatments, in accordance with a ratio of home treatments to benefit days established by regulation by the Com-

missioner of Insurance, does not exceed the total number of benefit days provided for any other sickness under the contract.

3. Sections 1 and 2 of this act shall apply to all contracts in which the insurer reserves the right to change the premium.

4. This act shall take effect immediately.

Approved March 10, 1987.

CHAPTER 63

AN ACT providing for the inclusion of benefits for expenses incurred in connection with the purchase of blood products for home treatment of hemophilia in group health insurance policies 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:27-46.1c Benefits for purchase of blood products, infusion equipment.

1. Every group health insurance policy providing hospital expense benefits to any policy holder or other person covered thereunder for expenses incurred in connection with the treatment of routine bleeding episodes associated with hemophilia shall provide benefits for expenses incurred in connection with the purchase of blood products and blood infusion equipment required for home treatment of routine bleeding episodes associated with hemophilia when the home treatment program is under the supervision of a State approved hemophilia treatment center. The benefits shall be provided to the same extent as for any sickness under the policy.

As used in this act, "blood product" includes, but is not limited to, Factor VIII, Factor IX and cryoprecipitate; and "blood infusion equipment" includes, but is not limited to, syringes and needles.

Participation in a home treatment program shall not preclude further or additional treatment or care at any eligible facility if the number of home treatments, in accordance with a ratio of home treatments to benefit days established by regulation by the Commissioner of Insurance, does not exceed the total number of benefit days provided for any other sickness under the policy.

2. This act shall apply to all policies in which the insurer reserves the right to change the premium.

3. This act shall take effect immediately.

Approved March 10, 1987.

CHAPTER 64

AN ACT providing for the inclusion of benefits for expenses incurred in connection with the purchase of blood products for home treatment of hemophilia in certain health insurance policies and supplementing chapter 26 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:26-2.1c Benefits for equipment for home treatment of hemophilia.

1. Every health insurance policy providing hospital expense benefits to any policy holder or other person covered thereunder for expenses incurred in connection with the treatment of routine bleeding episodes associated with hemophilia shall provide benefits for expenses incurred in connection with the purchase of blood products and blood infusion equipment required for home treatment of routine bleeding episodes associated with hemophilia when the home treatment program is under the supervision of a State approved hemophilia treatment center. The benefits shall be provided to the same extent as for any sickness under the policy.

As used in this act, "blood product" includes, but is not limited to, Factor VIII, Factor IX and cryoprecipitate; and "blood infusion equipment" includes, but is not limited to, syringes and needles.

Participation in a home treatment program shall not preclude further or additional treatment or care at any eligible facility if the number of home treatments, in accordance with a ratio of home treatments to benefit days established by regulation by the Commissioner of Insurance, does not exceed the total number of benefit days provided for any other sickness under the policy.

2. This act shall apply to all policies in which the insurer reserves the right to change the premium.

3. This act shall take effect immediately.

Approved March 10, 1987.

CHAPTER 65

AN ACT concerning boards of education and amending N.J.S. 18A:20-9.

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

1. N.J.S. 18A:20-9 is amended to read as follows:

Conveyance of school property for public purposes.

18A:20-9. Whenever any board of education shall by resolution determine that any tract of land is no longer desirable or necessary for school purposes it may authorize the conveyance thereof, whether there is a building thereon or not, for a nominal consideration, to the municipality or any board, body or commission thereof, or to any volunteer fire company or rescue squad actively engaged in the protection of life and property and duly incorporated under the laws of the State of New Jersey, or to any American Legion post, Veterans of Foreign Wars, or other recognized veterans' organization of the United States of America, located in the municipality or the county, as a meeting place for such organization, or to a nonprofit child care service organization duly incorporated under the laws of the State of New Jersey, to a nonprofit hospital duly licensed under the laws of the State, or to a nonprofit organization duly licensed under the laws of the State of New Jersey to provide emergency shelter for the homeless. The president and secretary of the board shall be authorized to execute and deliver a conveyance for the same in the name and under the seal of the board, which conveyance may, in the discretion of the board, be made subject to a condition or limitation that said land shall be used by such municipality, board, body or commission thereof for public purposes and by any such fire company for fire company purposes or by such rescue squad for rescue squad purposes or to any veterans' organization, or to any child care service organization, or to any nonprofit hospital, or to any provider of emergency shelter for the homeless and in the event that the property shall cease to be used for any of the purposes contemplated by this section, such property shall thereupon revert to and the title

thereof shall vest in the board of education making the conveyance thereof hereunder.

2. Section 1 of P.L. 1978, c. 91 (C. 18A:20-8.2) is amended to read as follows:

C. 18A:20-8.2 Lease of school property.

1. a. Whenever any board of education shall by resolution determine that any tract of land, whether there is a building thereon or not, or part or all of a school building, is not necessary for school purposes, but which it does not desire to dispose of for reason that the property may, at some future time, again be required for school purposes, it may authorize the lease thereof for a term extending beyond the official life of the board; provided that the noneducational uses of such building or tract of land are compatible with the establishment and operation of a school, as determined by the Commissioner of Education, if joint occupancy of such site is considered. The lease shall be binding upon the successor board as follows:

(1) After advertisement of the request for bids to lease to the highest bidder in a newspaper published in the school district, or, if none is published therein, then in a newspaper circulating in the district in which the same is situate, at least once a week for two weeks prior to the date fixed for the receipt and opening of bids, unless:

(2) The same is leased to the federal government, State, a political subdivision thereof, another school district, any board, body or commission of a municipality within the school district, any volunteer fire company or rescue squad actively engaged in the protection of life and property and duly incorporated under the laws of the State of New Jersey, or to any American Legion post, Veterans of Foreign Wars, or other recognized veterans' organization of the United States of America, located in the municipality or the county, as a meeting place for such organization, or to a nonprofit child care service organization duly incorporated under the laws of the State of New Jersey, or to a nonprofit hospital duly licensed under the laws of the State of New Jersey, or to a nonprofit organization duly licensed under the laws of the State of New Jersey to provide emergency shelter for the homeless, in which case the same may be leased by private agreement for a nominal fee without advertisement for bids.

b. Any lease in excess of five years shall be approved by the Commissioner of Education.

3. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 66

AN ACT extending homestead rebates and homestead refunds or credits to residents of life care retirement communities, amending P.L. 1976, c. 72, P.L. 1976, c. 63, P.L. 1977, c. 242, P.L. 1985, c. 304 and N.J.S. 54A:4-3.

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

1. Section 1 of P.L. 1976, c. 72 (C. 54:4-3.80) is amended to read as follows:

C. 54:4-3.80 Homestead rebate.

1. a. Every citizen and resident of this State shall be entitled, annually, to a homestead rebate on a dwelling house and the land upon which such dwelling house is situated, or on a dwelling house assessed as real estate situated on land owned by another or others which constitutes the place of domicile and which is owned and used by the citizen and resident as a principal residence. If such citizen and resident of this State is of the age of 65 or more years, or is less than 65 years of age yet permanently and totally disabled, as "disabled" is defined in the "New Jersey Gross Income Tax Act" (N.J.S. 54A:1-2f.), or is the surviving spouse of a deceased citizen and resident of this State who, while alive, received a real property tax deduction pursuant to this act or P.L. 1963, c. 172 (C. 54:4-8.40 et seq.), upon the same conditions, with respect to 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 was 55 years of age or older at the time of death of said citizen and resident and remains unmarried, said taxpayer shall annually, upon proper claim being made therefor, be entitled to an additional rebate as set forth in section 2 of this act. The said requirement of ownership shall be satisfied by the holding of the beneficial interest where the legal title thereto is held by another for the benefit of the said citizen and resident, or for a resident shareholder in a cooperative or mutual housing corporation as defined herein.

A person who is a tenant for life or a tenant under a lease for 99

years or more or a person who is entitled to and actually takes possession of the land and dwelling house under an executory contract for the sale thereof or under an agreement with a lending institution which holds title as security for a loan shall be deemed to be an owner for the purpose of this act.

A person who resides in a continuing care retirement community pursuant to a contract for the provision of continuing care for the life of that person shall be deemed to be an owner of the unit he occupies for the purpose of this act, provided that the contract also requires the resident to bear, separately from any other charges, the proportionate share of property taxes attributable to the unit that the resident occupies.

b. As used in this act "dwelling house" includes any residential property assessed as real property consisting of not more than four units of which not more than one may be used for business or commercial purposes.

c. As used in this act "residential shareholder in a cooperative" means a tenant-stockholder in a cooperative housing corporation who may deduct property taxes on his federal tax return pursuant to the provisions of section 216 of the Internal Revenue Code of 1954 as of the date of this amendatory act.

d. As used in this act "mutual housing corporation" means a corporation not-for-profit incorporated under the laws of New Jersey on a mutual or cooperative basis within the scope of section 607 of the Lanham Act (National Defense Housing), Pub. L. 849, 76th Congress; 54 Stat. 1125, 42 U.S.C. §1521 et seq., as amended, which acquired a National Defense Housing Project pursuant to said act.

e. As used in this act "continuing care retirement community" means a residential facility primarily for retired persons where lodging and nursing, medical or other health related services at the same or another location are provided as continuing care to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges.

2. Section 7 of P.L. 1976, c. 72 (C. 54:4-3.86) is amended to read as follows:

C. 54:4-3.86 Proportionate share.

7. Where title to property as to which a homestead rebate is

claimed is held by claimant and other or others, either as tenants in common or as joint tenants, claimant shall not be allowed a homestead rebate in an amount in excess of his proportionate share of the taxes assessed against said property, which proportionate share, for the purposes of this act, shall be deemed to be equal to that of each of the other tenants, unless it is shown that the interests in question are not equal, in which event claimant's proportionate share shall be as shown. Nothing herein shall preclude more than one tenant, whether title be held in common or joint tenancy, from claiming a homestead rebate but no more than the equivalent of one full homestead rebate shall be allowed in any year, and in any case in which the claimants cannot agree as to the apportionment thereof, such rebate shall be apportioned between or among them in proportion to their interest. Property held by husband and wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but no more than one homestead rebate in regard to such property shall be allowed in any year. Right to claim a homestead rebate hereunder shall extend to property the title to which is held by a partnership, to the extent of the claimant's interest as a partner therein, and by a guardian, trustee, committee, conservator or other fiduciary for any person who would otherwise be entitled to claim such rebate hereunder, but not to property the title to which is held by a corporation, except as provided in section 1 of P.L. 1976, c. 72 (C. 54:4-3.80).

3. Section 2 of P.L. 1976, c. 63 (C. 54:4-6.3) is amended to read as follows:

C. 54:4-6.3 Definitions.

2. As used in this act unless the context clearly indicates a different meaning:

a. "Qualified real rental property" means any real property containing a mobile home park or two or more spaces which are rented or leased or offered for rent or lease for occupancy by mobile homes, or any building or structure or complex of buildings or structures in which housing units are rented or leased or offered for rental or lease for residential purposes except hotels, motels or other guesthouses serving transient or seasonal guests, residents of a residential cooperative, mutual housing corporation or continuing care retirement community who are entitled to a homestead rebate pursuant to section 1 of P.L. 1976, c. 72 (C. 54:4-3.80), and owner-occupied structures of three units or less.

b. "Property tax reduction" means 0.65 times the difference between the amount of property tax paid or payable in any year on

any qualified real rental property, exclusive of improvements not included in the assessment on the real property for the base year, and the amount of property tax paid in the base year, but such calculations for the property tax reduction shall exclude reductions resulting from judgments entered by county boards of taxation, the tax court, or by courts of competent jurisdiction. "Property tax reduction" shall also include 0.65 times any rebate or refund of school property taxes which may be provided pursuant to P.L. 1976, c. 113. "Property tax reduction" shall not include any amount in excess of that which is identified herein. Any such amount shall be retained by the property owner.

c. "Base year" means, for qualified real rental property rented or leased or offered for rent or lease on the effective date of this act, the calendar year prior to the year in which this act takes effect, and for qualified real rental property which is first rented or leased or offered for rent or lease after the effective date of this act, the calendar year in which it is first offered for rent or lease.

4. N.J.S. 54A:4-3 is amended to read as follows:

Homestead credit for tenant.

54A:4-3. Homestead credit for tenant. a. Any qualified residential tenant or shareholder in a cooperative, other than residents of a residential cooperative, mutual housing corporation or continuing care retirement community who are entitled to a homestead rebate pursuant to section 1 of P.L. 1976, c. 72 (C. 54:4-3.80), shall be entitled to a homestead credit of \$65.00 against the tax otherwise due hereunder. Any qualified residential tenant or shareholder in a cooperative not eligible for a homestead rebate shall be entitled to an additional homestead credit of \$35.00 if such resident is (1) permanently and totally disabled, (2) 65 years of age or over, or (3) a surviving spouse of a person qualified under (2) above who has remained unmarried since becoming a widow or widower at the age of 55 years or over.

b. Husband and wife. A married couple who elect to file separate New Jersey returns shall each be entitled to one-half of the credit otherwise allowable under subsection a.

c. Special limitations. (1) If more than one qualified resident tenant, other than a husband and wife, qualify for the credit allowed under this section by reason of their having occupied the same rented homestead, it shall be presumed that the tenant's credit otherwise allowed under this section shall be equally divided among such taxpayers. A tenant, however, may claim a credit which shall bear the

same proportion as the rent he pays to the total rent paid by all members of the unit.

(2) A taxpayer shall not be entitled to more than one homestead credit in any one year. A taxpayer who claims a homestead credit under this section may not claim a homestead rebate for the same year under any other law.

(3) The amount of the homestead credit shall be prorated in the proportion that the number of days the qualified tenant occupied residential property in the year bears to 365 days.

(4) Where more than one tenant occupies a single dwelling unit not more than one qualified tenant credit shall be claimed. No tenant homestead credit shall be allowed for occupants of rooming houses, hotels or motels unless the rooms rented to the tenant are equipped with kitchen and bathroom facilities and unless such person is a permanent resident thereof.

d. If the credit against the tax allowed pursuant to subsection a. of this section reduces tax liability to zero, the remaining amount of the credit, if any, shall be considered an overpayment of the tax and shall be refunded.

5. Section 6 of P.L. 1977, c. 242 (C. 54:4-3.80a) is amended to read as follows:

C. 54:4-3.80a Contents of application.

6.a. Each application filed pursuant to section 1 of P.L. 1976, c. 72 (C. 54:4-3.80) shall set forth such information as the director shall prescribe and shall include, without limitation, the name and address of the cooperative, mutual housing corporation or continuing care retirement community, location of the property and the amount of real property taxes attributed to the cooperative, mutual housing residential unit or continuing care retirement community residential unit, as indicated in the official notice furnished by the cooperative, mutual housing corporation or continuing care retirement community for the same year, as in the case of all other homestead rebate applicants. Each such applicant must meet all prerequisites for the homestead rebate as prescribed in P.L. 1976, c. 72 (C. 54:4-3.80 et seq.).

b. A local tax assessor shall determine from the application filed with him the assumed assessed value of the cooperative, mutual housing residential unit or continuing care retirement community residential unit by dividing the amount of real property taxes re-

ported under subsection a. hereof by the general local property tax rate for the same tax year.

c. In the event that the cooperative, mutual housing corporation or continuing care retirement community is delinquent in the payment of its property taxes as prescribed in P.L. 1976, c. 72 (C. 54:4-3.80 et seq.), any rebate that may be due any individual residents shall be withheld until the tax delinquency has been satisfied. If such delinquency has not been satisfied by December 31, 1977 and thereafter by the dates prescribed in section 13 of P.L. 1976, c. 72 (C. 54:4-3.92), the State Treasurer shall pay over to the tax collector of the municipality, within 30 days thereafter, the amount of all rebates due to the individual residents. The tax collector shall credit the property owner with such payments and the property owner shall, in turn, credit the individual unit owners to the extent of their rebate. The tax collector shall notify the property owner of the amount to be credited.

d. On or before October 15 of the pretax year, each residential cooperative housing corporation, mutual housing corporation and continuing care retirement community shall provide the Director of the Division of Taxation with a listing setting forth, as of October 1 of the pretax year, the names and addresses of all residents qualified to receive homestead rebates, the unit number, the amount of real property taxes attributed to each unit and any other information the Director may require by regulation as may be necessary to determine eligibility for the homestead rebate.

6. Section 2 of P.L. 1985, c. 304 (C. 54A:3A-2) is amended to read as follows:

C. 54A:3A-2 "Homestead Tax Relief Act" definitions.

2. As used in this act:

a. "Condominium" means the form of real property ownership provided for under the "Condominium Act," P.L. 1969, c. 257 (C. 46:8B-1 et seq.).

b. "Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment, manufactured or mobile home or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association.

c. "Director" means the Director of the Division of Taxation in the Department of the Treasury.

d. "Dwelling house" means any residential property assessed as real property which consists of not more than four units, of which not more than one may be used for commercial purposes, but shall not include a unit in a condominium, cooperative, horizontal property regime or mutual housing corporation.

e. "Homestead" means and includes:

(1) (a) a dwelling house and the land on which that dwelling house is located which constitutes the place of the claimant's domicile and is owned and used by the claimant as his principal residence;

(b) a dwelling house situated on land owned by a person other than the claimant which constitutes the place of the claimant's domicile and is owned and used by the claimant as his principal residence;

(c) a condominium unit or a unit in a horizontal property regime or a continuing care retirement community which constitutes the place of the claimant's domicile and is owned and used by the claimant as his principal residence.

A person shall be deemed to have ownership of a homestead under this paragraph (1) if that person is a tenant for life or a tenant under a lease for 99 years or more, is entitled to and actually takes possession of the homestead under an executory contract for the sale thereof or under an agreement with a lending institution which holds title as security for a loan, or is a resident of a continuing care retirement community pursuant to a contract for continuing care for the life of that person which requires the resident to bear, separately from any other charges, the proportionate share of property taxes attributable to the unit that the resident occupies;

(2) a unit in a cooperative or mutual housing corporation which constitutes the place of domicile of a residential shareholder or lessee therein, or of a lessee or shareholder who is not a residential shareholder therein, as his principal residence; and a unit of residential rental property, which unit constitutes the place of the claimant's domicile and is used by the claimant as his principal residence.

f. "Horizontal property regime" means the form of real property ownership provided for under the "Horizontal Property Act," P.L. 1963, c. 168 (C. 46:8A-1 et seq.).

g. "Mutual housing corporation" means a corporation not-for-profit, incorporated under the laws of this State on a mutual or cooperative basis within the scope of section 607 of the Lanham Act (National Defense Housing), Pub.L. 849, 76th Congress (42 U.S.C. §1521 et seq.), as amended, which acquired a National Defense Housing Project pursuant to that act.

h. "Principal residence" means a homestead actually and continually occupied by a claimant as his permanent residence, as distinguished from a vacation home, property owned and rented or offered for rent by the claimant, and other secondary real property holdings.

i. "Residential rental property" means and includes:

(1) any building or structure or complex of buildings or structures in which dwelling units are rented or leased or offered for rental or lease for residential purposes;

(2) a rooming house, hotel or motel, if the rooms constituting the homestead are equipped with kitchen and bathroom facilities; and

(3) any building or structure or complex of buildings or structures constructed under the following sections of the National Housing Act (Pub.L. 73-479) as amended and supplemented: section 202, Housing Act of 1959 (Pub.L. 86-372) and as subsequently amended, section 231, Housing Act of 1959.

j. "Residential shareholder in a cooperative or mutual housing corporation" means a tenant or holder of a membership interest in that cooperative or corporation, whose residential unit therein constitutes the place of his domicile and his principal residence, and who may deduct real property taxes on his federal income tax return pursuant to section 216 of the Internal Revenue Code of 1954.

k. "Rent constituting property taxes" means 18% of the rent paid by the claimant during the taxable year on a unit of residential rental property which constitutes the claimant's homestead.

l. "Continuing care retirement community" means a residential facility primarily for retired persons where lodging and nursing, medical or other health related services at the same or another location are provided as continuing care to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges.

7. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 67

AN ACT concerning burial expenses for indigents and supplementing chapter 9 of Title 40A of the New Jersey Statutes.

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

C. 40A:9-49.1 Burial expenses of indigents.

1. Notwithstanding any provision of law, rule or regulation to the contrary, when an indigent person dies without a surviving spouse, parent or emancipated child and in a municipality other than his resident municipality, the resident county of the indigent decedent is responsible for the necessary and reasonable expenses for the burial. For the purposes of this act, "indigent decedent" means a person who dies without leaving an ascertainable estate sufficient to pay part or all of the person's burial expenses and whose burial expenses are not payable by the State pursuant to P.L. 1959, c. 86 (C. 44:10-1 et seq.), P.L. 1947, c. 156 (C. 44:8-107 et seq.) or P.L. 1973, c. 256 (C. 44:7-85 et seq.), or by the county pursuant to N.J.S. 40A:9-49.

2. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 68

AN ACT concerning the netting of fish and amending P.L. 1941, c. 211.

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

1. Section 2 of P.L. 1941, c. 211 (C. 23:5-24.2) is amended to read as follows:

C. 23:5-24.2 Fish-netting license fees.

2. A person intending to take fish with a net in the waters aforesaid shall, except as hereinafter provided, apply to the commissioner for a license therefor, and the commissioner upon receipt of the application and the fee hereinafter prescribed may in his discretion issue licenses for the taking of fish with nets.

a. The commissioner shall establish resident fees within the following ranges:

- (1) Haul seines, \$25.00 to \$50.00 per net;
- (2) Fykes, \$12.00 to \$30.00 per net;
- (3) Miniature fykes or pots, \$100.00 to \$200.00 regardless of the number, provided that not more than two miniature fykes or pots may be used for the taking of eels for bait without a license. Eels taken without a license may not be sold or used for barter;
- (4) Bait nets, \$10.00 to \$50.00 per license;
- (5) Drifting gill nets, \$20.00 to \$50.00 per net;
- (6) Staked or anchored gill nets, \$3.00 to \$10.00 per net;
- (7) Pound net, \$100.00 to \$200.00 per net;
- (8) Wire pound net, \$25.00 to \$100.00 per net;
- (9) Parallel nets, \$10.00 to \$30.00 per net;
- (10) Lobster or fish pots, \$100.00 to \$200.00 regardless of the number of pots used;
- (11) Horseshoe crab dredge, \$15.00 to \$30.00 per vessel;
- (12) Shrimp trawl, \$12.00 to \$30.00 per net.

b. No license shall be required for the following:

- (1) Dip nets 24 inches in diameter or less used for the taking of herring for live bait;
- (2) Bait seines 50 feet long or less;
- (3) Cast nets 20 feet in diameter or less;
- (4) Lift or umbrella nets four feet square or less;
- (5) Five killi-pots or less measuring not over 10 inches in diameter or 25 inches in length, if cylindrical or 2,000 cubic inches for any other conformation.

Fish taken under this subsection may not be sold or used for barter.

c. Nonresident license fees shall be the same as resident fees if a resident of this State may obtain a license to fish for similar species of fish with similar gear in the nonresident applicant's state for the same fee as a resident of that state. Otherwise, the license fee for a nonresident is 10 times the license fee charged to a resident.

The commissioner may, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations necessary to carry out the provisions of this section.

2. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 69

AN ACT concerning qualified banks with trust powers and supplementing P.L. 1948, c. 67.

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

C. 17:9A-28.2 Purchase for trust accounts of bonds, notes, or other obligations.

1. a. Subject to the provisions of this act, a qualified bank, as defined in section 1 of P.L. 1948, c. 67 (C. 17:9A-1) shall have power to retain and purchase or otherwise acquire for any trust account which it is administering or for any other account which it is administering in any fiduciary capacity, in the absence of any express prohibition to the contrary applicable to that account:

(1) Bonds, notes or other obligations of, or guaranteed by, this State or any agency, authority or instrumentality of this State; and

(2) Bonds, notes or other obligations of any county, municipality, or other governmental unit or subdivision of this State, or any agency, authority, instrumentality of any county, municipality or other governmental unit or subdivision of this State; which that qualified bank or an affiliate thereof holds or has acquired as the underwriter thereof or as a member of an underwriting syndicate thereof. For the purposes of this act, an "affiliate" means a corporation controlled by the qualified bank or by a bank holding company which controls the qualified bank.

b. Notwithstanding the provisions of subsection a. of this section, a qualified bank which is an issuer of bonds, notes or other obligations shall not retain or purchase a total of more than 50% of that issue.

c. The commissioner shall, by regulation, prescribe the manner in which and the extent to which the foregoing power may be exercised. No power shall be exercised until regulations on this subject have been adopted. Regulations shall be directed toward protecting the trust account beneficiaries of that qualified bank but nevertheless affording those beneficiaries the opportunity of sharing in the benefits of the investment in the bonds, notes and other obligations.

2. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 70

AN ACT concerning State colleges and repealing P.L. 1980, c. 150 and P.L. 1984, c. 239.

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

Repealer.

1. P.L. 1980, c. 150 (C. 18A:64-6.7) and P.L. 1984, c. 239 (C. 18A:64-6.8 and C. 18A:64-6.9) are repealed.

2. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 71

AN ACT concerning job training and amending and supplementing P.L. 1983, c. 328.

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

1. Section 3 of P.L. 1983, c. 328 (C. 34:15B-13) is amended to read as follows:

C. 34:15B-13 Consultation with councils.

3. The commissioner shall, in implementing the job training programs established pursuant to this act, consult with the New Jersey State Job Training Coordinating Council established pursuant to Executive Order 22, dated December 3, 1982, with respect to the establishment of criteria for approving applications and candidates for job training. Copies of the minutes of each meeting of the council shall be filed with the commissioner. The commissioner may also consult with the local private industry councils established pursuant to the provisions of the federal Job Training Partnership Act, Pub.L. 97-300 (29 U.S.C. §1501 et seq.) with respect to the establishment of standards and criteria for job training programs, and he may utilize their services with respect to the identification of industries which are in need of the job training services established by this act and for monitoring the effectiveness of job training programs established pursuant to the provisions of this act.

2. Section 4 of P.L. 1983, c. 328 (C. 34:15B-14) is amended to read as follows:

C. 34:15B-14 Establishment of criteria.

4. The commissioner, in consultation with the New Jersey State Job Training Coordinating Council, shall establish criteria for the establishment of job training programs and for awarding grants for any job training program established pursuant to the provisions of this act. These criteria shall include requirements which ensure that job training programs established pursuant to the provisions of P.L. 1983, c. 328 (C. 34:15B-11 et seq.) are operated in compliance with applicable State and federal labor laws and health and safety standards. In establishing criteria for the awarding of the grants, the commissioner shall also, where practicable, give priority to applications for job training or retraining associated with the entry of new businesses, or with the retention of existing businesses in this State, or in connection with existing businesses in the State which plan to expand their work force, which are experiencing skill shortages due to technological change or which are unable to remain competitive due to international foreign competition.

3. Section 7 of P.L. 1983, c. 328 (C. 34:15B-17) is amended to read as follows:

C. 34:15B-17 Applications by businesses.

7. Any business located or to be located in New Jersey may apply to the commissioner for the establishment of a job training program under this act. The application shall identify the specific jobs for

which training is required and the applying business and the commissioner shall jointly establish standards for the proposed job training program. The commissioner shall review the application in accordance with the criteria established pursuant to section 4 of this act. If the application meets these criteria, the commissioner may solicit proposals from approved organizations to conduct the training program and award any grants to these organizations as may be necessary to effectuate the program.

The commissioner shall encourage the establishment of programs which make the optimum economic use of available resources to effectuate the job training, including, but not limited to:

- a. Apprenticeship training;
- b. On the job training;
- c. A combination of on the job training and classroom training, using the facilities of the prospective employer;
- d. Retraining; and
- e. Training to upgrade existing skills.

4. Section 9 of P.L. 1983, c. 328 (C. 34:15B-19) is amended to read as follows:

C. 34:15B-19 Use of funds.

9. Of the funds appropriated annually for activities under this act, up to 15% may be available to the department for the costs of administration and program management. Such administrative costs shall include necessary staff and nonpersonnel services for the direct management of the program as well as the costs involved in developing and maintaining program coordination with other principal departments of State government. At least 85% of the funds appropriated annually for this act shall be used to finance the actual training components and activities developed under this act.

5. Section 10 of P.L. 1983, c. 328 (C. 34:15B-20) is amended to read as follows:

C. 34:15B-20 Financing of program.

10. At least 25% of the total cost of the program shall be paid by the applying business, except that the commissioner may waive this requirement if an application for funds appropriated under P.L. 1983, c. 328 (C. 34:15B-11 et seq.):

- a. Is being submitted in order to meet the requirement for matching State funds for training dislocated workers with federal

funds made available under the federal Job Training Partnership Act, Pub.L. 97-300 (29 U.S.C. §1501 et seq.); or

b. Expressly warrants that any funds received under P.L. 1983, c. 328 (C. 34:15B-11 et seq.) shall be used solely to cover the costs of classroom training to be procured from and conducted by a provider of services other than the applying business.

6. Section 11 of P.L. 1983, c. 328 (C. 34:15B-21) is amended to read as follows:

C. 34:15B-21 Monitoring.

11. The State shall monitor the effectiveness of the job training programs established pursuant to the provisions of this act to determine such factors, including, but not limited to:

a. The percentage of trainees who satisfactorily complete the job training program; and

b. The length of time that trainees who complete the program are employed by the employer which initiated the establishment of the job training program.

7. Section 14 of P.L. 1983, c. 328 (C. 34:15B-24) is amended to read as follows:

C. 34:15B-24 Insurance coverage.

14. Program enrollees are not employees of the State. The commissioner shall arrange for workers' compensation coverage for all program enrollees with the exception of those who are employees of a participating industry. With respect to program enrollees who are employees of a participating industry, the participating industry shall be responsible for assuring that each enrollee on its payroll is covered by workers' compensation during all program activities.

8. Section 16 of P.L. 1983, c. 328 (C. 34:15B-26) is amended to read as follows:

C. 34:15B-26 Rules, regulations.

16. The commissioner shall make such rules and regulations as are necessary to effectuate the purposes of this act, including regulations which ensure that the records made and maintained and the reports prepared and submitted by providers of services pursuant to section 9 of this 1987 amendatory and supplementary act provide information which may be used by the commissioner in preparing the reports required by section 13 of P.L. 1983, c. 328 (C. 34:15B-23).

C. 34:15B-27 Records, reports.

9. (New section) Providers of services shall make and maintain

records and prepare reports on the performance of programs funded under P.L. 1983, c. 328 (C. 34:15B-11 et seq.) in a manner required by the commissioner by regulation.

C. 34:15B-28 Displacement prohibited.

10. (New section) No currently employed worker shall be displaced by a program enrollee by any means, including partial displacement through the reduction of non-overtime work hours, wages or employment benefits; nor shall any program enrollee be placed in the same job or a job which is substantially equivalent to the job previously held by a regular worker who was laid off or terminated by the employer with the intention of filling the vacancy so created by hiring a worker whose wages would be subsidized under P.L. 1983, c. 328 (C. 34:15B-11 et seq.).

C. 34:15B-29 Existing contracts unimpaired.

11. (New section) No job training program funded under P.L. 1983, c. 328 (C. 34:15B-11 et seq.) shall impair existing contracts for services or collective bargaining agreements, except that a training program which would be inconsistent with the terms of a collective bargaining agreement may be undertaken with the written concurrence of the labor organization and employer who are parties to the agreement.

C. 34:15B-30 Effective use of funds.

12. (New section) The commissioner is authorized to expend funds appropriated under P.L. 1983, c. 328 (C. 34:15B-11 et seq.) in conjunction with State and local delivery systems to maximize the effectiveness of funds established by the federal Job Training Partnership Act, Pub.L. 97-300 (29 U.S.C. §1501 et seq.), P.L. 1983, c. 328 (C. 34:15B-11 et seq.), and P.L. 1977, c. 461 to provide customized training programs for businesses submitting applications and which are creating new job opportunities by opening or expanding within the borders of the State, or which are experiencing skill shortages due to technological change, or businesses that are unable to remain competitive due to foreign competition.

C. 34:15B-31 Customized training.

13. (New section) For purposes of this 1987 amendatory and supplementary act, customized training shall include but not be limited to on-the-job training, classroom training, retraining, upgrading training, on-site training, and job retention training programs which are specifically tailored to an industry's needs.

C. 34:15B-32 Training programs limited.

14. (New section) Training programs under this 1987 amendatory

and supplementary act shall be limited to businesses which currently exist in New Jersey, new or expanding businesses, businesses needing customized training program assistance to remain in or start operations in New Jersey, and those businesses experiencing skill shortages due to technological change.

C. 34:15B-33 Exemption from matching requirements; effectiveness monitored.

15. (New section) Funds appropriated under P.L. 1983, c. 328 (C. 34:15B-11 et seq.) for the provision of customized training programs shall be exempt from any matching requirements except that the commissioner may approve plans using other State, private, or federal funds. The State shall monitor the effectiveness of the customized training programs established pursuant to the provisions of this act, including but not limited to:

- a. The percent of trainees who satisfactorily complete the customized training programs; and
- b. The percent of trainees who complete the program who are employed by the employer which initiated the establishment of the job training program.

C. 34:15B-34 Union organizing activity prohibited.

16. (New section) Each recipient of funds under P.L. 1983, c. 328 (C. 34:15B-11 et seq.) shall provide to the Commissioner of Labor assurances that none of the funds will be used to assist, promote or deter union organizing activity.

17. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 72

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, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P.L. 1985, c. 209).

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

1. In addition to the sums appropriated under P.L. 1985, c. 209, there is appropriated from the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management

14-4885 Shellfish and Marine Fisheries
Management \$30,000

Special Purpose:

Marine Mammal Stranding Center
at Brigantine, New Jersey (\$30,000)

2. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 73

AN ACT authorizing the sale of surplus real property owned by the State.

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

1. The Department of Human Services is authorized to sell and convey all of the State's interest in 2.00 ± acres of surplus real property, including a former employee residence, Cottage #10, located in the borough of Morris Plains, Morris county. The property is designated as Block 41B, part of Lot 39 on the borough of Morris Plains tax map. The property, which is part of the Greystone Park Psychiatric Hospital, will be sold to Jersey Battered Women's Service, Inc.

2. The sale shall be upon terms and conditions as approved by the State House Commission.

3. The proceeds from the sale of the property and improvements shall be deposited in the General Fund of the State.

4. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 74

AN ACT concerning the local spending limitations, amending and supplementing P.L. 1976, c. 68, amending P.L. 1981, c. 279, P.L. 1983, c. 49, P.L. 1985, c. 38, P.L. 1985, c. 164, P.L. 1986, c. 3 and repealing various sections of law.

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

1. Section 2 of P.L. 1976, c. 68 (C. 40A:4-45.2) is amended to read as follows:

C. 40A:4-45.2 5% limit.

2. Beginning with the tax year 1977 municipalities, other than those having a municipal purposes tax rate of \$0.10 or less per \$100.00, and counties shall be prohibited from increasing their final appropriations by more than 5% or the index rate, whichever is less, over the previous year, except within the provisions set forth hereunder.

For the purpose of this section, in computing its final appropriations for the previous year, a municipality or county shall include, as part of its final appropriations:

a. Amounts of revenue generated by an increase in its valuations based solely on applying the preceding year's local purposes tax rate of the municipality to the assessed value of new construction or improvements, or on applying the preceding year's county tax rate to the apportionment valuation of new construction or improvements, as may be appropriate;

b. Revenues derived in the previous year from new construction, housing, health or fire safety inspection or other service fees, or from any increase in any previously imposed construction, housing, health, or fire safety inspection or service fees imposed by State law, rule or regulation or by local ordinance;

c. Amounts approved by referendum, pursuant to subsection i. of section 3 of P.L. 1976, c. 68 (C. 40A:4-45.3) and section 1 of P.L. 1979, c. 268 (C. 40A:4-45.3a);

d. Increased revenue received in the preceding year from payments in lieu of taxes on any property owned by a tax-exempt public entity, to the extent that the payment is excepted pursuant to subsection n. of section 3 of P.L. 1976, c. 68 (C. 40A:4-45.3).

In each budget year subsequent to 1981, and in the case of a county, in each budget year subsequent to 1982, whenever any municipality or county shall have transferred to any local public utility, any local public authority or any special purposes district, during the immediately preceding budget year, or at any time during the current budget year prior to the final adoption of the budget, any service or function funded during the immediately preceding budget year, either partially or wholly, from appropriations in the municipal or county budget, the municipality or county shall deduct from its final appropriations upon which its permissible expenditures are calculated, or upon which its permissible county tax levy is calculated, pursuant to this section the amount which the municipality or county expended for that service or function during the last full budget year throughout which the service or function so transferred was funded from appropriations in the municipal or county budget.

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

C. 40A:4-45.3 Budget "cap"; exceptions.

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

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

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

c. (1) An increase based upon emergency temporary appropriations made pursuant to N.J.S. 40A:4-20 to meet an urgent situation

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

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

- d. All debt service, including that of a Type I school district;
- e. Upon the approval of the Local Finance Board in the Division of Local Government Services, amounts required for funding a preceding year's deficit;
- f. Amounts reserved for uncollected taxes;
- g. Expenditures mandated after the effective date of this act pursuant to State or federal law;
- h. Expenditure of amounts derived from new or increased construction, housing, health or fire safety inspection or other service fees imposed by State law, rule or regulation or by local ordinance, or derived from the sale of municipal assets;
- i. Any amount approved by any referendum or any amount expended to conduct a special election required by law to be held at a time other than the time of a general election or regular municipal election, as appropriate;
- j. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewer, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision

of this State; (2) the provisions of article 9 of P.L. 1968, c. 404 (C. 13:17-60 through 13:17-76) by a constituent municipality to the inter-municipal account; and (3) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in providing the facility which is leased, in whole or in part;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. 40A:4-45.4 County exceptions.

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

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

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

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

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

d. All debt service;

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

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

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

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

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

j. Amounts expended for the conduct of any special election re-

quired by law to be held at a time other than the time of the general election;

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

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

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

C. 40A:4-45.32 Exceptions to spending limitations.

4. (New section) Notwithstanding the provisions of sections 3 and 4 of P.L. 1976, c. 68 (C. 40A:4-45.3 and 40A:4-45.4) to the contrary, a county or municipality may expend the funds which may be received as revenue as provided herein or which are necessary to pay the following costs or to meet the following requirements, as exceptions to the spending limitations imposed by P.L. 1976, c. 68 (C. 40A:4-45.1 et seq.):

a. Amounts necessary for any rates, fees, taxes, contract costs or other charges, including recycling and closure costs, associated with the collection, transportation and disposal of solid waste;

b. Amounts for the installation and use of scales to determine the weight of all vehicles disposing of solid waste at a solid waste facility as required by P.L. 1983, c. 93 (C. 13:1E-117 et seq.) and amounts incurred by any municipality for the disposal of solid waste as a direct result of the installation and use of those scales; or

c. Expenditures of revenues received pursuant to section 5 of P.L. 1981, c. 278 (C. 13:1E-96), section 39 of P.L. 1985, c. 38 (C. 40A:4-27.1) in the case of municipalities, section 41 of P.L. 1985, c. 38 (C. 40A:4-27.2) in the case of municipalities, or revenues received from the sale of recyclable materials.

C. 40A:4-45.33 Calculation of permissible increase.

5. (New section) a. Any county or municipality which in the budget years preceding budget year 1987 appropriated funds for increases in fuel oil, gasoline or heating oil charges as an exception to the spending limitations imposed pursuant to P.L. 1976, c. 68 (C. 40A:4-45.1 et seq.) shall include the amount of those funds in its final appropriations for the previous year prior to calculating the per-

missible increase in its tax levy or final appropriations, as appropriate, for the 1987 budget year.

b. Each county and municipality shall, in budget year 1987 when determining their final appropriations for the prior year upon which the increase permitted under P.L. 1976, c. 68 (C. 40A:4-45.1 et seq.) is calculated, deduct from those final appropriations for the prior year any amounts appropriated for rates, fees, taxes, contract costs, or other charges, including recycling and closure costs, associated with the collection, transportation and disposal of solid waste.

6. Section 7 of P.L. 1983, c. 49 (C. 40A:4-45.14) is amended to read as follows:

C. 40A:4-45.14 Permissible increase in appropriations.

7. a. Notwithstanding the provisions of section 2, 3 or 4 of P.L. 1976, c. 68 (C. 40A:4-45.2, 40A:4-45.3 and 40A:4-45.4) to the contrary, in any year for which the index rate exceeds 5%, a municipality may, by ordinance, or a county may, by ordinance or resolution, as appropriate, provide that in the local budget year to which the ordinance or resolution applies, the final appropriations of the municipality, or the tax levy of the county, shall be increased by a percentage rate greater than 5%, but not to exceed the index rate, over the previous year's final appropriations, or county tax levy, as the case may be.

b. Notwithstanding the provisions of section 2, 3 or 4 of P.L. 1976, c. 68 (C. 40A:4-45.2, 40A:4-45.3 and 40A:4-45.4) to the contrary, in any year in which the index rate is less than 5% a municipality may, by ordinance approved by a majority vote of the full membership of the governing body, or a county may, by ordinance or resolution, as appropriate, approved by a majority vote of the full membership of the governing body, provide that in the local budget year to which the ordinance or resolution applies, the final appropriations of the municipality, or the tax levy of the county, shall be increased by a percentage rate greater than the index rate, but not to exceed 5% over the previous year's final appropriations, or county tax levy, as the case may be.

c. The ordinance or resolution, as appropriate, shall be introduced after January 1 of the local budget year to which it applies and prior to the date provided by law for the introduction and approval of the annual budget of the municipality or county. The ordinance or resolution shall state the greater percentage rate to be adopted and the additional amount of increased final appropriations

or tax levy which that greater percentage rate represents over that which the 5% rate or index rate, as appropriate represents. The ordinance or resolution may, thereafter, be adopted, after publication and a public hearing separately afforded upon 10 days' notice duly published, by a majority vote of the authorized membership of the governing body. Any procedures provided in a form of local government for the exercise of veto powers by a mayor or county executive with respect to ordinances generally shall pertain. An ordinance or resolution so adopted shall, notwithstanding any other provision of law, take effect immediately upon adoption.

Upon adoption of the ordinance or resolution, the permissible final appropriations of the municipality, or permissible county tax levy of the county, shall be calculated for the year as provided in section 3 or 4 of P.L. 1976, c. 68 (C. 40A:4-45.3 or 40A:4-45.4), except that the percentage rate so adopted shall be used. The final appropriations or county tax levy so calculated shall be used in the immediately following year for the purposes of section 2 of P.L. 1976, c. 68 (C. 40A:4-45.2).

A copy of any ordinance or resolution introduced pursuant to this section shall be filed with the Director of the Division of Local Government Services within five days of introduction, and a copy of the ordinance or resolution adopted shall be filed with the director within five days of adoption.

In any year for which an ordinance is adopted by a municipality pursuant to this section, no referendum shall be held in that municipality pursuant to subsection i. of section 3 of P.L. 1976, c. 68 (C. 40A:4-45.3); provided that a municipality may hold a special election if required by law pursuant to that subsection.

7. Section 39 of P.L. 1985, c. 38 (C. 40A:4-27.1) is amended to read as follows:

C. 40A:4-27.1 Anticipation in budget.

39. Any monies due a municipality pursuant to the provisions of section 19 of P.L. 1975, c. 326 (C. 13:1E-28) may be anticipated by the municipality for the purposes of preparing its annual budget.

8. Section 41 of P.L. 1985, c. 38 (C. 40A:4-27.2) is amended to read as follows:

C. 40A:4-27.2 Municipal "cap" exemption.

41. Any monies due a municipality pursuant to the provisions of section 40 of P.L. 1985, c. 38 (C. 48:13A-5.1) may be anticipated by the municipality for the purposes of preparing its annual budget.

9. Section 32 of P.L. 1981, c. 279 (C. 13:1E-80) is amended to read as follows:

C. 13:1E-80 Taxation of hazardous waste facilities; disposition of moneys by municipality; collection of excess amounts; payments directed by commission.

32. a. All major hazardous waste facilities shall, for the purposes of local property taxation, be assessed and taxed in the same manner as other real property.

In the event that a major hazardous waste facility is constructed or operated on a site which is exempt from local property taxation by virtue of the ownership thereof by any public agency, the owner or operator of the facility shall, the provisions of any law, rule, regulation, ordinance, resolution or contract to the contrary notwithstanding, annually pay to the affected municipality a sum equal to the amount which would annually be due if the land on which the facility is located and any improvements thereto were assessed and taxed as real property subject to local property taxation. Such payments shall be made to the chief fiscal officer of the affected municipality by December 31 of each year.

b. Subsequent to the effective date of this act, the owner or operator of every major hazardous waste facility shall, on or before January 25 of each year, file with the chief fiscal officer of the municipality wherein the facility is located a statement, verified by oath, showing the gross receipts from all charges imposed during the preceding calendar year upon any person for the treatment, storage or disposal of hazardous waste at the facility, and shall at the same time pay to the chief fiscal officer a sum equal to 5% of those receipts.

c. All moneys received by any municipality pursuant to this section shall be appropriated and utilized for the following purposes:

(1) Extra police or fire costs, whether for salaries, equipment, or administrative expenses, which were necessitated by the operation of the major hazardous waste facility;

(2) Any local inspection program costs incurred by the local board of health or the county health department, as the case may be, provided that the program is performed pursuant to the provisions of this act and any rule or regulation promulgated pursuant thereto;

(3) Road construction or repair costs necessitated by the transportation of hazardous waste through the municipality to the major hazardous waste facility; and

(4) Other expenses directly related to the impact of the major hazardous waste facility on the municipality.

d. Any municipality in which a major hazardous waste facility is located may petition the commission for approval to collect an amount in excess of the amount prescribed in subsection b. of this section. The commission, after affording the affected owner or operator with notice of such petition and an opportunity to be heard thereon, may grant the petition, but only if the commission is satisfied that such grant is warranted by the expenses imposed upon the municipality as a result of the operation of the major hazardous waste facility.

e. The commission may, upon the petition of the affected owner or operator or upon its own motion, direct that the amount to be paid pursuant to subsection b. of this section be reduced to a lower percentage if, after affording the affected municipality notice of such petition or commission intent to decrease such amount and an opportunity to be heard thereon, the commission finds that such lower amount is sufficient to cover the expenses imposed upon the municipality as a result of the operation of the major hazardous waste facility.

f. Any commission action taken pursuant to subsection d. or e. of this section shall be considered to be final agency action thereon for the purposes of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), and shall be subject only to judicial review as provided in the Rules of Court.

10. Section 5 of P.L. 1986, c. 3 is amended to read as follows:

5. This act shall take effect immediately, shall be retroactive to January 1, 1986 and shall apply to each local budget year thereafter.

Repealer.

11. The following sections of law are repealed:

Section 5 of P.L. 1976, c. 68 (C. 40A:4-45.5);

Section 10 of P.L. 1981, c. 262 (C. 58:1A-10);

Section 8 of P.L. 1981, c. 278 (C. 13:1E-99);

Section 14 of P.L. 1981, c. 306 (C. 13:1E-113);

Section 3 of P.L. 1981, c. 438 (C. 40A:4-45.10);

Section 5 of P.L. 1981, c. 460 (C. 40:A4-45.11);

Section 5 of P.L. 1983, c. 93 (C. 13:1E-121);

Section 4 of P.L. 1983, c. 294 (C. 40A:4-45.18);

Section 29 of P.L. 1983, c. 315 (C. 40A:4-45.20);

Section 23 of P.L. 1983, c. 383 (C. 40A:4-45.21);
Section 7 of P.L. 1983, c. 443 (C. 40A:4-45.22);
Section 22 of P.L. 1983, c. 516 (C. 34:6A-46);
Section 10 of P.L. 1984, c. 180 (C. 40A:4-45.23);
Section 1 of P.L. 1984, c. 231 (C. 40A:4-45.2a);
Section 34 of P.L. 1985, c. 38 (C. 40A:4-45.25);
Section 3 of P.L. 1985, c. 153 (C. 40A:4-45.10a);
Sections 1 and 2 of P.L. 1985, c. 164 (C. 40A:4-45.26 and
40A:4-45.27);
Section 27 of P.L. 1985, c. 222 (C. 52:27D-327);
Section 2 of P.L. 1985, c. 315 (C. 40A:4-45.28); and
Sections 1 and 2 of P.L. 1986, c. 3 (C. 40A:4-45.30 and 40A:4-45.31).

12. This act shall take effect immediately and shall apply to the 1987 local budget year and each local budget year thereafter.

Approved March 11, 1987.

CHAPTER 75

AN ACT authorizing short-term State investments for community development in certain instances, and making an appropriation therefor.

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

C. 52:27D-118.24 Short title.

1. This act shall be known and may be cited as the "Special Municipal Aid Act."

C. 52:27D-118.25 Findings, declarations.

2. The Legislature finds that certain large and small municipalities in this State are currently experiencing fiscal distress as a result of insufficient collection of tax revenues, insufficient collection of other revenues, over-anticipation of revenues of prior years, or from other causes; that these municipalities currently function within stringent budgetary constraints, straining their revenue sources to provide basic public services for their residents; that these municipalities may benefit from the expertise of the State in recommending fiscal recovery measures designed to alleviate the fiscal distress they are currently experiencing; and that short-term State assistance, in the form of State grants and loans, may provide the temporary

revenue bridge these few municipalities need in order to overcome their current difficulties and regain their financial stability.

The Legislature, therefore, declares that it is fitting and proper, and within the public interest, to provide short-term loans and grants to certain municipalities currently experiencing budgetary difficulties in generating adequate local revenues in order to assist those municipalities not only in meeting their immediate budgetary needs, but also to enable them to regain their financial stability.

C. 52:27D-118.26 Definitions.

3. As used in this act:

“Board” means the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs.

“Director” means the Director of the Division of Local Government Services in the Department of Community Affairs.

“Eligible municipality” means a municipality which is qualified to receive assistance under P.L. 1978, c. 14 (C. 52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the “Local Government Supervision Act (1947),” P.L. 1947, c. 151 (C. 52:27BB-1 et seq.), or a municipality which has issued qualified bonds pursuant to the provisions of the “Municipal Qualified Bond Act,” P.L. 1976, c. 38 (C. 40A:3-1 et seq.).

C. 52:27D-118.27 Short-term financial assistance.

4. The moneys appropriated in section 9 of this act may be used to provide short-term financial assistance to eligible municipalities to enable them to meet their immediate budgetary needs and regain their financial stability, affording them an opportunity to develop, revive and expand their economic bases. The financial assistance provided shall include, but not be limited to, loans, loan guarantees, and grants. The form, amount and terms of the financial assistance, including whether or not any loan shall be repaid with interest and if so, the rate of interest, shall be determined by the Local Finance Board. All loans, along with the interest thereon, if any, shall be repaid by the recipient municipality to the State on the date or dates specified by the Local Finance Board.

C. 52:27D-118.28 Finding of fiscal distress; notification; review.

5. Whenever the director, during the exercise of his duty under the provisions of the “Local Budget Law,” N.J.S. 40A:4-1 et seq., to examine each local budget, or upon the basis of any other information and data available to him, shall find that an eligible municipality is experiencing fiscal distress and may require assistance under

this act, he shall forthwith notify the Local Finance Board of his finding. The director's finding of fiscal distress in an eligible municipality may be based on the municipality's tax rate, cash deficit, insufficient percentage of tax collections, insufficient collection of other revenues, over-anticipation of the revenues of prior years, non-liquidation of interfund transfers, reliance on emergency authorizations, continual rollover of tax anticipation notes, or other factors indicating a constrained ability to raise sufficient revenues to meet its budgetary requirements.

Within five days of that notification, the Local Finance Board shall meet to review the director's findings. If the board shall concur with the director's findings, it shall, through the director, so notify the governing body of the eligible municipality.

At a time and place determined by the director, the board, the governing body of the eligible municipality, and any other interested parties the director and the board may deem appropriate, shall meet to review the implementation of the provisions of this act. The review shall include, but not be limited to:

- a. The director's assessment of the difference between the eligible municipality's revenue needs for the current local budget year and its revenue raising capacity for the current local budget year;
- b. The actions the governing body of the eligible municipality intends to take in the current local budget year to meet the municipality's revenue needs; and
- c. The actions the governing body intends to take to expand the eligible municipality's local revenue generating capacity for subsequent local budget years.

C. 52:27D-118.29 Determination of amount of grants, loans.

6. The board shall determine the total amount of grants and loans, or any combination thereof, to be provided to each eligible municipality and the director shall certify that amount to the State Treasurer and to the governing body of the eligible municipality. In the case of loans to an eligible municipality, the board shall set forth the terms of the loan agreement, including whether or not any interest shall be paid and, if so, the rate of that interest. The term of a loan authorized under the provisions of this act shall not exceed 10 years.

As a condition of receiving assistance under the provisions of this act, an eligible municipality shall implement any fiscal recovery

measures recommended by the director and approved by the board, and the municipality shall be subject to management and fiscal audit by the director.

The determination of the board pursuant to this act as to the amount of financial assistance to be paid to an eligible municipality shall be final and conclusive, and there shall be no appeal therefrom nor any review thereof.

C. 52:27D-118.30 Notice.

7. Whenever the board shall determine to provide financial assistance to an eligible municipality pursuant to the provisions of this act, the board shall forthwith notify the Governor, the President of the Senate, the Speaker of the General Assembly and the State Treasurer. The notice shall set forth:

- a. The municipality's eligibility for a payment of financial assistance under the provisions of this act;
- b. The board's determination of the amounts of financial assistance to be paid to that eligible municipality;
- c. The form, amount and terms of the financial assistance, including whether or not any loan shall be repaid with interest and, if so, the rate of that interest, and the factors considered by the board in making those determinations;
- d. The actions the governing body of the eligible municipality intends to take in the current local budget year to meet the municipality's revenue needs;
- e. The actions the governing body intends to take to expand the eligible municipality's local revenue generating capacity for subsequent local budget years; and
- f. Any other information or data the board deems appropriate and necessary.

C. 52:27D-118.31 Appropriation by municipality; anticipation in budget.

8. The financial assistance provided to an eligible municipality pursuant to the provisions of this act shall be appropriated by the municipality in compliance with the provisions of the "Local Budget Law," N.J.S. 40A:4-1 et seq.

Notwithstanding any provisions of the "Local Budget Law," N.J.S. 40A:4-1 et seq., any eligible municipality receiving a payment of financial assistance pursuant to the provisions of this act may anticipate the receipt of the amount of financial assistance certified to it

by the director and may file any amendment or corrections in its local budget as may be required to reflect that certified amount in its budget.

9. There is appropriated from the General Fund \$100,000.00* to the Department of Community Affairs to effectuate the purposes of this act.

10. This act shall take effect immediately.

Approved March 11, 1987.

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

Statement to Chapter 75
(Senate Bill No. 3023)

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 3023 at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill would establish the "Special Municipal Aid Act," which is similar to the Distressed Cities Program added to the 1987 Appropriations Act I signed into law last June. These programs are designed to provide distressed municipalities with short-term financial assistance while they overcome their current difficulties and regain their financial stability.

As a condition of receiving assistance under the provisions of this legislation, an eligible municipality would be required to implement any fiscal recovery measures recommended by the Director of the Division of Local Government Services in the Department of Community Affairs and approved by the Local Finance Board in that Department, and the municipality would be subject to management and financial audit by the Director.

This bill appropriates \$12 million from the General Fund to effectuate its purposes.

I have indicated publicly that I favor adoption of this type of program to help those municipalities most in need of State assistance, both financial and managerial. The dwindling State surplus will not permit funding of this program, and it is, of course, my constitutional responsibility as Governor to ensure that appropriations do not exceed expected revenue sources.

By other action today, I am signing into law Assembly Bill No. 3757 to provide a statutory base for supplemental State aid for municipal police protection, although I must reduce its appropriation to \$12 million based upon budgetary constraints.

Given my support for adoption of this type of program, I am today enacting it into law, although with only a nominal appropriation. I am, however, signing into law my conditional veto of Assembly Bill No. 823 to appropriate \$50 million to the Distressed Cities Program to be generated from money received from the tax amnesty program. Experts in the field have indicated that it is not likely that more than \$50 million will be generated from tax amnesty, and, thus, I am willing to permit that amount of money to be targeted to the Distressed Cities Program.

As I indicate in my written message accompanying enactment of Assembly Bill No. 3757, the actions I have taken today will alleviate the current fiscal uncertainty in urban municipalities. Unfortunately, this will not provide a long-term remedy for the financial plight of our cities since amnesty furnishes only one-time revenues. I do believe, however, that my actions today are consistent with my responsibility to ensure the well-being of the people of the State and maintain fiscal responsibility.

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

Page 4, Section 9, Line 1: Delete "\$12,000,000.00," insert
"\$100,000"

Respectfully,

Thomas H. Kean
Governor

CHAPTER 76

AN ACT concerning the administration and enforcement of certain State taxes, providing for increased interest, costs and civil and criminal penalties thereunder, authorizing the Director of the Division of Taxation to establish a 90-day period during which unpaid taxes may be remitted without the imposition of any

civil or criminal penalties, amending, supplementing and repealing various portions of the statutory law, and making an appropriation.

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

1. R.S. 54:48-2 is amended to read as follows:

Definitions.

54:48-2. As used in this subtitle:

“Commissioner” means the Director of the Division of Taxation in the Department of the Treasury.

“Department” means the Division of Taxation in the Department of the Treasury.

“Director” means the Director of the Division of Taxation.

“Prime rate” means the average predominant prime rate, as determined by the Board of Governors of the Federal Reserve System, quoted by commercial banks to large businesses as of the first business day of the calendar quarter within which the payment was due.

“State tax” means any tax which is payable to or collectible by the director, and “State tax law” means any law which levies or imposes a State tax as herein defined.

“Taxpayer” means any person owing or liable to pay any State tax or any person deemed by the director to be so owing or liable.

2. R.S. 54:49-3 is amended to read as follows:

Interest, penalty on unpaid tax.

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 and penalty, if any, on said tax at the rate of five percentage points above the prime rate, to be compounded daily upon the amount that 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 three percentage points above the prime rate, to be compounded daily 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 five percentage points above the prime rate, to be compounded daily from the date the tax was originally due to the date of actual payment.

3. R.S. 54:49-4 is amended to read as follows:

Late filing penalty.

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 \$100.00 for each month or fraction thereof 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.

4. R.S. 54:49-6 is amended to read as follows:

Assessment to taxpayer; demand for payment.

54:49-6. After a report is filed under the provisions of any State tax law, the director 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 five percentage points above the prime rate, to be compounded daily 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.

5. R.S. 54:49-10 is amended to read as follows:

Fees recoverable as if part of tax.

54:49-10. All penalties and interest when imposed by this or by any State tax law as well as the fee imposed for the cost of collection under R.S. 54:49-13 shall be payable to and recoverable by the director in the same manner as if they were a part of the tax imposed.

6. R.S. 54:49-11 is amended to read as follows:

Remittance, waiving of penalty.

54:49-11. If the failure to pay any such tax when due is explained to the satisfaction of the director, he may remit or waive the payment of the whole or any part of any penalty for deficiency assessments

made pursuant to R.S. 54:49-6. In all other cases the director may remit or waive the payment of any part of any penalty and may remit or waive the payment of any interest charge in excess of the rate of three percentage points above the prime rate compounded daily.

7. R.S. 54:49-13 is amended to read as follows:

Release of property from lien.

54:49-13. The director, upon application made to him and upon the payment of an amount equal to the cost of collection may release any property from the lien of any certificate, judgment or levy, procured by him; provided, payment be made to the director of such sum as he shall deem adequate consideration for such release or provided a deposit shall be made with the director of such security as he shall deem adequate to secure the payment of any debt evidenced by any such certificate, judgment or levy, the lien of which is sought to be released. Such release shall be given under the seal of the director, and may be recorded in any office in which conveyances of real estate may be recorded.

When any lien or claim for past-due corporate franchise taxes, which may have been assessed upon a corporation's total authorized capital stock because of the corporation's failure to file a franchise tax return, shall be brought into question, the director of the Division of Taxation may, upon application of any party having an interest in the property against which such lien is claimed or asserted, and upon the receipt of satisfactory proof, redetermine and reassess the tax in an amount based upon the capital stock issued and outstanding as of January 1 of the year in question.

C. 54:49-12.1 Fees for cost of collection.

8. (New section) If any State tax is not paid within the time prescribed by law, and the director issues a certificate of debt pursuant to R.S. 54:49-12, a fee for the cost of collection of the tax may be imposed by the director. In lieu of imposing the actual cost of collection as the fee, the director may impose a fee in the amount of 5% of the tax or \$100.00, whichever is greater. In the event that the State tax remains unpaid following the issuance of the certificate of debt and the director takes any further collection action including referral of the matter to the Attorney General, the fee imposed, in lieu of the actual cost of collection, may be 10% of the tax or \$200.00, whichever is greater. In the further event that the tax remains unpaid and suit is instituted for the collection of the tax, the fee imposed, in lieu of the actual cost of collection, may be 20% of the tax or \$500.00, whichever is greater. The fees imposed pursuant to this

section shall be in addition to any interest or penalty, or both, otherwise provided by law. The director shall promulgate regulations for determining the cost of collection.

9. Section 1 of P.L. 1981, c. 392 (C. 54:49-13a) is amended to read as follows:

C. 54:49-13a Levy, sale of property of person liable for any State tax.

1. As an additional or alternate remedy, the director may issue a warrant, directed to the sheriff of any county commanding him to levy upon and sell the real and personal property of any person liable for any State tax, which may be found within his county, for the payment of the amount thereof, with any penalties, interest, fees imposed for the cost of collection as may be provided by law and the cost of executing the warrant, and to return such warrant to the director and to pay to him the money collected by virtue thereof within 60 days after the receipt of such warrant. The sheriff shall within five days after the receipt of the warrant file with the county clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties, interest and any fees imposed for the cost of collection for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the Director of the Division of Taxation, Department of the Treasury, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Division of Taxation, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. Except in the case of an arbitrary assessment, any warrant issued and directed to any officer or employee of the Division of Taxation prior to the time for filing an appeal to the tax court has expired, or after an appeal has been filed, shall not be executed upon unless a notice of intention to proceed upon the warrant shall have been directed to the person named in the warrant, which notice shall state the amount of taxes, penalties, interest and any fees imposed for the cost of collection as

may be provided by law claimed to be owing, and shall specify the right of the taxpayer to contest the execution upon the warrant in the tax court or in the Superior Court, within three days following receipt by the taxpayer of that notice. The court shall restrain the execution upon the warrant upon a showing that the State's taxes, penalties, interest and any fees imposed for the cost of collection claimed to be owing will be adequately protected by bond or other security. If the warrant is returned not satisfied in full, the director may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the State had recovered judgment therefor and execution thereon had been returned unsatisfied.

10. R.S. 54:49-16 is amended to read as follows:

Refund, credit to taxpayer.

54:49-16. a. Where no questions of fact or law are involved and it appears from the records of the director that any moneys have been erroneously or illegally collected from any taxpayer or other person or have been paid by any taxpayer or other person under a mistake of fact or law, the director may at any time, within two years of payment, unless a shorter limit is fixed by the law imposing the tax, upon making a record in writing of his reasons therefor, certify to the comptroller that the taxpayer is entitled to such refund and thereupon the comptroller shall authorize the payment thereof from the appropriation for such purpose.

b. Where no questions of fact or law are involved and it appears from the audit of any taxpayer that a State tax has been erroneously or illegally collected from such taxpayer, or has been paid by such taxpayer under a mistake of fact or law, the director may, within the time in which a deficiency assessment of that tax may be made, credit the erroneous overpayment of tax to the account of the taxpayer to offset the amount of a deficiency assessment; provided, however, that a credit shall only be applied to offset a liability for a period covered by the assessment period and shall only be granted with respect to a deficiency assessment made by the director under the same State tax as the erroneous overpayment.

11. R.S. 54:49-17 is amended to read as follows:

Repayment of deposit; application of deposit, refund to indebtedness.

54:49-17. When, to secure compliance with any of the provisions of any State tax law or of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., any moneys shall have been deposited with the director by any taxpayer and shall have been paid over to the

treasurer, and the director shall be satisfied that such taxpayer has fully complied with all such provisions, the director shall so certify to the comptroller who shall thereupon issue his warrant to the treasurer for the repayment to such taxpayer of such moneys or such part thereof as the director shall certify has not been applied by him to the satisfaction of any indebtedness arising under any State tax law or under the State Tax Uniform Procedure Law.

Whenever any taxpayer shall be entitled to any refund of taxes or to the repayment of any deposit, or to both, under the provisions of any State tax law or of the State Tax Uniform Procedure Law, and at the same time the said taxpayer shall be indebted to the State for taxes, penalties, interest or fees imposed for the cost of collection under the provisions of any other State tax law or of the State Tax Uniform Procedure Law, the director may apply or cause to be applied the said refund or deposit, or both, or so much of either or both as shall be necessary, to the satisfaction of the said indebtedness, so due from the taxpayer to the State, before making or certifying such refund or repayment.

12. R.S. 54:50-2 is amended to read as follows:

Examination, investigation.

54:50-2. a. For the purpose of administering the State Tax Uniform Procedure Law, or any State tax law, the director, whenever he deems it expedient, may make or cause to be made by any employee of the Division of Taxation engaged in the administration of that law, or any State tax law, an examination or investigation of the place of business, if any, the tangible personal property and the books, records, papers, vouchers, accounts and documents of any taxpayer. Every taxpayer and every director, officer, agent or employee of every taxpayer shall exhibit to the director or to any such employee of the Division of Taxation, the place of business, the tangible personal property and all of the books, records, papers, vouchers, accounts and documents of the taxpayer and facilitate any such examination or investigation so far as it may be in his or their power so to do. The director or any employee of the division by him thereunto designated, may take the oath of any person signing any application, deposition, statement or report required by the director in the administration of the State Tax Uniform Procedure Law, or any State tax law.

b. For the purpose of administering the State Tax Uniform Procedure Law, or any State tax law, the director, whenever he deems it expedient, may enter into agreements with other states, the Dis-

trict of Columbia and the United States, providing for the reciprocal enforcement and administration of any tax imposed by those jurisdictions entering into such an agreement. The duly authorized officer of any jurisdiction which extends like authority to officers or employees of this State may sue for the collection of that jurisdiction's taxes in the courts of this State.

13. R.S. 54:50-8 is amended to read as follows:

Confidentiality.

54:50-8. a. The records and files of the director respecting the administration of the State Tax Uniform Procedure Law or of any State tax law shall be considered confidential and privileged and neither the director nor any employee engaged in the administration thereof or charged with the custody of any such records or files, nor any former officer or employee, nor any person who may have secured information therefrom under subsection d., e., f., or g. of R.S. 54:50-9 or any other provision of State law, shall divulge, disclose or use for their own personal advantage any information obtained from the said records or files or from any examination or inspection of the premises or property of any person. Neither the director nor any employee engaged in such administration or charged with the custody of any such records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except when the records or files or the facts shown thereby are directly involved in an action or proceeding under the provisions of the State Tax Uniform Procedure Law or of the State tax law affected, or where the determination of the action or proceeding will affect the validity or amount of the claim of the State under some State tax law, or in any lawful proceeding for the investigation and prosecution of any violation of the criminal provisions of the State Tax Uniform Procedure Law or of any State tax law.

b. The prohibitions of this section, against unauthorized disclosure or use by any present or former officer or employee of this State or any other individual having custody of such information obtained pursuant to the explicit authority of State law, shall specifically include, without limitation, violations involving the divulgence of any information from or any copy of a federal return or federal return information required by New Jersey law to be attached to or included in any New Jersey return. Any person violating this section shall be guilty of a crime of the fourth degree.

14. Section 4 of P.L. 1973, c. 367 (C. 54:50-15) is amended to read as follows:

New Jersey State Library

C. 54:50-15 Issuance of certificate.

4. The Director of the Division of Taxation shall, upon application, issue a certificate evidencing that a corporation's taxes have been paid or provided for if

a. In his judgment the amount which has been deposited or paid on account by such corporation is adequate to cover estimated taxes up to the date of the relevant corporate action; or

b. In a case in which the corporate action taken or proposed to be taken is one of the exceptions specified in paragraph (1) or (2) of subsection b. of section 2 of P.L. 1973, c. 367 (C. 54:50-13), the application for such certificate is accompanied by

(1) An opinion signed by an attorney-at-law of the State of New Jersey, who states that he is familiar with the facts of the transaction and that the requirements for such exception have been met and

(2) The written undertaking of the corporation or corporations assuming the tax liability; or

c. The application for such certificate is accompanied by

(1) A written undertaking from another domestic corporation, or foreign corporation authorized to transact business in this State, to pay all taxes of the applicant corporation on or before the date such taxes are payable and

(2) A certification that the corporation making such undertaking has a net worth not less than 10 times the amount of all taxes paid by the applicant corporation during the last complete year in which it filed tax returns with the State of New Jersey.

The Director of the Division of Taxation shall be entitled to receive as a fee for the issuance of such certificate the sum of \$25.00.

C. 54:52-5 Charges under other titles.

15. (New section) The fact that certain acts or omissions may constitute crimes and offenses under Title 2C of the New Jersey Statutes, Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, and may be prosecuted under sections 16 through 29 of this 1987 amendatory and supplementary act (C. 54:52-6 through C. 54:52-19), shall not prevent a person from being charged under the provisions of Title 2C of the New Jersey Statutes, Title 54 of the Revised Statutes, or Title 54A of the New Jersey Statutes, if those acts or omissions constitute crimes or offenses under any of the provisions of those titles.

C. 54:52-6 Disorderly persons offenses.

16. (New section) A person commits a disorderly persons offense if he, recklessly or negligently:

- a. Fails to file any return or report required by any State tax law;
- b. Fails to pay over any tax required by any State tax law;
- c. Files, causes to be filed, makes, causes to be made, gives, or causes to be given any return, certificate, affidavit, representation, information, testimony or statement, required or authorized by any State tax law, which is false;
- d. Fails to file a bond required to be filed by any State tax law;
- e. Fails to file an application for registration, certification, or such data in connection therewith as the director by regulation or otherwise may require under any State tax law;
- f. Fails to display or surrender any certificate of authority as may be required by any State tax law;
- g. Assigns or transfers any certificate of authority in violation of any State tax law;
- h. Fails to charge any State tax as required by any State tax law;
- i. Fails to separately state or account for any State tax as required by any State tax law;
- j. Fails to withhold any State tax as required by any State tax law; or
- k. Fails to keep any records required by any State tax law or regulation of the director issued thereunder.

The offenses provided in this section shall be in addition to any other penalties prescribed in this 1987 amendatory and supplementary act or otherwise prescribed by law.

In a prosecution of an offense under this section the State shall not be required to prove that the defendant acted purposely or knowingly with respect to the nature of his conduct.

The designation of certain acts or omissions as disorderly persons offenses under this section shall not prevent a person from being charged or convicted under any other provision of Title 2C of the New Jersey Statutes, Title 54 of the Revised Statutes, and Title 54A of the New Jersey Statutes if those acts are chargeable under those provisions.

C. 54:52-7 Providing false information.

17. (New section) A person is guilty of a crime of the fourth degree if he provides, or causes to be provided, false information with purpose to hinder an official investigation, inquiry, examination or audit by the director or a duly authorized representative.

C. 54:52-8 Failure to file return.

18. (New section) A person is guilty of a crime of the third degree if he fails to file any return or report required to be filed pursuant to the provisions of any State tax law with the intent to defraud the State or to evade, avoid or otherwise not make timely payment of any tax, fee, penalty, interest or any part thereof which shall be due pursuant to the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., as amended and supplemented, or any State tax law.

C. 54:52-9 Failure to pay.

19. (New section) a. A person is guilty of a crime of the third degree if he fails to pay or turn over when due any tax, fee, penalty or interest or any part thereof required to be paid pursuant to the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., as amended and supplemented, or any State tax law, with the intent to evade, avoid or otherwise not make timely payment or deposit of any tax, fee, penalty or interest or any part thereof.

b. The fact that any payment was made with a subsequently dishonored negotiable instrument shall constitute prima facie evidence that the actor failed to pay within the meaning of subsection a. of this section, and the trier of fact may draw a permissive inference therefrom that the actor did not intend to make the payment.

C. 54:52-10 Filing of fraudulent return.

20. (New section) A person is guilty of a crime of the third degree if he files, prepares, causes to be filed or assists in the preparation or filing of a false or fraudulent return, report, statement, or application required to be filed pursuant to the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., as amended and supplemented, or any State tax law, with the intent to evade, avoid or otherwise not make timely payment of any tax, fee, penalty or interest, or any part thereof.

C. 54:52-11 Assisting in preparation of fraudulent return.

21. (New section) A person is guilty of a crime of the third degree if he maintains, prepares or assists in the preparation of false or fraudulent books or records, or presents false or fraudulent books or records to the director for inspection or examination with intent to

evade, avoid or otherwise not make timely payment of any tax, fee, penalty or interest, or any part thereof.

C. 54:52-12 Failure to maintain books, records.

22. (New section) A person is guilty of a crime of the third degree if he fails to maintain books or records as required by the provisions of any State tax law and the regulations issued thereunder with intent to evade, avoid or otherwise not make timely payment of any tax, fee, penalty or interest, or any part thereof.

C. 54:52-13 Failure to register, obtain license.

23. (New section) A person is guilty of a crime of the fourth degree if he is not licensed or registered with the Division of Taxation, and engages in conduct which requires him to register with or obtain a license from the Division of Taxation, with intent to evade, avoid or otherwise not make timely payment of any tax, fee, penalty or interest, or any part thereof.

C. 54:52-14 Failure to collect, withhold State tax.

24. (New section) A person is guilty of a crime of the third degree if he fails to collect or withhold any State tax with the intent to evade, avoid, or otherwise not make timely payment of any tax, fee, penalty or interest, or any part thereof.

C. 54:52-15 Failure to turn over collected, withheld tax.

25. (New section) A person is guilty of a crime of the third degree if he, after having collected or withheld taxes as required by any State tax law, whether or not he is authorized, licensed, or registered to collect or withhold taxes, purposely fails to turn over the taxes to the Director of the Division of Taxation in the manner and at the time prescribed by law. The crime shall be of the second degree if the amount of the tax collected or withheld is \$75,000.00 or more.

C. 54:52-16 Operating under voided corporate charter.

26. (New section) A person is guilty of a crime of the fourth degree if he knowingly operates under a voided corporate charter.

C. 54:52-17 Dealing with unlicensed person.

27. (New section) a. A person who is prohibited under the provisions of any State tax law from dealing with persons not properly licensed or registered with the Division of Taxation is a disorderly person if he knowingly deals with such an unlicensed person.

b. A person who is prohibited under the provisions of any State tax law from dealing with persons not properly licensed or registered with the Division of Taxation, who deals with an unlicensed person with the intent to evade, avoid, or otherwise not make timely pay-

ment or with the intent to assist the unlicensed person to evade, avoid, or otherwise not make timely payment of any tax, fee, penalty or interest, or any part thereof, is guilty of a crime of the fourth degree.

C. 54:52-18 Possession of goods without paying tax.

28. (New section) A person who knowingly possesses goods which are required to be taxed and on which the tax has not been paid is guilty of a disorderly persons offense.

C. 54:52-19 False testimony; verification of false statements.

29. (New section) A person who knowingly swears to, affirms, certifies or verifies any false or fraudulent statement with intent to evade, avoid or otherwise not pay any tax, fee, penalty or interest, or any part thereof, or being under oath, testifies falsely at any hearing held pursuant to the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., is guilty of a crime of the fourth degree.

30. N.J.S. 2C:1-8 is amended to read as follows:

Method of prosecution when conduct constitutes more than one offense.

2C:1-8. Method of Prosecution When Conduct Constitutes More Than One Offense.

a. Prosecution for multiple offenses; limitation on convictions. When the same conduct of a defendant may establish the commission of more than one offense, the defendant may be prosecuted for each such offense. He may not, however, be convicted of more than one offense if:

(1) One offense is included in the other, as defined in subsection d. of this section;

(2) One offense consists only of a conspiracy or other form of preparation to commit the other;

(3) Inconsistent findings of fact are required to establish the commission of the offenses; or

(4) The offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct. The provisions of this paragraph (4) of subsection a. of this section or any other provision of law notwithstanding, no State tax offense defined in Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, as amended and supplemented, shall be construed to preclude a prosecution for any offense defined in this code.

A determination barring multiple convictions shall be made by the court after verdict or finding of guilt.

b. Limitation on separate trials for multiple offenses. Except as provided in subsection c. of this section, a defendant shall not be subject to separate trials for multiple criminal offenses based on the same conduct or arising from the same episode, if such offenses are known to the appropriate prosecuting officer at the time of the commencement of the first trial and are within the jurisdiction and venue of a single court.

c. Authority of court to order separate trials. When a defendant is charged with two or more criminal offenses based on the same conduct or arising from the same episode, the court may order any such charges to be tried separately in accordance with the Rules of Court.

d. Conviction of included offense permitted. A defendant may be convicted of an offense included in an offense charged whether or not the included offense is an indictable offense. An offense is so included when:

(1) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or

(2) It consists of an attempt or conspiracy to commit the offense charged or to commit an offense otherwise included therein; or

(3) It differs from the offense charged only in the respect that a less serious injury or risk of injury to the same person, property or public interest or a lesser kind of culpability suffices to establish its commission.

e. Submission of included offense to jury. The court shall not charge the jury with respect to an included offense unless there is a rational basis for a verdict convicting the defendant of the included offense.

31. N.J.S. 2C:20-2 is amended to read as follows:

Consolidation of theft offenses; grading; provisions applicable to theft generally.

2C:20-2. Consolidation of Theft Offenses; Grading; Provisions Applicable to Theft Generally.

a. Consolidation of Theft Offenses. Conduct denominated theft in this chapter constitutes a single offense, but each episode or transaction may be the subject of a separate prosecution and conviction.

A charge of theft may be supported by evidence that it was committed in any manner that would be theft under this chapter, notwithstanding the specification of a different manner in the indictment or accusation, subject only to the power of the court to ensure fair trial by granting a bill of particulars, discovery, a continuance, or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

b. Grading of theft offenses.

(1) Theft constitutes a crime of the second degree if the amount involved is \$75,000.00 or more if the property is taken by extortion.

(2) Theft constitutes a crime of the third degree if:

(a) The amount involved exceeds \$500.00 but is less than \$75,000.00;

(b) The property stolen is a firearm, automobile, boat, horse or airplane;

(c) The property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C. 24:21-1 et seq.);

(d) It is from the person of the victim;

(e) It is in breach of an obligation by a person in his capacity as a fiduciary;

(f) It is by threat not amounting to extortion; or

(g) It is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.

(3) Theft constitutes a crime of the fourth degree if the amount involved is at least \$200.00 but does not exceed \$500.00. If the amount involved was less than \$200.00 the offense constitutes a disorderly persons offense.

(4) The amount involved in a theft shall be determined by the trier of fact. The amount shall include, but shall not be limited to, the amount of any State tax avoided, evaded or otherwise unpaid, improperly retained or disposed of. Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

c. Claim of right. It is an affirmative defense to prosecution for theft that the actor:

- (1) Was unaware that the property or service was that of another;
- (2) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he did; or
- (3) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.

d. Theft from spouse. It is no defense that theft was from the actor's spouse, except that misappropriation of household and personal effects, or other property normally accessible to both spouses, is theft only if it occurs after the parties have ceased living together.

32. N.J.S. 2C:20-9 is amended to read as follows:

Theft by failure to make required disposition of property received.

2C:20-9. Theft by Failure to Make Required Disposition of Property Received. A person who purposely obtains or retains property upon agreement or subject to a known legal obligation to make specified payment or other disposition, whether from such property or its proceeds or from his own property to be reserved in equivalent amount, is guilty of theft if he deals with the property obtained as his own and fails to make the required payment or disposition. The foregoing applies notwithstanding that it may be impossible to identify particular property as belonging to the victim at the time of the actor's failure to make the required payment or disposition. An officer or employee of the government or of a financial institution is presumed: (a) to know any legal obligation relevant to his criminal liability under this section, and (b) to have dealt with the property as his own if he fails to pay or account upon lawful demand, or if an audit reveals a shortage or falsification of accounts. The fact that any payment or other disposition was made with a subsequently dishonored negotiable instrument shall constitute prima facie evidence of the actor's failure to make the required payment or disposition, and the trier of fact may draw a permissive inference therefrom that the actor did not intend to make the required payment or other disposition.

33. N.J.S. 2C:21-15 is amended to read as follows:

Misapplication of entrusted property and property of government or financial institution.

2C:21-15. Misapplication of Entrusted Property and Property of Government or Financial Institution. A person commits a crime if he applies or disposes of property that has been entrusted to him as a fiduciary, or property belonging to or required to be withheld for the benefit of the government or of a financial institution in a manner which he knows is unlawful and involves substantial risk of loss or detriment to the owner of the property or to a person for whose benefit the property was entrusted whether or not the actor has derived a pecuniary benefit. "Fiduciary" includes trustee, guardian, executor, administrator, receiver and any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary.

If the benefit derived from a violation of this section is \$75,000.00, or more, the offender is guilty of a crime of the second degree. If the benefit derived exceeds \$1,000.00, but is less than \$75,000.00, the offender is guilty of a crime of the third degree. If the benefit derived is \$1,000.00, or less, the offender is guilty of a crime of the fourth degree.

For the purposes of this section, the term "benefit derived" shall include but shall not be limited to the amount of any tax avoided, evaded or otherwise unpaid or improperly retained or disposed of.

34. N.J.S. 2C:43-3 is amended to read as follows:

Fines and restitutions.

2C:43-3. Fines and Restitutions. A person who has been convicted of an offense may be sentenced to pay a fine, to make restitution, or both, such fine not to exceed:

- a. \$100,000.00, when the conviction is of a crime of the first or second degree;
- b. \$7,500.00, when the conviction is of a crime of the third or fourth degree;
- c. \$1,000.00, when the conviction is of a disorderly persons offense;
- d. \$500.00, when the conviction is of a petty disorderly persons offense;

e. Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this section the terms "gain" means the amount of money or the value of property derived by the offender and "loss" means the amount of value separated from the victim. The term "gain" shall also mean, where appropriate, the amount of any tax, fee, penalty, and interest avoided, evaded, or otherwise unpaid or improperly retained or disposed of;

f. Any higher amount specifically authorized by another subsection, section of this code or any other statute;

g. Up to twice the amounts authorized in subsection a., b., c. or d. of this section, in the case of a second or subsequent conviction of any tax offense defined in Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, as amended and supplemented, or of any offense defined in chapter 20 or 21 of this code.

The restitution ordered paid to the victim shall not exceed his loss, except that in any case involving the failure to pay any State tax, the amount of restitution to the State shall be the full amount of the tax avoided or evaded, including full civil penalties and interest as provided by law. In any case where the victim of the offense is any department or division of State government, the court shall order restitution to the victim. Any restitution imposed on a person shall be in addition to any fine which may be imposed pursuant to this section.

35. N.J.S. 2C:43-6 is amended to read as follows:

Sentence of imprisonment for crime; ordinary terms; mandatory terms.

2C:43-6. Sentence of Imprisonment for Crime; Ordinary Terms; Mandatory Terms.

a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced to imprisonment, as follows:

(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between five years and 10 years;

(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between three years and five years;

(4) In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.

b. As part of a sentence for any crime, where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, as set forth in subsections a. and b. of 2C:44-1, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a., or one-half of the term set pursuant to a maximum period of incarceration for a crime set forth in any statute other than this code, during which the defendant shall not be eligible for parole; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. A person who has been convicted under 2C:39-4a. of possession of a firearm with intent to use it against the person of another, or of a crime under any of the following sections: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a firearm as defined in 2C:39-1f., shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth degree.

A person who has been convicted of an offense enumerated by this subsection and who used or possessed a firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of a firearm as defined in 2C:44-3d., shall be sentenced by the court to an extended term as authorized by 2C:43-7c., notwithstanding that extended terms are ordinarily discretionary with the court.

d. The court shall not impose a mandatory sentence pursuant to subsection c. of this section, 2C:43-7c. or 2C:44-3d., unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

e. A person convicted of a third or subsequent offense involving State taxes under N.J.S. 2C:20-9, N.J.S. 2C:21-15, any other provision of this code, or under any of the provisions of Title 54 of the Revised Statutes, or Title 54A of the New Jersey Statutes, as amended and supplemented, shall be sentenced to a term of imprisonment by the court. This shall not preclude an application for and imposition of an extended term of imprisonment under N.J.S. 2C:44-3 if the provisions of that section are applicable to the offender.

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

Criteria for withholding or imposing sentence of imprisonment.

2C:44-1. Criteria for Withholding or Imposing Sentence of Imprisonment.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

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

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

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

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant,

it is of the opinion that his imprisonment is necessary for the protection of the public under the criteria set forth in subsection a.

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

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

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

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

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

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

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

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

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

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors

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

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

37. Section 4 of P.L. 1940, c. 4 (C. 54:30A-19) is amended to read as follows:

C. 54:30A-19 Statements to Director of Division of Taxation.

4. (A) Every taxpayer shall on or before the first day of September, 1941, and the first day of September in each year thereafter return to the Director of the Division of Taxation a statement in such form and detail as the Director of the Division of Taxation shall require, showing, as of the first day of July preceding:

(1) The scheduled property of the taxpayer located in, on or over any public street, highway, road or other public place in this State; and

(2) The length of the taxpayer's lines or mains in, on, along or over any public street, highway, road or other public place in this State, exclusive of service connections; and

(3) The whole length of the taxpayer's lines or mains, exclusive of service connections.

(B) Every taxpayer shall on or before February 1, 1941, and February 1 in each year thereafter return to the Director of the Division of Taxation a statement showing its gross receipts for the preceding calendar year.

(C) The statements herein provided for shall be subscribed and sworn to by the taxpayer or the president, a vice-president, or chief officer of the corporation making such return. Any taxpayer refusing or neglecting to make the statements herein provided for shall forfeit and pay to the State of New Jersey the sum of one hundred dollars

(\$100.00) per day for each day of such refusal or neglect, to be recovered in an action at law in the name of the State and which, when recovered, shall be paid into the State Treasury. It shall be the duty of the Director of the Division of Taxation to certify any such default to the Attorney General of the State who, thereupon, shall prosecute an action at law for such penalty.

(D) The Director of the Division of Taxation shall audit and verify the statements filed by taxpayers whenever and in such respects as he shall deem necessary or advisable. The Director of the Division of Taxation may require any taxpayer to supply additional data and information in such form and detail as he shall request, whenever he may deem it necessary or helpful, for the proper performance of his duties under this act.

38. Section 7 of P.L. 1940, c. 5 (C. 54:30A-55) is amended to read as follows:

C. 54:30A-55 Statements by taxpayers operating gas, electric facilities.

7. (A) Every taxpayer shall on or before the first day of September, 1941 and on or before the first day of September in each year thereafter return to the Director of the Division of Taxation a statement in such form and detail as the Director of the Division of Taxation shall require, showing, as of the first day of July of such year:

(1) The scheduled property of the taxpayer located in, on or over any public street, highway, road or other public place in each municipality in this State and the scheduled property not so located in each municipality in this State;

(2) The length of the taxpayer's lines and mains along, in, on or over any public street, highway, road or other public place in this State, exclusive of service connections (but not including in the case of a street railway or traction company the length of the lines operated by autobuses or vehicles of the character described in R.S. 48:15-41 et seq.); and

(3) The whole length of the taxpayer's lines and mains, exclusive of service connections (but not including in the case of a street railway or traction company the length of the lines operated by autobuses or vehicles of the character described in R.S. 48:15-41 et seq.).

(4) Every taxpayer operating both gas and electric facilities shall supply the information required by this subsection (A) in such man-

ner as the Director of the Division of Taxation shall require so that its gas and electric scheduled property and length of gas and electric lines shall be shown separately.

(B) Every taxpayer shall on or before February 1, 1941, and on or before February 1 in each year thereafter return to the Director of the Division of Taxation a statement showing:

(1) The gross receipts for the preceding calendar year from the business over, on, in, through or from the taxpayer's lines and mains in this State, stated separately for each class of business; and

(2) The gross receipts for the preceding calendar year from the business over, on, in, through or from the whole of the taxpayer's lines and mains.

(3) Every taxpayer operating both gas and electric facilities shall supply the information required by this subsection (B) in such manner as the Director of the Division of Taxation shall require, separating its gross receipts from gas operations from its gross receipts from electric operations.

(C) The statements herein provided for shall be subscribed and sworn to by the president, a vice-president or chief officer of the corporation making such return; any taxpayer refusing or neglecting to make the statements herein provided for shall forfeit and pay to the State of New Jersey the sum of one hundred dollars (\$100.00) per day for each day of such refusal or neglect, to be recovered in an action at law in the name of the State and which, when recovered, shall be paid into the State Treasury. It shall be the duty of the Director of the Division of Taxation to certify any such default to the Attorney General of the State who, thereupon, shall prosecute an action at law for such penalty.

(D) The Director of the Division of Taxation shall audit and verify the statements filed by taxpayers whenever and in such respects as he shall deem necessary or advisable. The Director of the Division of Taxation may require any taxpayer to supply additional data and information in such form and detail as he shall request, whenever he may deem it necessary or helpful, for the proper performance of his duties under this act.

39. 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, R.S. 54:48-1 et seq. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this act.

(b) (Deleted by amendment, P.L. 1987, c. 76.)

(c) (Deleted by amendment, P.L. 1987, c. 76.)

40. Section 13 of P.L. 1980, c. 62 (C. 54:32C-13) is amended to read as follows:

C. 54:32C-13 Penalties, interest for failure to file return or pay tax.

13. 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, R.S. 54:48-1 et seq. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this act.

b. (Deleted by amendment, P.L. 1987, c. 76.)

c. (Deleted by amendment, P.L. 1987, c. 76.)

41. Section 606 of P.L. 1948, c. 65 (C. 54:40A-29) is amended to read as follows:

C. 54:40A-29 Forging or counterfeiting revenue stamps.

606. Forging or counterfeiting revenue stamps.

a. Any person who falsely or fraudulently makes, forges, alters, or counterfeits, or causes or procures to be falsely or fraudulently made, forged, altered, or counterfeited, any stamps prepared or prescribed by the director under the authority of this act, or who knowingly and willfully utters, publishes, passes, or tenders as true, any such false, altered, forged or counterfeited stamp, or uses any stamp provided for and required by this act, which has already once been used, for the purpose of evading the tax hereby imposed, shall be guilty of a crime of the third degree.

b. Any person who secures, manufactures, or causes to be secured or manufactured, or has in his possession any stamp or any counterfeit impression device not prescribed or authorized by the director under the authority of this act, shall be guilty of a crime of the third degree and such fact shall be prima facie evidence that such person has counterfeited stamps.

c. Any person who has in his possession packages of cigarettes in a quantity equal to or greater than 2,000 cigarettes to which are affixed counterfeit stamps or impressions shall be guilty of a crime of the third degree.

Possession of such packages or cigarettes shall be deemed sufficient evidence to authorize conviction, unless the accused shall show to the satisfaction of the court (1) that when he bought the cigarettes he knew or made inquiries sufficient to satisfy a reasonable man, that the seller was in a regular and established business for dealing in cigarettes and was so licensed and (2) that the amount paid by him for the cigarettes represented its fair and reasonable value and that he received an invoice for the same.

d. (Deleted by amendment, P.L. 1987, c. 76.)

42. R.S. 54:47-6 is amended to read as follows:

Punishment for violation.

54:47-6. Any person who shall violate any of the provisions of this subtitle, by any act or omission not heretofore mentioned in this chapter, shall be punished in accordance with the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq.

43. Section 9 of P.L. 1976, c. 141 (C. 58:10-23.11h) is amended to read as follows:

C. 58:10-23.11h Tax on transferred hazardous substances.

9. a. There is hereby levied upon each owner or operator of one or more major facilities a tax to insure compensation for cleanup costs and damages associated with any discharge of hazardous substances to be paid by the transferee; provided, however, that in the case of a major facility which operates as a public storage terminal for hazardous substances owned by others, the owner of the hazardous substance transferred to such major facility or his authorized agent shall be considered to be the transferee or transferor, as the case may be, for the purposes of this section and shall be deemed to be a taxpayer for purposes of this act. Where such person has failed to file a return or pay the tax imposed by this act within 60 days after the due date thereof, the director shall forthwith take appropriate steps to collect same from the owner of the hazardous substance. In the event the director is not successful in collecting said tax, then on notice to the owner or operator of the public storage terminal of said fact said owner or operator shall not release any hazardous substance owned by the taxpayer. The director may forthwith proceed to satisfy any tax liability of the taxpayer by seizing, selling

or otherwise disposing of said hazardous substance to satisfy the taxpayer's tax liability and to take any further steps permitted by law for its collection. For the purposes of this act, public storage terminal shall mean a public or privately owned major facility operated for public use which is used for the storage or transfer of hazardous substances. The tax shall be measured by the number of barrels or the fair market value, as the case may be, of hazardous substances transferred to the major facility; provided, however, that the same barrel, including any products derived therefrom, subject to multiple transfers from or between major facilities shall be taxed only once at the point of the first transfer.

When a hazardous substance other than petroleum which has not been previously taxed is transferred from a major in-State facility to a facility which is not a major facility, the transferor shall be liable for tax payment for said transfer.

b. The tax shall be \$0.0125 per barrel transferred and in the case of the transfer of hazardous substances other than petroleum or petroleum products, the tax shall be the greater of \$0.0125 per barrel or 1.0% of the fair market value of the product; provided, however, that with respect to transfers of hazardous substances other than petroleum or petroleum products which are or contain any precious metals to be recycled, refined, or rerefined in this State, or which are transferred into this State subsequent to being recycled, refined or rerefined, the tax shall be \$0.0125 per barrel of the hazardous substance; and provided further, however, that the total aggregate tax due for any individual taxpayer which has paid the tax in the 1986 tax year shall not exceed 125% of the tax due and payable by that taxpayer during the 1986 tax year; except that for a hazardous substance which is directly converted to, and comprises more than 90% by weight of, a non-hazardous final product, the taxpayer shall pay no more than 100% of the tax due and payable in the 1986 tax year. For the purposes of this section, "precious metals" means gold, silver, osmium, platinum, palladium, iridium, rhodium, ruthenium and copper. In the event of a major discharge or series of discharges of petroleum or petroleum products resulting in reasonable claims against the fund exceeding the existing balance of the fund, the tax shall be levied at the rate of \$0.04 per barrel of petroleum or petroleum products transferred, until the revenue produced by such increased rate equals 150% of the total dollar amount of all pending reasonable claims resulting from the discharge of petroleum or petroleum products; provided, however, that such rate may be set at less than \$0.04 per barrel transferred if the administrator determines

that the revenue produced by such lower rate will be sufficient to pay outstanding reasonable claims against the fund within one year of such levy; and provided further, however, that under no circumstances shall this rate be levied for the period of one year immediately following enactment of this 1986 amendatory and supplementary act, P.L. 1986, c. 143 (C. 58:10-23.11b et al.).

Interest received on moneys in the fund shall be credited to the fund.

c. (1) Every taxpayer and owner or operator of a public storage terminal for hazardous substances shall on or before the 20th day of the month following the close of each tax period render a return under oath to the director on such forms as may be prescribed by the director indicating the number of barrels of hazardous substances transferred and where appropriate, the fair market value of the hazardous substances transferred to or from the major facility, and at said time the taxpayer shall pay the full amount of the tax due.

(2) Every taxpayer or owner or operator of a major facility or vessel which transfers a hazardous substance, as defined in this act, and who is subject to the tax under subsection a. shall within 20 days after the first such transfer in any fiscal year register with the director on such form as shall be prescribed by him.

d. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from such information as may be available. Notice of such determination shall be given to the taxpayer liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after receiving notice of such determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After such hearing the director shall give notice of his determination to the person to whom the tax is assessed.

e. 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," R.S. 54:48-1 et seq. If the Division of Taxation determines that the failure to comply with any provision of this section was excusable under the circumstances, it may remit such part or all of the penalty as shall be appropriate under such circumstances.

f. (1) (Deleted by amendment, P.L. 1987, c. 76.)

(2) (Deleted by amendment, P.L. 1987, c. 76.)

g. In addition to the other powers granted to the director in this section, he is hereby authorized and empowered:

(1) To delegate to any officer or employee of his division such of his powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person or persons to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this section.

h. The tax imposed by this act shall be governed in all respects by the provisions of the "State Tax Uniform Procedure Law," R.S. 54:48-1 et seq., except only to the extent that a specific provision of this act may be in conflict therewith.

i. (Deleted by amendment, P.L. 1986, c. 143.)

44. Section 11 of P.L. 1983, c. 443 (C. 58:12A-21) is amended to read as follows:

C. 58:12A-21 Water tax.

11. a. There is levied upon the owner or operator of every public community water system a water tax of \$0.01 per 1,000 gallons of water delivered to a consumer, not including water purchased for resale, on or after first day of the first full fiscal quarter following enactment of P.L. 1983, c. 443 (C. 58:12A-12 et al.), and quarterly thereafter.

b. (1) The owner or operator of every public community water system shall, on or before the 20th day of the month following the close of each tax period, render a return under oath to the Director of the Division of Taxation, on such form as may be prescribed by the director, indicating the number of gallons of water delivered to a consumer, and at said time owner or operator shall pay the full amount of tax due.

(2) The owner or operator of every public community water system shall, within 20 days, register with the director on forms prescribed by him.

c. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the

amount of tax due shall be determined by the director from such information as may be available. Notice of such determination shall be given to the taxpayer liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax, unless the person against whom it is assessed, within 30 days after receiving notice of such determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After such hearing the director shall give notice of his determination to the person to whom the tax is assessed.

d. 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, R.S. 54:48-1 et seq. If the Division of Taxation determines that the failure to comply with any provision of this section was excusable under the circumstances, it may remit such part or all of the penalty as shall be appropriate under such circumstances.

e. (1) (Deleted by amendment, P.L. 1987, c. 76)

(2) (Deleted by amendment, P.L. 1987, c. 76)

f. In addition to the other powers granted to the director in this section, he is authorized:

(1) To delegate to any officer or employee of his division such of his powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this section.

g. The tax imposed by this section shall be governed in all respects by the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., except only to the extent that a specific provision of this section may be in conflict therewith.

h. The "Safe Drinking Water Fund" (hereinafter referred to as the "fund") is established as a nonlapsing, revolving fund. The fund shall be administered by the department, and shall be credited with all tax revenue collected by the division pursuant to this section. Interest received on moneys in the fund shall be credited to the fund. Moneys in the fund shall be appropriated to the department for all costs associated with the department's administration of all aspects

of the programs set forth in the "Safe Drinking Water Act," P.L. 1977, c. 224 (C. 58:12A-1 et seq.), in the annual budget request of the department.

45. Section 4 of P.L. 1981, c. 278 (C. 13:1E-95) is amended to read as follows:

C. 13:1E-95 Recycling tax.

4. a. There is levied upon the owner or operator of every sanitary landfill facility a recycling tax of \$0.12 per cubic yard of all solid waste accepted for disposal at the facility on or after January 1, 1982. In the event that any solid waste is measured upon acceptance for disposal by other than cubic yards, the tax shall be levied on the equivalents thereof as shall be determined by the director.

b. (1) Every owner or operator of a sanitary landfill facility shall, on or before the 20th day of the month following the close of each tax period, render a return under oath to the director on such form as may be prescribed by the director indicating the number of cubic yards of solid waste accepted for disposal and at said time owner or operator shall pay the full amount of tax due.

(2) Every owner or operator of a sanitary landfill which accepts solid waste for disposal and which is subject to the tax under subsection a. of this section shall within 20 days after the first acceptance of this waste, register with the director on forms prescribed by him.

c. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from such information as may be available. Notice of such determination shall be given to the taxpayer liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after receiving notice of such determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After such hearing the director shall give notice of his determination to the person to whom the tax is assessed.

d. 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, R.S. 54:48-1 et seq. If the Division of Taxation determines that the failure to comply with any provision of this section was excusable under the circumstances, it may remit

such part or all of the penalty as shall be appropriate under such circumstances.

e. (1) (Deleted by amendment, P.L. 1987, c. 76.)

(2) (Deleted by amendment, P.L. 1987, c. 76.)

f. In addition to the other powers granted to the director in this section, he is hereby authorized and empowered:

(1) To delegate to any officer or employee of his division such of his powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person or persons to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this section.

g. The tax imposed by this section shall be governed in all respects by the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., except only to the extent that a specific provision of this section may be in conflict therewith.

46. Section 6 of P.L. 1985, c. 533 (C. 13:1E-99.1) is amended to read as follows:

C. 13:1E-99.1 Tax on sales of litter-generating products.

6. a. There is levied upon each person engaged in business in the State as a manufacturer, wholesaler, or distributor of litter-generating products a tax of 3/100 of 1% (.0003) on sales of those products within the State, and each person engaged in business in the State as a retailer of litter-generating products a tax of 2.25/100 of 1% (.000225) on sales of those products within the State, except any retailer with less than \$250,000.00 in annual retail sales of litter-generating products is exempt from this tax. A sale by a wholesaler or distributor to another wholesaler or distributor, a sale by a company to another company owned wholly by the same individuals or companies, or a sale by a wholesaler or distributor owned cooperatively by retailers to those retailers is not subject to tax under this act. For the purposes of this act, "retailer" includes restaurants one of the principal activities of which consists of selling for consumption off the premises of the restaurant a meal or food prepared and ready to be eaten.

The tax on the sale of litter-generating products imposed by this subsection shall expire December 31, 1991. However, this expiration

shall not affect any obligation, lien or duty to pay taxes which may be due with respect to the imposition of any levy, or interest or penalties which may accrue by virtue of any assessment, which may be made with respect to taxes levied for any taxable year or part of a taxable year, prior to January 1, 1992, nor shall this expiration affect the legal authority to assess and collect the taxes which may be due and payable under section 6 of P.L. 1985, c. 533 (C. 13:1E-99.1), as the case may be, together with such interest and penalties as would accrue thereon under section 6 of P.L. 1985, c. 533 (C. 13:1E-99.1), nor shall this expiration invalidate any assessment or affect any proceeding for the enforcement thereof.

b. On or before October 1, 1986, or in the case of a person commencing or opening a new place of business after that date, within 30 days after the commencement or opening, every person subject to the tax imposed pursuant to this act shall file with the director a certificate of registration on a form prescribed by the director. Any person who is registered under any law administered by the division or who is subject to and files returns under any of these laws shall not be required to comply with the provisions of this subsection.

c. Every person subject to this tax shall, on or before March 15, 1987, and on or before March 15 of each year thereafter, prepare and file a return, under oath, for the preceding calendar year with the director on forms and containing any information as the director shall prescribe. The return shall indicate the dollar value of the sales within the State of litter-generating products and at the same time the person shall pay the full amount of tax due.

d. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from whatever information may be available. Notice of the determination shall be given to the taxpayer liable for the payment of the tax. The determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after receiving notice of the determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After the hearing the director shall give notice of his determination to the person to whom the tax is assessed.

e. Any taxpayer who shall fail to file his return when due or to pay any tax when the tax becomes due, as herein provided, shall be subject to such penalties and interest as provided in the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq. If the director de-

termines that the failure to comply with any provision of this section was excusable under the circumstances, he may remit any part of the penalty as shall be appropriate under the circumstances.

f. (1) (Deleted by amendment, P.L. 1987, c. 76.)

(2) (Deleted by amendment, P.L. 1987, c. 76.)

g. In addition to the other powers granted by this section, the director may:

(1) Delegate to any officer or employee of his division those powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person or persons to whom the powers have been delegated shall possess and may exercise all of the powers and perform all of the duties delegated by the director;

(2) Prescribe and distribute all necessary forms for the implementation of this section; and

(3) Adopt any rules and regulations necessary for the implementation of this act.

h. The tax imposed by this section shall be governed in all respects by the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., unless otherwise provided by a specific provision of this section.

47. Section 5 of P.L. 1981, c. 306 (C. 13:1E-104) is amended to read as follows:

C. 13:1E-104 Sanitary landfill facility tax.

5. a. There is levied upon the owner or operator of every sanitary landfill facility a tax to insure the proper closure thereof and to provide funds to compensate for any damages resulting from the operation or closure of the facility. The tax shall be levied on all solid waste accepted for disposal, at the rate of \$0.15 per cubic yard of solids and \$0.002 per gallon of liquids. In the event that any solid waste is measured, upon acceptance for disposal, by other than cubic yards or gallons, the tax shall be levied on the equivalents thereof as shall be determined by the director.

b. (1) Every owner or operator of a sanitary landfill facility shall, on or before the 20th day of the month following the close of each tax period, render a return under oath to the director on such form as may be prescribed by the director indicating the number of cubic yards of solid waste and gallons of liquid waste accepted for disposal

and at said time the owner or operator shall pay the full amount of tax due.

(2) Every owner or operator of a sanitary landfill which accepts solid or liquid waste for disposal and which is subject to the tax under subsection a. of this section shall, within 20 days after the first acceptance of this waste, register with the director on forms prescribed by him.

c. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from such information as may be available. Notice of such determination shall be given to the taxpayer liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after receiving notice of such determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After such hearing the director shall give notice of his determination to the person to whom the tax is assessed.

d. 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, R.S. 54:48-1 et seq. If the Division of Taxation determines that the failure to comply with any provision of this section was excusable under the circumstances, it may remit such part or all of the penalty as shall be appropriate under such circumstances.

e. (1) (Deleted by amendment, P.L. 1987, c. 76.)

(2) (Deleted by amendment, P.L. 1987, c. 76.)

f. In addition to the other powers granted to the director in this section, he is hereby authorized and empowered:

(1) To delegate to any officer or employee of his division such of his powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person or persons to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this section.

g. The tax imposed by this section shall be governed in all respects by the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., except only to the extent that a specific provision of this section may be in conflict therewith.

48. R.S. 54:14-2 is amended to read as follows:

Production of books, records.

54:14-2. The Director of the Division of Taxation in the Department of the Treasury may require of a corporation subject to tax under chapters 12 to 15 of Title 54 of the Revised Statutes (R.S. 54:12-1 et seq.), such information or reports touching its affairs as may be necessary to carry out the provisions thereof. He may also require the production of the books and other records of such company and he, or any of his duly authorized assistants, may examine such records and swear and examine witnesses in relation thereto.

C. 54:10A-14.1 Records available for inspection, examination.

49. (New section) Every domestic or foreign corporation subject to the tax imposed under the Corporation Business Tax Act (1945), P.L. 1945, c. 162 (C. 54:10A-1 et seq.), shall keep all records used to determine its tax liability and such other records as the Director of the Division of Taxation may by regulation require. The records shall be available for inspection and examination at any time upon demand by the director or his duly authorized agent or employee and shall be preserved for a period of five years, except that the director may consent to their destruction within that period or may require that they be kept longer.

50. Section 5 of P.L. 1981, c. 184 (C. 54:10A-15.4) is amended to read as follows:

C. 54:10A-15.4 Underpayment; amount added to tax; interest.

5. a. In case of any underpayment of an installment payment by a taxpayer, there shall be added to the tax for the fiscal or calendar accounting year an amount determined by applying the rate established in this section to the amount of the underpayment for the period of the underpayment.

b. For purposes of subsection a., the amount of underpayment shall be the excess of:

(1) The amount of the installment payment which would be required to be paid if all installment payments were equal to 90% of the tax shown on the return for the fiscal or calendar accounting year, or if no return was filed, 90% of the tax for that year, over

(2) The amount, if any, of the installment payment paid on or before the last date prescribed for payment.

c. For purposes of subsection a., the period of the underpayment shall run from the date the installment payment was required to be paid to whichever of the following dates is the earlier:

(1) The 15th day of the fourth month after the close of the fiscal or calendar accounting year.

(2) With respect to any portion of the underpayment, the date on which that portion is paid.

For purposes of this subsection, a payment of any installment payment shall be considered a payment of any previous underpayment only to the extent that payment exceeds the amount of the installment payment determined under subsection b. (1) for that installment payment.

d. Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment payment shall not be imposed if the total amount of all installment payments made on or before the last date prescribed for the payment of that installment equals or exceeds the amount which would have been required to be paid on or before that date if the total amount of all installment payments were the lesser of (1) or (2) as follows:

(1) An amount equal to the tax computed at the rates applicable to the current fiscal or calendar accounting year but otherwise on the basis of the facts shown on the return of the taxpayer for, and the law applicable to, the preceding fiscal or calendar accounting year; or

(2) An amount equal to 90% of the tax for the current fiscal or calendar accounting year computed by placing on an annualized basis the taxable entire net income and entire net worth:

(a) For the first three months of the current fiscal or calendar accounting year, in the case of the installment payment required to be paid in the fourth month,

(b) For the first three months or for the first five months of the current fiscal or calendar accounting year, in the case of the installment payment required to be paid in the sixth month,

(c) For the first six months or for the first eight months of the current fiscal or calendar accounting year, in the case of the installment payment required to be paid in the ninth month,

(d) For the first nine months or for the first 11 months of the current fiscal or calendar accounting year, in the case of the installment payment required to be paid in the 12th month, and

(e) For the last three months of the preceding taxable year, in the case of the installment payment required to be paid in the first month of the current fiscal or calendar accounting year.

e. Any taxpayer who shall fail to pay, or shall underpay by more than 10% of the amount due, any installment payment required pursuant to this act, shall pay, in addition to the tax, interest on the amount of underpayment as provided in the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq.

51. Section 19 of P.L. 1945, c. 162 (C. 54:10A-19) is amended to read as follows:

C. 54:10A-19 Extension for filing returns; interest.

19. 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, R.S. 54:48-1 et seq., 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, R.S. 54:48-1 et seq., from the date the tax was originally due to the date of actual payment and if the amount paid at the time of the filing of the return was less than 90% of the amount due, the taxpayer shall be liable for a penalty of 5% per month or fraction thereof on the amount of underpayment which shall be in addition to the interest charges provided above.

52. Section 3 of P.L. 1947, c. 51 (C. 54:10A-29) is amended to read as follows:

C. 54:10A-29 Certificate; \$25 per corporation.

3. (a) Upon the receipt of a written application accompanied by the fee provided for in subsection (b) of this section, the director shall issue to the applicant a certificate certifying with respect to the corporation or corporations listed for certification in the application either that there are no liens in favor of the State for corporation franchise taxes due pursuant to the provisions of this act or of chapter 13 of Title 54 of the Revised Statutes or that there are such liens as may be stated in such certificate or such other status as the director's records may disclose.

(b) The fee for a certificate issued pursuant to this section shall be \$25.00 for each corporation listed in the application for which a certificate is requested.

(c) The director may prescribe the form of the application and may require that it shall contain a concise and reasonably definite description of the property and of the type of transaction in connection with which the application is made as well as such other pertinent information as he may deem necessary.

(d) Any person who shall acquire for a valuable consideration an interest in lands, covered by such a certificate in reliance thereon, shall hold such interest free from any lien held by the State for unpaid corporation franchise taxes due pursuant to the provisions of this act or of chapter 13 of Title 54 of the Revised Statutes and not shown on such certificate.

53. Section 24 of P.L. 1966, c. 30 (C. 54:32B-24) is amended to read as follows:

C. 54:32B-24 General powers of the director.

24. General powers of the director. 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 three months on such terms and conditions as he may require; and for cause shown, to remit penalties and interest as provided for in the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq.;

3. To delegate his functions hereunder to any officer or employee of his division and 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 powers and perform all of the duties herein conferred and imposed upon the director;

4. To prescribe methods for determining the amount of receipts, amusement charges, or rents and for determining which of them are taxable and which are nontaxable;

5. To require any person required to collect tax to keep detailed records of all receipts, amusement charges, or rents received, charged or accrued, including those claimed to be nontaxable, and also of the nature, type, value and amount of all purchases, sales, services rendered, admissions, occupancies, names and addresses of customers, and other facts relevant in determining the amount of tax due and to furnish such information upon request to the director;

6. To assess, determine, revise and readjust the taxes imposed by this act;

7. To publish and maintain, as he deems necessary, lists of specific items of tangible personal property which are found to be foods and drugs exempt from tax under sections 13 and 14 of P.L. 1980, c. 105 (C. 54:32B-8.1 and 54:32B-8.2);

8. To enter into agreements with other states and the District of Columbia, providing for the reciprocal enforcement of the sales and use tax laws imposed by the states entering into such an agreement. Such agreement may empower the duly authorized officer of any contracting state, which extends like authority to officers or employees of this State, to sue for the collection of that state's sales and use taxes in the courts of this State.

54. Section 12 of P.L. 1980, c. 62 (C. 54:32C-12) is amended to read as follows:

C. 54:32C-12 Additional powers of director.

12. In addition to the powers granted to the director in this act, he is authorized to:

a. Make, adopt and amend rules and regulations appropriate to the carrying out of this act and the purposes thereof;

b. Extend, for cause shown by general regulation or individual authorization, the time of filing any return for a period not exceeding

three months on such terms and conditions as he may require; and for cause shown, to remit penalties and interest as provided for in the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq.;

c. Delegate his functions hereunder to any officer or employee of his division and 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 powers and perform all of the duties herein conferred and imposed upon the director;

d. Require any wholesaler required to collect tax to keep detailed records of all receipts, charged or accrued, and names and addresses of retail licensees, and other facts relevant in determining the amount of tax due and to furnish such information upon request to the director;

e. Assess, determine, revise and readjust the taxes imposed by this act;

f. Enter into agreements with other states and the District of Columbia, providing for the reciprocal enforcement of the sales tax laws imposed by the states entering into such an agreement. The agreement may empower the duly authorized officer of any contracting state, which extends like authority to officers or employees of this State, to sue for the collection of that state's sales taxes in the courts of this State.

55. R.S. 54:44-6 is amended to read as follows:

Certificate to issuing authorities; fee.

54:44-6. The Director of the Division of Taxation in the Department of the Treasury, whenever requested by any person licensed pursuant to the provisions of Title 33, Intoxicating Liquors, R.S. 33:1-1 et seq., shall issue to any governmental agency having authority to issue and transfer such licenses a certificate stating whether any such person is indebted to this State for any taxes, penalties, and interest, under the provisions of the "Alcoholic Beverage Tax Law," R.S. 54:41-1 et seq., and, if so, the amount of said debt; provided, there is paid to him for the use of the State of New Jersey a fee of \$25.00 for each person for whom a certificate is requested.

56. N.J.S. 54A:5-1 is amended to read as follows:

New Jersey gross income defined.

54A:5-1. New Jersey Gross Income Defined. New Jersey gross income shall consist of the following categories of income:

a. Salaries, wages, tips, fees, commissions, bonuses, and other remuneration received for services rendered whether in cash or in property.

b. Net profits from business. The net income from the operation of a business, profession, or other activity, after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the method of accounting allowed for federal income tax purposes but without deduction of taxes based on income.

c. Net gains or income from disposition of property. Net gains or net income, less net losses, derived from the sale, exchange or other disposition of property, including real or personal, whether tangible or intangible as determined in accordance with the method of accounting allowed for federal income tax purposes. For the purpose of determining gain or loss, the basis of property shall be the adjusted basis used for federal income tax purposes.

For the tax year 1976, any taxpayer with a tax liability under this subsection, or under the "Tax on Capital Gains and Other Unearned Income Act" (P.L. 1975, c. 172), shall not be subject to payment of an amount greater than the amount he would have paid if either return had covered all capital transactions during the full tax year 1976; provided, however, that the rate which shall apply to any capital gain shall be that in effect on the date of the transaction. To the extent that any loss is used to offset any gain under P.L. 1975, c. 172, it shall not be used to offset any gain under the "New Jersey Gross Income Tax Act" (P.L. 1976, c. 47).

The term "net gains or income" shall not include gains or income derived from obligations which are referred to in clause (1) or (2) of section 54A:6-14 of this act. The term "net gains or net income" shall not include gains or income from transactions to the extent to which nonrecognition is allowed for federal income tax purposes. The term "sale, exchange or other disposition" shall not include the exchange of stock or securities in a corporation a party to a reorganization in pursuance of a plan of reorganization, solely for stock or securities in such corporation or in another corporation a party to the reorganization and the transfer of property to a corporation by one or more persons solely in exchange for stock or securities in such corporation if immediately after the exchange such person or persons are in control of the corporation. For purposes of this clause, stock or securities issued for services shall not be considered as issued in return for property.

For purposes of this clause, the term “reorganization” means—

- (i) A statutory merger or consolidation;
- (ii) The acquisition by one corporation, in exchange solely for all or part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation) of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);
- (iii) The acquisition by one corporation, in exchange solely for all or part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of substantially all of the properties of another corporation, but in determining whether the exchange is solely for stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded;
- (iv) A transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor, or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the corporation to which the assets are transferred;
- (v) A recapitalization;
- (vi) A mere change in identity, form, or place of organization however effected; or
- (vii) The acquisition by one corporation, in exchange for stock of a corporation (referred to in this subclause as “controlling corporation”) which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under subclause (i) if such transaction would have qualified under subclause (i) if the merger had been into the controlling corporation, and no stock of the acquiring corporation is used in the transaction;
- (viii) A transaction otherwise qualifying under subclause (i) shall not be disqualified by reason of the fact that stock of a corporation (referred to in this subclause as the “controlling corporation”) which before the merger was in control of the merged corporation is used in the transaction, if after the transaction, the corporation surviving

the merger holds substantially all of its properties and of the properties of the merged corporation (other than stock of the controlling corporation distributed in the transaction); and in the transaction, former shareholders of the surviving corporation exchanged, for an amount of voting stock of the controlling corporation, an amount of stock in the surviving corporation which constitutes control of such corporation.

For purposes of this clause, the term "control" means the ownership of stock possessing at least 80% of the total combined voting power of all classes of stock entitled to vote and at least 80% of the total number of shares of all other classes of stock of the corporation.

For purposes of this clause, the term "a party to a reorganization" includes a corporation resulting from a reorganization, and both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another. In the case of a reorganization qualifying under subclause (i) by reason of subclause (vii) the term "a party to a reorganization" includes the controlling corporation referred to in such subclause (vii).

Notwithstanding any provisions hereof, upon every such exchange or conversion, the taxpayer's basis for the stock or securities received shall be the same as the taxpayer's actual or attributed basis for the stock, securities or property surrendered in exchange therefor.

d. Net gains or net income derived from or in the form of rents, royalties, patents, and copyrights.

e. Interest, except interest referred to in clause (1) or (2) of N.J.S. 54A:6-14, or interest on savings certificates issued pursuant to the provisions of chapter 6 of this act.

f. Dividends. "Dividends" means any distribution in cash or property made by a corporation, association or business trust, (1) out of accumulated earnings and profits, or (2) out of earnings and profits of the year in which such dividend is paid.

g. Gambling winnings.

h. Net gains or income derived through estates or trusts.

i. Income in respect of a decedent.

j. Amounts distributed or withdrawn from an employee trust attributable to contributions to the trust which were excluded from gross income under the provisions of chapter 6 of Title 54A of the New Jersey Statutes and pensions and annuities except to the extent

of exclusions in section 54A:6-10 hereunder, notwithstanding the provisions of N.J.S. 18A:66-51, P.L. 1973, c. 140, s. 41 (C. 43:6A-41), P.L. 1954, c. 84, s. 53 (C. 43:15A-53), P.L. 1944, c. 255, s. 17 (C. 43:16A-17), P.L. 1965, c. 89, s. 45 (C. 53:5A-45), R.S. 43:10-14, P.L. 1943, c. 160, s. 22 (C. 43:10-18.22), P.L. 1948, c. 310, s. 22 (C. 43:10-18.71), P.L. 1954, c. 218, s. 32 (C. 43:13-22.34), P.L. 1964, c. 275, s. 11 (C. 43:13-22.60), R.S. 43:10-57, P.L. 1938, c. 330, s. 13 (C. 43:10-105), R.S. 43:13-44, and P.L. 1943, c. 189, s. 5 (C. 43:13-37.5).

k. Distributive share of partnership income.

l. Amounts received as prizes and awards, except as provided in sections 54A:6-8 and 54A:6-11 hereunder.

m. Rental value of a residence furnished by an employer or a rental allowance paid by an employer to provide a home.

n. Alimony and separate maintenance payments to the extent that such payments are required to be made under a decree of divorce or separate maintenance but not including payments for support of minor children.

o. Income, gain or profit derived from acts or omissions defined as crimes or offenses under the laws of this State or any other jurisdiction.

57. N.J.S. 54A:7-1 is amended to read as follows:

Requirement of withholding tax from wages.

54A:7-1. Requirement of withholding tax from wages. (a) General.—From and after the first day of the first month following at least a full calendar month after the enactment of this act, every employer maintaining an office or transacting business within this State and making payment of any wages subject to New Jersey personal income tax to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period a tax computed in such manner as to result, so far as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due resulting from the inclusion in the employee's New Jersey income of his wages received during such calendar year. The method of determining the amount to be withheld shall be prescribed by regulations of the director, with due regard to the withholding exemptions of the employee.

(b) Withholding exemptions.—For purposes of this section:

An employee shall be entitled to the equivalent of the same number of New Jersey withholding exemptions as the number of withholding exemptions to which he is entitled for Federal income tax withholding purposes. An employer may rely upon the number of Federal withholding exemptions claimed by the employee.

(c) The payor of New Jersey gambling winnings shall withhold New Jersey gross income tax on those winnings at a rate of 3% in all instances where the payor is required to withhold for federal income tax purposes under subsection (q) of section 3402 of the federal Internal Revenue Code of 1986 (26 U.S.C. §3402), as amended, except that this subsection shall not apply to the New Jersey State Lottery.

58. N.J.S. 54A:9-5 is amended to read as follows:

Interest on underpayment.

54A:9-5. Interest on underpayment. (a) General. If any amount of income tax is not paid on or before the last date prescribed in this act for payment, interest on such amount at the rate as is required under the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq. If the time for filing of a return of tax withheld by an employer is extended, the employer shall pay interest for the period for which the extension is granted and may not charge such interest to the employee.

(b) Exception as to estimated tax. This section shall not apply to any failure to pay estimated tax under section 54A:8-5.

(c) (Deleted by amendment, P.L. 1987, c. 76.)

(d) (Deleted by amendment, P.L. 1987, c. 76.)

(e) Suspension of interest on deficiencies. If a waiver of restrictions on assessment of a deficiency has been filed by the taxpayer, and if notice and demand by the director for payment of such deficiency is not made within 30 days after the filing of such waiver, interest shall not be imposed on such deficiency for the period beginning immediately after such 30th day and ending with the date of notice and demand.

(f) Interest treated as tax. Interest under this section shall be paid upon notice and demand and shall be assessed, collected and paid in the same manner as income tax. Any reference in this act to the tax imposed by this act shall be deemed also to refer to interest imposed by this section on such tax.

(g) Interest on penalties or additions to tax. Interest shall be imposed under subsection (a) in respect of any assessable penalty or addition to tax only if such assessable penalty or addition to tax is not paid within 10 days from the date of the notice and demand therefor under subsection (b) of section 54A:9-12, and in such case interest shall be imposed only for the period from such date of the notice and demand to the date of payment.

(h) Payment prior to notice of deficiency. If, prior to the mailing to the taxpayer of a notice of deficiency under subsection (b) of section 54A:9-2, the director mails to the taxpayer a notice of proposed increase of tax and within 30 days after the date of the notice of proposed increase the taxpayer pays all amounts shown on the notice to be due to the director, no interest under this section on the amount so paid shall be imposed for the period after the date of such notice of proposed increase.

(i) Payment within 10 days after notice and demand. If notice and demand is made for payment of any amount under subsection (b) of section 54A:9-12, and if such amount is paid within 10 days after the date of such notice and demand, interest under this section on the amount so paid shall not be imposed for the period after the date of such notice and demand.

(j) Limitation on assessment and collection. Interest prescribed under this section may be assessed and collected at any time during the period within which the tax or other amount to which such interest relates may be assessed and collected, respectively.

(k) Interest on erroneous refund. Any portion of tax or other amount which has been erroneously refunded, and which is recoverable by the director, shall bear interest as is required under the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq.

(l) Satisfaction by credits. If any portion of a tax is satisfied by credit of an overpayment, then no interest shall be imposed under this section on the portion of the tax so satisfied for any period during which, if the credit had not been made, interest would have been allowable with respect to such overpayment.

59. N.J.S. 54A:9-6 is amended to read as follows:

Additions to tax and civil penalties.

54A:9-6. Additions to tax and civil penalties. (a) Failure to file tax return. In case of failure to file a tax return under this act on or before the prescribed date (determined with regard to any ex-

tension of time for filing), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on such return such amount as is required under the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq. For this purpose, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

(b) Deficiency due to negligence. If any part of a deficiency is due to negligence or intentional disregard of this act or rules or regulations hereunder (but without intent to defraud), there shall be added to the tax an amount equal to 10% of the deficiency.

(c) Failure to file declaration or underpayment of estimated tax. If any taxpayer fails to file a declaration of estimated tax or fails to pay all or any part of an installment of estimated tax, he shall be deemed to have made an underpayment of estimated tax. There shall be added to the tax for the taxable year an amount at the rate as is required under the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., upon the amount of the underpayment for the period of the underpayment but not beyond the 15th day of the fourth month following the close of the taxable year. The amount of underpayment shall be the excess of the amount of the installment which would be required to be paid if the estimated tax were equal to 80% of the tax (two-thirds of the tax for farmers referred to in subsection (e) of section 54A:8-4) shown on the return for the taxable year (or if no return was filed, of the tax for such year) over the amount, if any, of the installment paid on or before the last day prescribed for such payment. No underpayment shall be deemed to exist with respect to a declaration or installment otherwise due on or after the taxpayer's death.

(d) Exception to addition for underpayment of estimated tax. The addition to tax under subsection (c) with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds whichever of the following is the lesser—

(1) The amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least—

(A) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months, or

(B) An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to his personal exemptions for the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to, the preceding taxable year, or

(C) An amount equal to 80% of the tax for the taxable year (two-thirds of the tax for farmers referred to in subsection (e) of section 54A:8-4) computed by placing on an annualized basis the income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the income shall be placed on an annualized basis by—

(i) Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the income for the months in the taxable year ending before the month in which the installment is required to be paid,

(ii) Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

(iii) Deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

(2) An amount equal to 90% of the tax computed, at the rates applicable to the taxable year, on the basis of the actual income for the months in the taxable year ending before the month in which the installment is required to be paid.

(e) Deficiency due to fraud. If any part of a deficiency is due to fraud, there shall be added to the tax an amount equal to 50% of the deficiency. This amount shall be in lieu of any other addition to tax imposed by subsection (a) or (b).

(f) Nonwillful failure to pay withholding tax. If any employer, without intent to evade or defeat any tax imposed by this act or the payment thereof, shall fail to make a return and pay a tax withheld by him at the time required by or under the provisions of section

54A:7-4, such employer shall be liable for such tax and shall pay the same together with interest thereon and the addition to tax provided in subsection (a), and such interest and addition to tax shall not be charged to or collected from the employee by the employer. The director shall have the same rights and powers for the collection of such tax, interest and addition to tax against such employer as are now prescribed by this act for the collection of tax against an individual taxpayer.

(g) Willful failure to collect and pay over tax. Any person required to collect, truthfully account for, and pay over the tax imposed by this act who willfully fails to collect such tax or truthfully account for and pay over such tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over. No addition to tax under subsection (b) or (c) shall be imposed for any offense to which this subsection applies.

(h) Failure to file certain information returns. In case of each failure to file a statement of a payment to another person, required under authority of subsection (c) of section 54A:8-6 (relating to information at source, including the duplicate statement of tax withheld on wages) on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall, upon notice and demand by the director and in the same manner as tax, be paid by the person so failing to file the statement, a penalty of \$2.00 for each statement not so filed, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed \$2,000.00.

(i) Additional penalty. Any person who with fraudulent intent shall fail to pay, or to deduct or withhold and pay, any tax, or to make, render, sign or certify any return or declaration of estimated tax or to supply any information within the time required by or under this act, shall be liable to penalty of not more than \$5,000.00, in addition to any other amounts required under this act, to be imposed, assessed and collected by the director. The director shall have the power, in his discretion, to waive, reduce or compromise any penalty under this subsection.

(j) Additions treated as tax. The additions to tax and penalties provided by this section shall be paid upon notice and demand and

shall be assessed, collected and paid in the same manner as taxes and any reference in this act to income tax or tax imposed by this act, shall be deemed also to refer to the additions to tax and penalties provided by this section. For purposes of section 54A:9-2, this subsection shall not apply to:

(1) Any addition to tax under subsection (a) except as to that portion attributable to a deficiency;

(2) Any addition to tax under subsection (e); and

(3) Any additional penalty under subsection (i).

(k) Determination of deficiency. For purposes of subsections (b) and (c), the amount shown as the tax by the taxpayer upon his return shall be taken into account in determining the amount of the deficiency only if such return was filed on or before the last day prescribed for the filing of such return, determined with regard to any extension of time for such filing.

(l) Person defined. For purposes of subsections (f), (g), (h) and (i), the term person or employer includes an individual, corporation or partnership or an officer or employee of any corporation (including a dissolved corporation) or a member or employee of any partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

C. 54:49-9.1 50% of assessment for civil fraud.

60. (New section) If any part of an assessment is due to civil fraud, there shall be added to the tax an amount equal to 50% of the assessment. This amount shall be in lieu of any other additions to the tax imposed by R.S. 54:49-4 and R.S. 54:49-9.

C. 54:50-20 Tax preparer to sign return, provide tax identification number.

61. (New section) A person who is a tax preparer with respect to any State tax return or claim for refund, shall sign the return or claim and provide the tax identification number assigned to the preparer or his employer or both as provided for in section 6109 of the federal Internal Revenue Code of 1986 (26 U.S.C. §6109), as amended.

As used in this section, "tax preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax or claim for refund under Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes. For purposes of this section, the preparation of a substantial

portion of a return or claim for refund shall be treated as if it were the preparation of such return or claim for refund.

Any tax preparer who fails to sign a return or claim or provide the assigned tax identification number shall be liable for a \$25.00 penalty for each such failure.

C. 54:50-21 Failure to follow provisions of State Tax Uniform Procedure Law.

62. (New section) The failure to do any act required to be done by or under the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., shall be deemed an act committed in part at the office of the Director of the Division of Taxation in Trenton. The certificate of the director, to the effect that any act required to be done by or under the provisions of the State Tax Uniform Procedure Law has not been done, shall be prima facie evidence that such act has not been done.

C. 54:50-22 Reproduction admissible in evidence.

63. (New section) If the Division of Taxation, in the regular course of business or activity has kept or recorded any State tax return, report, application, payment, memorandum, writing, entry, print, representation or combination thereof, or any act, transaction, occurrence, or event, and in the regular course of business has caused any or all of the same to be recorded, copied, or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business. Such reproduction, when satisfactorily identified, shall be admissible in evidence as the original in any judicial or administrative proceeding, whether or not the original exists or is available, and an enlargement or facsimile of the reproduction shall be likewise admissible in evidence if the original reproduction is in existence and available for inspection under the direction of the court. The introduction of a reproduced record, enlargement, or facsimile into evidence shall not preclude the admission into evidence of the original. This section shall not be construed to exclude from introduction into evidence any document or copy thereof which is otherwise admissible under the New Jersey Rules of Evidence.

C. 54:50-23 Write-off of debts classified uncollectible.

64. (New section) The Director of the Division of Taxation may write off those tax debts that are classified as uncollectible arising from the nonpayment of any State tax, penalty, interest or fee imposed for the cost of collection in compliance with generally accept-

ed accounting principles. The term "debts that are classified as uncollectible" shall be defined by regulation promulgated by the Director of the Division of Taxation and adopted with the approval of the State Treasurer.

Repealer.

65. The following are repealed:

R.S. 54:11-3;
R.S. 54:14-4;
R.S. 54:34-11;
R.S. 54:39-55;
R.S. 54:39-57;

Sections 608 and 610 through 613 of P.L. 1948, c. 65 (C. 54:40A-31 and 54:40A-33 through 54:40A-36);

R.S. 54:52-1;
R.S. 54:52-2;
R.S. 54:52-3;
R.S. 54:52-4; and
N.J.S. 54A:9-15.

66. There is appropriated to the Division of Taxation in the Department of the Treasury from the General Fund the sum of \$4,000,000.00 to carry out the provisions of this act.

67. There is appropriated to the Division of Law and the Division of Criminal Justice in the Department of Law and Public Safety the sum of \$1,500,000.00 for the purpose of prosecuting criminal tax matters and assisting in civil tax enforcement and collection actions.

C. 54:53-16 90-day amnesty period.

68. (New section) a. In addition to the powers of the Director of the Division of Taxation prescribed under the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., as amended and supplemented, and notwithstanding any other laws to the contrary, the director shall establish a period of 90 days' duration, which period shall end no later than one year after the date of enactment of this amendatory and supplementary act, during which a taxpayer who has failed to pay any State tax on or before the day on which the tax is required to be paid may remit the amount of that tax, plus any interest that may be due at the rate of 9% per annum, without the imposition of any civil or criminal penalties arising out of an obligation imposed under any State tax law. This section shall apply only to State tax liabilities for taxable periods ending or transactions or uses occurring

prior to January 1, 1987 and shall not extend to any taxpayer under criminal investigation for any State tax matter, as certified by a county prosecutor or the Attorney General to the director.

b. The imposition of interest at the rate of 9% per annum upon any unpaid State tax liability as provided in subsection a. of this section shall only apply to payments made during the 90 day period.

69. There is hereby appropriated, for expenditure during the fiscal year beginning July 1, 1987 to effectuate the purposes of the Special Municipal Aid Act (P.L. 1987, c. 75), the amount not in excess of \$50,000,000.00 collected under section 68 of this act from taxes payable to the General Fund without restriction or to the Property Tax Relief Fund.

70. Sections 66, 67 and 68 shall take effect immediately; sections 1 through 65 shall take effect on the day following the 90 day period of amnesty provided for in section 68, but no later than the day after one year following enactment; and section 69 shall take effect immediately, but shall remain inoperative until enactment of the general appropriation act for the fiscal year beginning July 1, 1987.

Approved March 11, 1987.

CHAPTER 77

AN ACT concerning the liability of certain persons engaged in the construction of public works, buildings or improvements for the State and supplementing Title 2A of the New Jersey Statutes.

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

C. 2A:58B-1 Definitions.

1. Unless the context clearly indicates otherwise, the following terms shall have the following meanings:

a. "Contract modification" means alterations, deviations, additions to, or omissions from the provisions of a contract, or requiring the performance of extra work by a contractor, consultant or others, which, while not included in the original contract, is deemed proper for the completion of the whole work contemplated by the State.

b. "Construction" or "constructing" means, in addition to the usual meanings thereof, acts of construction, reconstruction, replacement, extension, improvement and betterment.

c. "Discharge" means the intentional releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous substances into the waters or onto the lands of the State or into waters outside the jurisdiction of the State in accordance with procedures established pursuant to State or federal laws, rules or regulations or a plan approved by the New Jersey Department of Environmental Protection or the United States Environmental Protection Agency.

d. "Hazardous substances" means such elements and compounds, including petroleum products, which are defined as such by the Department of Environmental Protection, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 (Pub.L. 92-500, 33 U.S.C. §1251 et seq.) and the list of toxic pollutants designated by Congress or the Environmental Protection Agency pursuant to Section 307 of that act; provided, however that sewage and sewage sludge shall not be considered as hazardous substances for purposes of this act.

e. "Person" means public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, individuals, the United States, the State of New Jersey and any of its political subdivisions or agents.

f. "Petroleum" or "petroleum products" means oil or petroleum of any kind and in any form including, but not limited to, oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, and substances or additives to be utilized in the refining or blending of crude petroleum or petroleum stock in this State; however, any compound designated by specific chemical name to the list of hazardous substances adopted by the Department of Environmental Protection pursuant to the "Spill Compensation and Control Act," P.L. 1976, c. 141 (C. 58:10-23.11 et seq.) shall not be considered petroleum or a petroleum product for the purposes of this act, unless such compound is to be utilized in the refining or blending of crude petroleum or petroleum stock in this State.

g. "Services" means work performed by a design or other expert consultant and the services of non-experts who perform work or technical functions on a project for public works, buildings or improvements, including work preliminary to the construction under a contract and work which results in or from a contract modification.

h. "State" means the State and any office, department, division, bureau, board, commission, or agency of the State, but shall not, with the exception of New Jersey Transit Corporation, include any such entity which is statutorily authorized to sue and be sued.

i. "Waters" means the ocean and its estuaries to the seaward limit of the State's jurisdiction, all springs, streams and bodies of surface or groundwater, whether natural or artificial, within the boundaries of this State.

C. 2A:58B-2 Limitation on liability.

2. The provisions of any other law, rule or regulation to the contrary notwithstanding, the liability of any person constructing public works, buildings or improvements or offering services in connection with the construction of public works, buildings or improvements for the State, which work includes in whole or in part the removal or cleanup of hazardous substances, the discharge of hazardous substances, or the containment of hazardous substances at or near the construction sites, for any injury to a person or property caused by or related to such construction or services, shall be limited to acts or omissions of the person during the course of performing such construction or services which can be shown, based on a preponderance of the evidence, to have been negligent. For purposes of this act, the demonstration that the acts or omissions of a person performing such construction or services were in accordance with a plan which has been reviewed and approved by the New Jersey Department of Environmental Protection or the United States Environmental Protection Agency and pursuant to State or federal laws, rules or regulations, and in accordance with generally accepted practices and state-of-the-art scientific knowledge and utilization of the best technology reasonably available at the time of the removal, cleanup, containment or discharge of such hazardous substances shall create a rebuttable presumption that the acts or omissions were not negligent. This limitation on liability shall be limited to that element of the work which involves the development of a plan for the handling of hazardous substances and the handling of hazardous substances. This limitation on liability shall also apply to construc-

tion and services undertaken in the development of such a plan for approval.

3. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 78

AN ACT providing supplemental financial aid for municipal police services, supplementing Title 52 of the Revised Statutes and making an appropriation.

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 "Municipal Public Safety Act of 1987."

2. As used in this act:

a. "Director" means the Director of the Division of Local Government Services in the Department of Community Affairs;

b. "Qualifying municipality" means: (1) a municipality which is qualified to receive State aid pursuant to P.L. 1979, c. 118 (C. 52:27D-118.1 et seq.) during the local budget year for which moneys are apportioned pursuant to this act; and (2) a municipality which was so qualified during the 1986 local budget year, regardless of whether or not the municipality is so qualified in any succeeding local budget years; and

c. "Nonqualifying municipality" means, except as otherwise provided in subsection b. of this section, a municipality which is not qualified to receive State aid pursuant to P.L. 1979, c. 118 (C. 52:27D-118.1 et seq.) during the local budget year for which moneys are apportioned pursuant to this act.

3. a. Sixty-five percent of the amount appropriated pursuant to this act shall be apportioned, during the 1987 local budget year, to qualifying municipalities for expenditures associated with the employment of full-time police officers regularly assigned uniformed patrol duties, which expenditures may include wages, salary and other costs occasioned by overtime duty, uniforms, equipment exclusive of motor vehicles, training expenses, pension contributions

and health benefit contributions. Monies shall be apportioned pursuant to this subsection in such manner as to provide for a uniform percentage increase in the amount apportioned to qualifying municipalities pursuant to P.L. 1979, c. 118 (C. 52:27D-118.1 et seq.) in the latest local budget year for which each such municipality is qualified for such assistance.

b. In order to receive funds pursuant to this act, a qualifying municipality shall maintain the number of full-time police officers employed and assigned uniformed patrol duties as of January 1, 1987, less the number of such officers who retired, resigned or separated from the force involuntarily for reasons other than layoffs.

4. a. Thirty-five percent of the amount appropriated pursuant to this act shall be apportioned, during the 1987 local budget year, to nonqualifying municipalities which maintain regularly organized police forces, for expenditures associated with the employment of full-time police officers regularly assigned uniformed patrol duties, which expenditures may include wages, salary and other costs occasioned by overtime duty, uniforms, equipment exclusive of motor vehicles, training expenses, pension contributions and health benefit contributions, except that no municipality which was ineligible to receive a revenue-sharing distribution pursuant to P.L. 1976, c. 73 (C. 54A:10-1 et seq.), from the State in the 1985 local budget year shall be eligible for such assistance. Each eligible municipality shall be apportioned an amount not to exceed that proportion of the total amount available to all such municipalities as the number of full-time police officers regularly assigned to uniformed patrol duties that it employed as of January 31, 1985 bears to the entire number of such officers employed on that date by all such municipalities.

b. In order to receive funds pursuant to this act, a nonqualifying municipality shall be required to maintain the number of full-time police officers employed and assigned uniformed patrol duties as of January 1, 1987, less the number of such officers who retired, resigned or separated from the force involuntarily for reasons other than layoffs.

c. Any two or more nonqualifying municipalities may join together under the "Interlocal Services Act" (P.L. 1973, c. 208, C. 40:8B-1 et seq.) for the purpose of receiving and expending funds pursuant to this section.

5. Amounts apportioned pursuant to this act shall be in addition to any amounts for which qualifying municipalities are eligible

pursuant to P.L. 1979, c. 118 (C. 52:27D-118.1 et seq.) and P.L. 1985, c. 170 (C. 52:27D-118.11 et seq.), and in addition to any amounts for which nonqualifying municipalities are eligible pursuant to P.L. 1985, c. 170 (C. 52:27D-118.11 et seq.).

6. In the event that any funds remain undistributed after all qualifying and nonqualifying municipalities have had an opportunity to enter into a contract pursuant to this act, there shall be established a discretionary fund, and qualifying and nonqualifying municipalities may make application for such funds as still remain undistributed as determined by the director. Any funds paid pursuant to this section shall be for the appropriate purposes set forth in sections 3 and 4 of this act.

7. The amounts a municipality shall acquire pursuant to this act shall be appropriated by the municipality in compliance with the "Local Budget Law," N.J.S. 40A:4-1 et seq. Notwithstanding any provisions of the Local Budget Law, any municipality eligible for State aid under the provisions of this act may anticipate the receipt of the amount of State aid certified to it by the director, and may file such amendments or corrections in its local budget as may be required to properly reflect the amount certified.

8. The director shall adopt regulations, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) to govern the provision of assistance under this act. In addition to such other matters as the director may find appropriate, the regulations shall:

a. Require a recipient municipality to enter into a contract with the Division of Local Government Services, in a form prescribed by the director, under which the municipality shall agree to maintain the number of full-time police officers regularly assigned to uniformed patrol duties as of January 1, 1987, less the number of such officers who retired, resigned or separated from the force involuntarily for reasons other than layoffs, as a condition of continued assistance; and

b. Require a recipient municipality to identify the particular costs for which the assistance provided pursuant to this act shall be used, including but not limited to the costs of overtime duty, equipment, pension and health benefit contributions and training.

9. There is appropriated \$12,000,000.00* from the General Fund, to the Department of Community Affairs, to effectuate the purposes of this act.

10. This act shall take effect immediately but shall remain inoperative until the enactment into law of the annual appropriations act for fiscal year ending June 30, 1988.

Approved March 11, 1987.

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

Statement to Chapter 78
(Assembly Bill No. 3757)

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Assembly Bill No. 3757 at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill would appropriate \$20 million from the General Fund for supplemental State aid for municipal police protection. The program is based upon a framework similar to the one established in the Supplemental Safe and Clean Neighborhoods Program under which 65 percent of the funding goes to urban municipalities and 35 percent to many of the remaining municipalities in the State. The criteria established by this bill would help municipalities to maintain their existing number of full-time police officers assigned uniformed patrol duty as of January 1, 1987.

I have indicated publicly that I favor adoption of this type of program to help alleviate the current uncertainty in many of our municipalities over the level of funding they will receive from the State for calendar year 1987. I am constrained, however, from permitting the full amount appropriated in this bill to go into effect. The dwindling State surplus will not permit this, and it is, of course, my constitutional responsibility as Governor to ensure that appropriations do not exceed expected revenue sources.

By other action today, I am signing into law Senate Bill No. 3023 to provide a statutory base for the Distressed Cities Program. I am also signing into law my conditional veto of Assembly Bill No. 823 to appropriate \$50 million to the Distressed Cities Program to be generated from money received from the tax amnesty program. Experts in the field have indicated that it is not likely that more than \$50 million will be generated from tax amnesty, and, thus, I am willing to permit that amount of money to be targeted to the Distressed Cities Program.

The actions I have taken today will alleviate the current fiscal uncertainty in urban municipalities. Unfortunately, this will not provide a long-term remedy for the financial plight of our cities since amnesty furnishes only one-time revenues. Hence, this issue will likely be revisited next year. While I had hoped that a broader consensus among the Executive, the State Senate and the General Assembly could be reached on this whole area of concern and a permanent solution arrived at, I believe that my actions today are consistent with my responsibility to ensure the well-being of the people of the State and maintain fiscal responsibility.

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

Page 3, Section 9, Line 1: Delete "\$20,000,000.00," insert
 "\$12,000,000.00"

Respectfully,

Thomas H. Kean
Governor

CHAPTER 79

AN ACT concerning titles to real property acquired under certificates of tax sales and amending R.S. 54:5-79.

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

1. R.S. 54:5-79 is amended to read as follows:

20-year limitation period.

54:5-79. The title of a purchaser at a sale shall cease and determine and the certificate of sale except as otherwise provided in this section shall be void at the expiration of 20 years from the date of the sale, unless the purchaser, his heirs or assigns shall, before the expiration of that term, foreclose the right to redeem it by notice or by a civil action in the nature of a proceeding in equity and record the evidence thereof, as provided in this chapter; provided, however, that this act shall not apply to titles acquired by a municipality under

certificates of tax sales purchased and held by it at tax sales conducted therein which titles so acquired and certificates of tax sales are hereby expressly exempted from said limitation period of 20 years. The limitation period of 20 years of this section shall not apply to a title and the certificate of tax sale acquired by a purchaser, his heirs or assigns when that purchaser, his heirs or assigns establish that all property taxes have been paid by him, his heirs or assigns in each year since the purchase of the certificate.

2. This act shall take effect immediately and apply to existing certificates of tax sales which have not expired.

Approved March 11, 1987.

CHAPTER 80

AN ACT to amend "An act providing for the form, filing and effect of notices of real estate settlements and supplementing Title 46 of the Revised Statutes," approved February 8, 1980 (P.L. 1979, c. 406).

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

1. Section 5 of P.L. 1979, c. 406 (C. 46:16A-5) is amended to read as follows:

C. 46:16A-5 Notice of settlement effective for 45 days.

5. The notice of settlement shall be effective for 45 days from the date of filing. Any lien filed during said 45 days shall attach to the premises described in the notice immediately upon the expiration of the 45 days, provided the premises have not been conveyed and notwithstanding the filing of a subsequent notice of settlement.

2. This act shall take effect on the 60th day after enactment.

Approved March 11, 1987.

CHAPTER 81

AN ACT concerning U-turns and amending R.S. 39:4-125.

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

1. R.S. 39:4-125 is amended to read as follows:

Turning on curve, grade or place where view obstructed or highway marked with "no U turn" sign.

39:4-125. Turning on curve, grade or place where view obstructed or highway marked with "no U turn" sign. The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade or at any place upon a highway as defined in R.S. 39:1-1 where the view of such vehicle is obstructed within a distance of 500 feet along the highway in either direction; and no such vehicle shall be turned around so as to proceed in the opposite direction on a highway which shall be conspicuously marked with signs stating "no U turn."

2. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 82

AN ACT concerning the manner in which certain property tax refunds or delinquencies are processed by municipalities and amending P.L. 1983, c. 568.

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

1. Section 1 of P.L. 1983, c. 568 (C. 40A:5-17.1) is amended to read as follows:

C. 40A:5-17.1 Refund, delinquency of less than \$5.

1. a. Notwithstanding the provision of any law to the contrary, the governing body of a municipality may adopt a resolution authorizing a municipal employee chosen by the governing body to process, without further action on the part of the governing body, any property tax refund of less than \$5.00.

b. Notwithstanding subsection a. of this section or any provision of law to the contrary, the governing body of a municipality may adopt a resolution authorizing a municipal employee chosen by the governing body to process, without further action on the part of the governing body, the cancellation of any property tax refund or delinquency of less than \$5.00.

2. This act shall take effect immediately.

Approved March 11, 1987.

CHAPTER 83

AN ACT concerning the taking of striped bass, amending and supplementing P.L. 1983, c. 506, and repealing section 3 of P.L. 1983, c. 506.

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

C. 23:5-45.1 Daily limits through Sept. 30, 1988.

1. (New section) a. No person shall take from the marine waters of the State in any one day, or sell, barter, offer for sale or barter or have in his possession at any time, more than five striped bass measuring not less than 31 inches in length, from the effective date of this amendatory and supplementary act through July 31, 1987 and not less than 33 inches in length from August 1, 1987 through September 30, 1988.

b. The possession of more than one striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than 31 inches in length from the effective date of this amendatory and supplementary act through July 31, 1987 or less than 33 inches in length from August 1, 1987 through September 30, 1988 shall be presumed to be possessed in violation of this section.

2. Section 4 of P.L. 1983, c. 506 (C. 23:5-46) is amended to read as follows:

C. 23:5-46 Daily limits beginning Oct. 1, 1988.

4. On or after October 1, 1988, no person shall take from any of the marine waters of the State in any one day, or sell, barter, or offer for sale or barter, or have in his possession at any time, more than

five striped bass, nor any striped bass measuring less than 18 inches in length.

The possession of any striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than 18 inches in length, shall be presumed to be possessed in violation of this section.

3. Prior to June 30, 1989, the Division of Fish, Game and Wildlife shall prepare, and submit to the Governor and the Legislature, a report evaluating the status of the striped bass population in New Jersey waters, evaluating the effect that the program implemented pursuant to this act has had on that resource, and providing recommendations for appropriate legislation or administrative action.

Repealer.

4. Section 3 of P.L. 1983, c. 506 (C. 23:5-45) is repealed.

5. This act shall take effect immediately and section 1 of this act shall expire October 1, 1988.

Approved March 24, 1987.

CHAPTER 84

AN ACT concerning conveyances by counties and municipalities to certain nonprofit organizations and amending P.L. 1971, c. 199.

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

1. Section 21 of P.L. 1971, c. 199 (C. 40A:12-21) is amended to read as follows:

C. 40A:12-21 Private sales to certain organizations upon nominal consideration.

21. Private sales to certain organizations upon nominal consideration. When the governing body of any county or municipality shall determine that all or any part of a tract of land, with or without improvements, owned by the county or municipality, is not then needed for county or municipal purposes, as the case may be, said governing body, by resolution or ordinance, may authorize a private sale and conveyance of the same, or any part thereof without compliance with any other law governing disposal of lands by counties and municipalities, for a consideration, which may be nominal, and

containing a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and not for commercial business, trade or manufacture, and that if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality, to

(a) A duly incorporated volunteer fire company or board of fire commissioners or first aid and emergency or volunteer ambulance or rescue squad association of a municipality within the county, in the case of a county, or of the municipality, in the case of a municipality, for the construction thereon of a firehouse or fire school or a first aid and emergency or volunteer ambulance or rescue squad building or for the use of any existing building for any or all of said purposes and any such land or building sold to any duly incorporated volunteer fire company may be leased by such fire company to any volunteer firemen's association for the use thereof for fire school purposes for the benefit of the members of such association, or

(b) Any nationally chartered organization or association of veterans of any war, in which the United States has or shall have been engaged, by a conveyance for consideration, a part of which may be an agreement by the organization or association to render service or to provide facilities for the general public of the county or municipality, of a kind which the county or municipality may furnish to its citizens and to the general public, or

(c) A duly incorporated nonprofit hospital association for the construction or maintenance thereon of a general hospital, or

(d) Any paraplegic veteran, that is to say, any officer, soldier, sailor, marine, nurse or other person, regularly enlisted or inducted, who was or shall have been in the active military or naval forces of the United States in any war in which the United States was engaged, and who, at the time he was commissioned, enlisted, inducted, appointed or mustered into such military or naval service, was a resident of and who continues to reside in this State, who is suffering from paraplegia and has permanent paralysis of both legs or the lower parts of the body resulting from injuries sustained through enemy action or accident while in such active military or naval service, for the construction of a home to domicile him, or to any organization or association of veterans, for the construction of a home or homes to domicile paraplegic veterans, with power to convey said lands and

premises to the paraplegic veteran or veterans on whose behalf said organization or association shall acquire title to said land, or

(e) Any duly incorporated nonprofit association or any regional commission or authority composed of one or more municipalities or one or more counties for the construction or maintenance thereon of an animal shelter, or

(f) Any duly incorporated nonprofit historical society for the acquisition of publicly owned historic sites for their restoration, preservation, improvement and utilization for the benefit of the general public, or

(g) Any duly incorporated nonprofit cemetery organization or association serving the residents of the municipality or county, or

(h) Any duly incorporated nonprofit organization for the principal purpose of the education or treatment of persons afflicted with developmental disabilities including cerebral palsy, or

(i) Any county or municipal sewerage authority serving the residents of the county or municipality, for the use thereof for sewerage authority purposes, or

(j) Any duly incorporated nonprofit organization for the purpose of building or rehabilitating residential property for resale. Any profits from the resale of the property shall be applied by the nonprofit organization to the costs of acquiring and rehabilitating other residential property in need of rehabilitation owned by the county or municipality, or

(k) Any duly incorporated nonprofit organization or association, other than a political, partisan, sectarian, denominational or religious organization or association, which was established exclusively for the purpose of providing the youth of the county or municipality with educational, recreational, medical or social services.

2. This act shall take effect immediately.

Approved April 2, 1987.

CHAPTER 85

AN ACT to authorize the township of Middle in the county of Cape May to divide Middle Township Fire District No. 1 into two new and separate fire districts to be known as "Middle Township Fire District No. 1" and "Middle Township Fire District No. 4."

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 township of Middle in the county of Cape May is authorized to divide by ordinance Middle Township Fire District No. 1 and to create thereby two new Fire Districts to be known as "Middle Township Fire District No. 1" and "Middle Township Fire District No. 4."

2. Upon passage of the ordinance authorized by section 1 of this act, the Board of Fire Commissioners of the Middle Township Fire District No. 1 shall continue to serve as the Board of Fire Commissioners for new Middle Township Fire District No. 1. The Board of Fire Commissioners for new Fire District No. 4 shall be elected through a special election to be held in accordance with the provisions of N.J.S. 40A:14-70 et seq.

3. Subject to any contrary determination by the New Jersey Local Finance Board or other entity having appropriate jurisdiction, all assets, liabilities, bond authorizations, approvals and contracts of existing Middle Township Fire District No. 1 will continue and remain as assets, liabilities, approvals and contracts of new Middle Township Fire District No. 1; and all equipment, supplies and vehicles in possession of or entitled to the Goshen Volunteer Fire Company shall remain the property of the Goshen Volunteer Fire Company, notwithstanding that the source of such equipment may have been the Cape May Court House Fire Company, or the District 1 fire commissioners.

4. This act shall take effect upon due adoption of an ordinance of the township of Middle for the purpose of adopting it.

Approved April 2, 1987.

CHAPTER 86

AN ACT concerning the reporting date of the Commission to Study the Hiring, Employment and Compensation of Agricultural Labor in New Jersey and amending P.L. 1985, c. 508.

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

1. Section 8 of P.L. 1985, c. 508 is amended to read as follows:

8. The commission shall report its findings and recommendations, which shall include draft legislation if the commission recommends that legislation is necessary, to the Governor, the President of the Senate and the Speaker of the General Assembly no later than June 30, 1987.

2. Section 10 of P.L. 1985, c. 508 is amended to read as follows:

10. The Department of Labor is directed to gather information needed by the "Commission to Study the Hiring, Employment and Compensation of Agricultural Labor in New Jersey," created pursuant to section 4 of this act, for the conduct of its inquiry and the formulation of its proposals, and to provide the information to the commission not later than March 31, 1987. Information requirements shall be delineated by the commission, taking into consideration, as it deems appropriate, the research recommendations of the "Commission to Study the Employment and Compensation of Agricultural Labor in New Jersey" submitted to the President of the Senate and the Speaker of the General Assembly pursuant to Assembly Concurrent Resolution No. 151 of 1984. This information shall be sufficient to make reasonable estimates of:

- a. The total number of agricultural workers in the State; and
- b. The number of agricultural workers participating in the unemployment compensation program.

3. Section 11 of P.L. 1985, c. 508 is amended to read as follows:

11. This act shall take effect immediately, except for sections 4, 5, 6, 7, 8 and 10 of this act which shall take effect on January 31, 1986. Sections 4, 5, 6, 7, 8 and 10 of this act shall expire on June 30, 1987.

4. This act shall take effect immediately.

Approved April 2, 1987.

CHAPTER 87

AN ACT exempting volunteers of certain organizations from liability for damages under certain conditions and supplementing P.L. 1959, c. 90 (C. 2A:53A-7 et seq.).

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

C. 2A:53A-7.1 Civil immunity.

1. a. Notwithstanding any other provision of law to the contrary, no person serving without compensation, other than reimbursement for actual expenses, as a trustee, director, officer or voluntary member of any board, council or governing body of any nonprofit corporation, society or association as provided in P.L. 1959, c. 90 (C. 2A:53A-7 et seq.), or nonprofit federation council or affiliated group composed of these organizations or a voluntary association as provided by P.L. 1979, c. 172 (C. 18A:11-3) or to a conference under the jurisdiction of such a voluntary association, shall be liable for damages resulting from the exercise of judgment or discretion in connection with the duties of his office unless the actions evidence a reckless disregard for the duties imposed by the position.

b. Notwithstanding any provisions of law to the contrary, no person who provides volunteer service or assistance for any nonprofit corporation, society or association as provided in P.L. 1959, c. 90 (C. 2A:53A-7 et seq.), or nonprofit federation council or affiliated group composed of these organizations or a voluntary association as provided by P.L. 1979, c. 172 (C. 18A:11-3) or to a conference under the jurisdiction of such a voluntary association shall be liable in any action for damages as a result of his acts of commission or omission arising out of and in the course of his rendering the volunteer service or assistance.

Nothing in this subsection shall be deemed to grant immunity to any person causing damage by his willful, wanton or grossly negligent act of commission or omission.

Nothing in this subsection shall be deemed to grant immunity to any person causing damage as the result of his negligent operation of a motor vehicle.

2. This act shall take effect immediately and shall apply to any cause of action arising on or after that date.

Approved April 6, 1987.

CHAPTER 88

AN ACT establishing an early retirement incentive program for tenured faculty members at institutions of higher education in New Jersey and making an appropriation.

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

C. 18A:66-193 Definitions.

1. As used in this act:

a. "Independent institution of higher education" means a college or university incorporated and located in New Jersey, which by virtue of law or character or license, is a nonprofit educational institution authorized to grant academic degrees and which provides a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which is eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

b. "Public institution of higher education" means Rutgers, The State University, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the State colleges and the county colleges.

c. "Program" means an early retirement incentive program established by an institution of higher education pursuant to this act.

C. 18A:66-194 Proposal.

2. The governing board of a public or independent institution of higher education may present to the State Board of Higher Education a proposal for a faculty early retirement incentive program. The board shall review the proposal and either approve or disapprove the program's establishment at the college or university.

C. 18A:66-195 Program eligibility.

3. a. Program eligibility at each institution of higher education is limited to tenured faculty members who are at least 60 years of age by June 30, 1987 and who have at least 10 years of service at the college or university or who are at least 55 years of age by June 30, 1987 and who have at least 25 years of service at the college or

university; except that a faculty member who is retiring from a public institution of higher education or a State college who is at least 55 years of age by June 30, 1987 and who has at least 25 years of service may accumulate the 25 years of service at more than one public institution of higher education or State college; provided that at least 10 years of the service is at the college or university from which he is retiring. Any service rendered by a faculty member which was creditable in the Teachers' Pension and Annuity Fund shall be deemed creditable service for the purposes of this act; provided that this provision shall be subject to the 10 year higher education service requirement.

b. An institution of higher education may, based on sound educational reasons, designate academic subject areas or programs which are not eligible for inclusion in the program and shall establish a specific proportion of faculty who are eligible to participate in the program.

C. 18A:66-196 Retirement incentive.

4. a. The governing board of each public institution of higher education shall determine the program's retirement incentive, but in no instance shall the incentive exceed 100% of the faculty member's current salary for those who are 55 to 64 years of age, and 50% of current salary for those who are 65 to 69 years of age for retirements taking effect on June 30, 1987. Retirements taking effect as of June 30, 1988 shall qualify for an incentive of 80% of the faculty member's current salary for those who are 55 to 64 years of age, and 35% of the current salary for those who are 65 to 69 years of age. The cost of the retirement incentive is to be financed by the college or university.

b. The provisions of subsection a. of this section shall not apply to an independent institution of higher education which determines and finances its own retirement incentive.

c. The provisions of subsection a. of this section shall not preclude the board of trustees of a county college from determining and financing its own retirement incentive with an individual faculty member.

C. 18A:66-197 Written request.

5. a. An eligible faculty member who elects to participate in the program shall make a written request for early retirement to the institution's president by a date to be determined by the chancellor. The written request shall specify a requested effective retirement date of either June 30, 1987 or June 30, 1988. The president shall

make a recommendation concerning the application to the institutional governing board which shall consider and act upon the application within 60 days of its receipt. Approved applications for early retirement shall take effect upon the stated option of the eligible faculty member, either on June 30, 1987 or June 30, 1988.

b. In acting upon an application for early retirement, the president and governing board shall consider the educational and economic impact of the retirement upon the college or university.

C. 18A:66-198 Right to public hearing.

6. An eligible faculty member has the right pursuant to the provisions of the "Open Public Meetings Act," P.L. 1975, c. 231 (C. 10:4-6 et seq.) to request that the governing board's consideration of the application for early retirement is held in public and has the further right to be heard by the board and to present evidence in support of the application.

C. 18A:66-199 Method of payment.

7. A faculty member whose application for program participation is approved by the institutional governing board may choose to receive the retirement incentive as determined pursuant to section 4 of this act in equal installments over a period of one, two or three years, in one lump sum payment, or by the purchase of a single purchase annuity. An eligible faculty member may also direct the institution to fund the full cost of health benefits to age 65 from the proceeds of the retirement incentive.

C. 18A:66-200 Forfeit of tenure rights; adjunct faculty.

8. An eligible faculty member who retires under the program shall forfeit all tenure rights and the college or university shall have no obligation to employ the individual at any time after retirement. An institution of higher education may employ persons retired pursuant to this act as adjunct faculty according to the salary schedule applicable to adjunct faculty.

C. 18A:66-201 Employment under emergent circumstances only.

9. An eligible faculty member who retires from a public institution of higher education under this program shall not be employed as an adjunct faculty member at such institutions except under emergent circumstances as defined by regulation of the Board of Higher Education.

C. 18A:66-202 Vacant position due to retirement.

10. A faculty position which becomes vacant due to a retirement under a program established pursuant to this act shall not be subject to the provisions of Executive Order No. 10 of 1982.

C. 18A:66-203 Faculty replacement costs.

11. The Department of Higher Education shall, within the limit of funds made available to it, reimburse an institution of higher education for the cost of hiring faculty for the 1987-1988 academic year to replace full-time faculty members who retire pursuant to the provisions of this act. The department shall distribute funds to each institution at the rate of \$2,000.00 per course but no more than \$10,000.00 per faculty member per year. If faculty replacement costs total more than the amount appropriated pursuant to section 14 of this act, the department shall reduce the \$2,000.00 per course rate proportionately.

C. 18A:66-204 Rules, regulations.

12. The State Board of Higher Education shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) necessary to implement the provisions of this act.

C. 18A:66-205 Overrides contrary laws.

13. The provisions of this act are effective notwithstanding any provision to the contrary of the "Teachers' Pension and Annuity Fund Law," N.J.S. 18A:66-1 et seq., the Alternate Benefits Program established pursuant to P.L. 1969, c. 242 (C. 18A:66-167 et seq.) or the Public Employees' Retirement System of New Jersey established pursuant to P.L. 1954, c. 84 (C. 43:15A-6 et seq.).

14. There is appropriated \$3,000,000.00 from the General Fund to the Department of Higher Education to effectuate the purposes of this act.

15. This act shall take effect immediately.

Approved April 6, 1987.

CHAPTER 89

AN ACT concerning fees charged by mobile home park owners and operators, and amending P.L. 1973, c. 153.

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

1. Section 2 of P.L. 1973, c. 153 (C. 46:8C-2) is amended to read as follows:

C. 46:8C-2 Mobile home park fees.

2. a. No mobile home park owner or operator shall require a resident therein to purchase from said owner or operator underskirting, equipment for tying down mobile homes, or any other equipment required by law, local ordinance or regulations of the mobile home park. However, the park operator may determine by rule or regulation the style or quality of such equipment to be purchased by the tenant from a vendor of the tenant's choosing.

b. (1) No mobile home park owner or operator shall charge any resident who chooses to install an electric or gas appliance in his mobile home an additional fee unless that fee reflects the cost to the mobile home park of such installation or its use, or to restrict the installation, service or maintenance of any such appliance, or to restrict the making of any interior improvement in such mobile home, so long as such an installation or improvement is in compliance with applicable building codes and other provisions of law.

(2) No mobile home park owner or operator shall require a resident therein to purchase from him, or from any vendor or supplier he designates or selects, any natural product, by-product or synthetic or petroleum gas; except when said owner or operator owns or has a possessory interest in the lines or equipment transmitting or consuming a specific fuel and when said system is properly operating under State and local laws and when said fuel is competitively priced. If the park owner or operator does not own or have a possessory interest in said lines or equipment park owner or operator may, by rule or regulation, designate a specific grade or quality of petroleum or gas to be used. Specification of grade or quality is also permitted whenever reasonably necessary to maintain safety standards prescribed by State law or regulation or by local ordinance.

(3) No mobile home park owner or operator shall move, or require to be moved or relocated within the park, any mobile home owned by any person other than the park owner or operator, unless reasonably necessary and unless written notice is served personally on the mobile home dweller 30 days prior to such proposed move, except in case of an emergency requiring a temporary move or relocation. All costs and fees related, directly or indirectly, to any such move or relocation shall be borne by the owner or operator. In addition, the dweller of the mobile home shall have a right to reimbursement for any loss or damage caused by any such move or relocation, and this right shall not be waived; and any instrument containing a waiver thereof shall be null and void.

c. A mobile home park owner or operator shall be required to fully disclose in writing all fees, charges, assessments, rules and regulations prior to a mobile home dweller assuming occupancy in the park. No fees, charges or assessments so disclosed may be increased or rules and regulations changed by the park owner or operator without specifying the date of implementation of said fees, charges, assessments or rules and regulations, which date shall be not less than 30 days after written notice to all tenants.

In addition, all fees, charges or assessments, including but not limited to entrance, membership or association fees, however denominated, disclosed by said mobile home park owner or operator, must be specifically related to and identifiable with actual costs incurred by the mobile home park owner or operator. No fee in reimbursement of the owner's or operator's costs in determining a prospective tenant's credit rating shall exceed the actual cost to the owner or operator of obtaining such determination, including the cost of providing the prospective tenant with copies of credit reports in conformity with the requirements of this act. A complete and accurate copy of any report furnished to an owner or operator by a credit reporting service with respect to a prospective tenant shall be promptly forwarded to the prospective tenant by the owner or operator. All disclosures made in accordance with this section shall be completed prior to the execution of any leasing agreement as required by section 4 of this act, or the entering into of any other contractual relationship.

d. Failure on the part of the mobile home park owner or operator to fully disclose all fees, charges or assessments shall prevent the park owner or operator from collecting said fees, charges or assessments, and refusal by the dweller to pay any undisclosed charges shall not be used by the owner or operator as a cause for eviction in any court of law.

e. Any mobile home park owner or operator who, directly or indirectly, receives, collects or accepts from another any donation, gratuity, bonus or gift, in addition to lawful charges, upon the representation, understanding or statement that compliance with the request or demand therefor will facilitate, influence or procure an advantage over others in entering into an agreement, either oral or written, for the lease or rental of real property for any term or for the use or occupation thereof, or any such owner or operator who refuses to enter into such agreement unless he receives, directly or indirectly, any such donation, gratuity, bonus or gift, or any such

owner or operator, who, directly or indirectly, aids, abets, requests or authorizes any other person to violate any of the provisions of this section, is a disorderly person.

f. In any action by any person to recover any donation, gratuity, bonus or gift acquired by another in violation of the provisions of this act, the court, upon finding for such person, shall award recovery of double the value of such donation, gratuity, bonus or gift, together with costs of the action, including reasonable attorney's fees.

2. This act shall take effect immediately.

Approved April 8, 1987.

CHAPTER 90

AN ACT concerning assistance to certain municipalities for the training of certain police officers and amending P.L. 1985, c. 170.

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

1. Section 1 of P.L. 1985, c. 170 (C. 52:27D-118.11) is amended to read as follows:

C. 52:27D-118.11 Apportionment of funds to municipalities.

1. Notwithstanding any provisions to the contrary of section 3 of P.L. 1979, c. 118 (C. 52:27D-118.3), the amounts appropriated in any State fiscal year beginning after June 30, 1985 for distribution to municipalities under the provisions of P.L. 1979, c. 118 (C. 52:27D-118.1 et seq.) shall be apportioned as follows:

a. Any municipality which received State aid under P.L. 1979, c. 118 (C. 52:27D-118.1 et seq.) during the 1985 State fiscal year shall first be apportioned, as matching funds pursuant to subsection a. of section 3 thereof, the greatest of the following amounts: (1) the amount received during the 1985 local budget year; (2) the amount received in any previous local budget year; or (3) the amount to which the municipality is entitled in any subsequent local budget year.

b. A municipality which is entitled to such aid on or after the effective date of this supplementary act, but which did not receive such aid during the 1985 local budget year, shall then be apportioned the amount for which it qualifies.

c. Sixty-five percent of any amount appropriated above that required under subsections a. and b. of this section, and appropriated for additional police services shall then be apportioned to qualifying municipalities to provide a uniform percentage increase in the amount apportioned to these municipalities. The amount so apportioned shall be made available exclusively to allow employment of full-time police officers regularly assigned uniformed patrol duties in addition to the number of full-time police officers employed by the municipality and regularly assigned to uniformed patrol duties on January 31, 1985. In order to continue receiving funds for this purpose after the effective date of this amendatory act, a municipality shall be required to maintain the number of full-time police officers employed and assigned uniformed patrol duties as of January 1, 1986 less the number of officers who retired, resigned or separated from the force involuntarily for reasons other than layoffs.

d. The remaining amount appropriated for additional police services shall then be available to provide assistance to nonqualifying municipalities which maintain a regularly organized police force: (1) to employ full-time police officers regularly assigned uniformed patrol duties in addition to the number of full-time police officers employed by the municipality and regularly assigned to uniformed patrol duties on January 31, 1985; or (2) upon approval of the Director of the Division of Local Government Services, to pay for additional overtime police patrol activities performed by full-time police officers. The amount approved by the director for overtime activities shall be for the costs of overtime activities of full-time police officers which exceed the cost of those overtime activities in local budget year 1985. No municipality which is ineligible to receive a revenue sharing distribution pursuant to P.L. 1976, c. 73 (C. 54A:10-1 et seq.), from the State in the 1985 local budget year shall be eligible for assistance pursuant to this subsection. Each eligible municipality may be apportioned an amount not to exceed that proportion of the total amount available to all such municipalities as the number of full-time police officers regularly assigned to uniformed patrol duties that it employed as of January 31, 1985 bears to the entire number of such full-time officers employed on that date by all such municipalities. In order to receive funds for this purpose, an eligible municipality shall be required to provide from other sources at least 50% of the cost of employing the additional police officers or providing additional overtime activities, as appropriate.

e. Any two or more nonqualifying municipalities may join together under the "Interlocal Services Act" (P.L. 1973, c. 208, C.

40:8A-1 et seq.) for the purpose of receiving and expending funds pursuant to subsection d. above. The Director of the Division of Local Government Services, in contracting with such municipalities pursuant to section 4 of P.L. 1985, c. 170 (C. 52:27D-118.14), is authorized to establish a matching requirement of 50% of the cost of employing additional police officers or providing additional overtime activities, as appropriate. No more than 10% of the total available to nonqualifying municipalities may be distributed under this subsection.

2. Section 2 of P.L. 1985, c. 170 (C. 52:27D-118.12) is amended to read as follows:

C. 52:27D-118.12 Discretionary fund.

2. In the event that any funds remain undistributed after all eligible municipalities have had an opportunity to enter into a contract pursuant to P.L. 1985, c. 170 (C. 52:27D-118.11 et seq.), there shall be established a discretionary fund, and eligible municipalities may make application for such funds as still remain undistributed as determined by the director. Any funds paid pursuant to this section shall be available to all eligible municipalities for the purposes of augmenting or upgrading patrol activities or to qualifying municipalities for the costs of salaries and other related expenses of existing full-time police officers assigned to uniformed patrol duty, including payments for pensions, health benefits and uniforms. Qualifying municipalities shall not be required to provide matching funds in order to receive funds pursuant to this section.

3. Section 4 of P.L. 1985, c. 170 (C. 52:27D-118.14) is amended to read as follows:

C. 52:27D-118.14 Regulations governing assistance.

4. In addition to the other powers and duties expressed in P.L. 1979, c. 118 (C. 52:27D-118.1 et seq.), the Director of the Division of Local Government Services shall adopt specific regulations, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), to govern provision of assistance under this act to qualifying and nonqualifying municipalities for the employment of appropriate police officers in addition to the number of such police officers employed on January 31, 1985. In addition to such other matters as the director may find appropriate, the regulations shall:

a. Require the municipality to enter into a contract in a form prescribed by the director. Each nonqualifying municipality shall agree to provide its share of the costs of employing additional police

officers or providing additional overtime activities, as appropriate. If a nonqualifying municipality has received funds to employ additional police officers, that municipality further shall agree to maintain its police force at an expanded level over that as of January 31, 1985 as a condition of continued assistance. If a nonqualifying municipality receives funds to provide additional overtime activities, that municipality further shall agree to maintain the number of full-time police officers employed and assigned uniformed patrol duties as of January 1, 1986, less the number of officers who retired, resigned or separated from the force involuntarily for reasons other than layoffs. Each qualifying municipality shall agree to maintain its police force as required in subsection c. of section 1 of P.L. 1985, c. 170 (C. 52:27D-118.11);

b. Identify the particular costs of employing additional police officers, generally limited to training, salary, benefits and equipment (exclusive of motor vehicles), for which assistance may be provided;

c. Contain the design of the shoulder patch that additional police officers employed under this act are required to wear under section 2 of this act.

4. This act shall take effect upon enactment but not before July 1, 1986.

Approved April 8, 1987.

CHAPTER 91

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the amounts appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
42 Natural Resource Management

02-3320 Plant Pest and Disease

Control \$250,000

Special Purpose:

Biological control laboratory (\$250,000)

2. This act shall take effect immediately but shall remain in-operative until the enactment into law of the annual appropriations act for the fiscal year ending June 30, 1987, P.L. 1986, c. 41.

Approved April 8, 1987.

CHAPTER 92

AN ACT to amend and supplement the "Cosmetology and Hairstyling Act of 1984," approved December 4, 1984 (P.L. 1984, c. 205).

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

1. Section 11 of P.L. 1984, c. 205 (C. 45:5B-11) is amended to read as follows:

C. 45:5B-11 Practicing licensee requirement.

11. A shop licensed by the board shall employ at least one experienced practicing licensee to generally oversee the management of the shop. The practicing licensee shall either:

a. Hold a beautician, barber or cosmetologist-hairstylist license and have three years of experience as a beautician, barber or cosmetologist-hairstylist; or

b. Hold a beautician or cosmetologist-hairstylist license and have been issued a manager-operator license by the Board of Beauty Culture Control.

A shop which satisfies the requirements of this section by employing a practicing licensee who holds a barber license is precluded from employing senior students unless the shop also employs a practicing licensee who holds either a license as a beautician or a cosmetologist-

hairstylist and has at least three years of experience as a beautician or a cosmetologist-hairstylist.

2. Section 23 of P.L. 1984, c. 205 (C. 45:5B-23) is amended to read as follows:

C. 45:5B-23 Teacher.

23. An applicant for a license to teach cosmetology and hairstyling who does not hold a license to teach beauty culture issued by the Board of Beauty Culture Control shall submit to the board satisfactory evidence that he:

- a. Is of good moral character;
- b. Is at least 18 years of age;
- c. Does not have a communicable, contagious or infectious disease;
- d. Has successfully completed high school or its equivalent;
- e. Holds a cosmetologist-hairstylist license issued by the board or an operator's license issued by the Board of Beauty Culture Control prior to the effective date of this act or a beautician's license issued within two years of the effective date of this act;
- f. Has successfully completed a teacher training course of 500 hours consisting of practice and theory of teaching conducted at a licensed school of cosmetology and hairstyling in this State or a school of cosmetology and hairstyling or beauty culture licensed in another state or foreign country which, in the opinion of the board, offers a curriculum which is substantially similar to that offered at licensed schools within this State;
- g. Has successfully completed a 30-hour teaching methods course conducted by a college approved by the State Board of Higher Education and recognized by the board or a substantially equivalent teaching methods course conducted by a college in another state which is approved by the higher education authorities of that state and recognized by the board;
- h. Has attained six months' employment experience in a licensed shop within this State which may be obtained prior to, at the same time as, or subsequent to the period during which the applicant is attending the teacher training course offered by a licensed school of cosmetology and hairstyling of this State or has attained six months' licensed employment in another state or foreign country; and

i. Has successfully completed an examination conducted by the board.

3. Section 35 of P.L. 1984, c. 205 (C. 45:5B-35) is amended to read as follows:

C. 45:5B-35 Renewal.

35. Any practicing license issued by the Board of Cosmetology and Hairstyling, the Board of Beauty Culture Control or the Board of Barber Examiners may be renewable biennially if the expired licenses are renewed within six months following expiration. Applications shall be submitted to the board and accompanied by the fee to be determined by the board. Applications for renewal submitted more than six months after the expiration of a license shall be accompanied by a restoration fee to be determined by the board. Applicants seeking restoration of a license more than five years after the license has expired shall be required to make application for initial licensure. Shop and school licenses shall be renewed within 90 days following expiration. Applicants for renewal of school licenses shall provide satisfactory evidence that a bond required pursuant to section 32 of this act has been secured and shall remain valid through the next licensing period. No shop or school license may be restored after 90 days and an application for initial licensure shall be submitted.

C. 45:5B-35.1 Prior licenses valid.

4. (New section) The provisions of P.L. 1984, c. 205 (C. 45:5B-1 et seq.) shall not affect the validity of any license issued by the Board of Beauty Culture Control or the Board of Barber Examiners prior to the effective date of P.L. 1984, c. 205 (C. 45:5B-1 et seq.), however, a person holding a license issued by either board is subject to the provisions of P.L. 1984, c. 205 (C. 45:5B-1 et seq.).

5. Section 21 of P.L. 1984, c. 205 (C. 45:5B-21) is amended to read as follows:

C. 45:5B-21 Barber.

21. An applicant seeking initial licensure as a barber who does not hold a license to practice barbering issued by the Board of Barber Examiners shall:

a. Demonstrate successful completion of eighth grade or its equivalent;

b. Demonstrate that he held an apprentice registration certificate issued by the Board of Barber Examiners on or before the effective date of this act and has successfully completed that apprenticeship

within two years of the effective date of this act or was enrolled in a public or private school vocational program in barbering on December 4, 1985, received a certificate as a registered apprentice barber from the New Jersey Board of Cosmetology and Hairstyling pursuant to section 6 of P.L. 1987, c. 92 (C. 45:5B-21.1) upon completion of the program and has successfully completed an apprenticeship of 18 months' duration within two years of completing the vocational program in barbering; and

c. Take and pass an examination conducted by the board as provided by this act.

C. 45:5B-21.1 Apprentice barber.

6. (New section) The New Jersey Board of Cosmetology and Hairstyling shall issue a certificate as a registered apprentice barber to any person who was enrolled in a public or private school vocational program in barbering on December 4, 1985 upon the successful completion of the vocational program and payment of a fee as required by the board. An apprentice certificate shall be valid for 18 months from the date of issue and may be renewed for an additional six months. An apprentice shall not independently practice barbering, but may, as an apprentice, practice barbering under the immediate supervision of a licensed barber.

7. This act shall take effect immediately.

Approved April 8, 1987.

CHAPTER 93

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the amounts appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
19 Central Planning, Direction and Management

99-1000 Management and Administrative
Services \$1,413,000
Special Purpose:
 Anti-Drug Abuse Act of 1986,
 Pub.L. 99-570 (State Share) (\$361,000)
Grants:
 Anti-Drug Abuse Act of 1986,
 Pub.L. 99-570 (Local Use) (1,052,000)

2. The Department of Law and Public Safety shall coordinate the expenditure of funds hereinabove appropriated with the Department of Education, the Department of Health and the Department of Human Services to prevent duplication in the delivery of services provided under the federal act.

3. This act shall take effect immediately, but shall remain in-operative until Assembly Bill No. 3486 of 1986 is enacted into law.

Approved April 8, 1987.

CHAPTER 94

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS
DEPARTMENT OF EDUCATION
Educational, Cultural and Intellectual Development
34 Educational Support Services

30-5063 General Academic

Education	\$4,639,947

Special Purpose:

Anti-Drug Abuse Act of 1986,

Pub.L. 99-570	(\$4,639,947)

2. The Department of Education shall coordinate its expenditure of funds hereinabove appropriated with the Department of Health, the Department of Human Services and the Department of Law and Public Safety, which departments also may receive funds under Pub.L. 99-570, to prevent any duplication of services provided under this federal act.

3. This act shall take effect immediately.

Approved April 8, 1987.

CHAPTER 95

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS
DEPARTMENT OF LAW AND PUBLIC SAFETY
Public Safety and Criminal Justice
19 Central Planning, Direction and Management

99-1000 Management and Administrative
Services \$5,194,000
Special Purpose:
Anti-Drug Abuse Act of 1986,
Pub.L. 99-570 (\$5,194,000)

2. The Department of Law and Public Safety shall coordinate its expenditure of funds hereinabove appropriated with the Department of Education, the Department of Health, and the Department of Human Services to prevent duplication in the delivery of services provided under the federal act.

3. This act shall take effect immediately, but shall remain inoperative until Assembly Bill No. 3484 of 1986 is enacted into law.

Approved April 8, 1987.

CHAPTER 96

AN ACT concerning special law enforcement officers and amending
P.L. 1985, c. 439.

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

1. Section 2 of P.L. 1985, c. 439 (C. 40A:14-146.9) is amended to read as follows:

C. 40A:14-146.9 **Definitions.**

2. As used in this act:

a. "Commission" means the Police Training Commission established in the Department of Law and Public Safety pursuant to section 5 of P.L. 1961, c. 56 (C. 52:17B-70);

b. "Emergency" means any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel as shall be determined by the chief of police, or in the absence of the chief, other chief law enforcement officer or the mayor or the mayor's designee to whom the authority of designating an

“emergency” has been prescribed by local ordinance. Vacations, shortages in police personnel caused by vacancies unfilled by the appointing authority for more than 60 days, or any other condition which could reasonably have been anticipated or foreseen shall not constitute an “emergency” for the purposes of this act; but an “emergency” may continue for the purposes of this act when a vacancy remains unfilled for more than 60 days and when, on application of the appointing authority, the county prosecutor grants an extension for one or more additional 60 day periods upon a showing by the appointing authority of a diligent, good faith effort to fill the vacancy;

c. “Local unit” means any municipality having established a regular police force pursuant to law;

d. “Population” means the population of the resort municipality shown in the last federal decennial census;

e. “Public entity” means the State and any county, municipality, district, public authority, public agency and any other political subdivision or public body in the State;

f. “Resort municipality” means a municipality which, because of its recreational or entertainment characteristics or facilities or its close proximity to such characteristics or facilities, experiences a substantial increase during the seasonal period in the number of persons visiting or temporarily residing there;

g. “Seasonal period” means any one period of four consecutive months during the calendar year, except with regard to a resort municipality bordering on the Atlantic ocean, in which case, “seasonal period” means one period of six consecutive months during the calendar year;

h. “Special law enforcement officer” means any person appointed pursuant to this act to temporarily or intermittently perform duties similar to those performed regularly by members of a police force of a local unit, or to provide assistance to a police force during unusual or emergency circumstances, or at individual times or during regular seasonal periods in resort municipalities.

2. Section 6 of P.L. 1985, c. 439 (C. 40A:14-146.13) is amended to read as follows:

C. 40A:14-146.13 Fees.

6. a. Except as specified in subsection b. of this section, a local unit may charge a reasonable fee as may be fixed by the governing

body for equipment and uniforms supplied pursuant to this act, but may not charge a fee for the costs of training or issuing a certificate of appointment. The local unit shall not be required to compensate a special law enforcement officer for time spent in training.

b. In addition to charging a reasonable fee as fixed by the governing body for equipment and uniforms supplied pursuant to this act, a local unit with a population in excess of 300,000, according to the 1980 federal decennial census, may charge a fee for the costs of training and for the administrative costs of issuing a certificate of appointment for a special law enforcement officer whose duties consist solely of performing public safety functions for a private employer.

3. Section 7 of P.L. 1985, c. 439 (C. 40A:14-146.14) is amended to read as follows:

C. 40A:14-146.14 Terms; firearms restrictions.

7. a. Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the local unit for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The special law enforcement officers so appointed shall not be members of the police force of the local unit, and their powers and duties as determined pursuant to this act shall cease at the expiration of the term for which appointed.

b. No special law enforcement officer may carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit to carry a firearm and provided that the officer has satisfactorily completed the basic firearms course required by the commission for regular police officers and annual requalification examinations as required for permanent, regularly appointed full-time officers in the local unit.

A special law enforcement officer shall be deemed to be on duty only while he is performing the public safety functions on behalf of the local unit pursuant to this act and when he is receiving compensation, if any, from the local unit at the rates or stipends as shall be established by ordinance. A special law enforcement officer shall not be deemed to be on duty for purposes of this act while performing

private security duties for private employers, which duties are not assigned by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the chief of police or, in the absence of the chief, other chief law enforcement officer, to perform public safety functions for a private entity if the chief of police or other chief law enforcement officer supervises the performance of the public safety functions. If the chief of police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the local unit is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.

The reimbursement for the duties of a special law enforcement officer, which is made to a municipality with a population in excess of 300,000, according to the 1980 federal decennial census, may be by direct payments from the employer to the special law enforcement officer, provided that records of the hours worked are forwarded to and maintained by the chief of police or other chief law enforcement officer responsible for assigning the special law enforcement officer those public safety duties.

Any firearm utilized by a special law enforcement officer shall be returned at the end of the officer's workday to the officer in charge of the stationhouse, unless the firearm is owned by the special law enforcement officer and was acquired in compliance with a condition of employment established by the local unit. Any special law enforcement officer first appointed after the effective date of this act shall only use a firearm supplied by the local unit. No such special police officer shall carry a revolver or other similar weapon when off duty; but if any such special police officer appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special police officer at least 35 hours per week, or less at the discretion of the chief of police and mayor, shall, at the direction of the chief of police, have taken and successfully completed a firearms training course administered by the Police Training Commission, pursuant to P.L. 1961, c. 56 (C. 52:17B-66 et seq.), and has successfully completed within three years of the effective date of P.L. 1985, c. 45 or three years of the date of appointment of the special police officer, whichever is later, 280 hours of training

in arrest, search and seizure, criminal law, and the use of deadly force, and shall annually qualify in the use of a revolver or similar weapon, said special police officer shall be permitted to carry a revolver or other similar weapon when off duty within the municipality where he is employed. Specific authorization shall be in the form of a permit which shall not be unreasonably withheld, which is subject to renewal annually and may be revoked at any time by the chief of police. The permit shall be on the person of the special police officer whenever a revolver or other similar weapon is carried off duty. No permit shall be issued until the special police officer has successfully completed all training courses required under this section. Any training courses completed by a special police officer under the direction of the chief of police in a school and a curriculum approved by the Police Training Commission, pursuant to P.L. 1961, c. 56 (C. 52:17B-66 et seq.), shall be credited towards the 280 hours of training required to be completed by this section. Any training required by this section shall commence within 90 days of the effective date of P.L. 1985, c. 45 or within 90 days of the date of the appointment of the special police officer, whichever is later.

c. A special law enforcement officer shall be under the supervision and direction of the chief of police or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, and shall perform his duties only in the local unit unless in fresh pursuit of any person pursuant to chapter 156 of Title 2A of the New Jersey Statutes.

d. The officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the local unit, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.

4. This act shall take effect immediately.

Approved April 13, 1987.

CHAPTER 97

AN ACT concerning the retirement allowance of veteran members of the Teachers' Pension and Annuity Fund and amending N.J.S. 18A:66-71.

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

1. N.J.S. 18A:66-71 is amended to read as follows:

Retirement allowance.

18A:66-71. a. Any public employee veteran member in office, position or employment of this State or of a county, municipality, or school district, board of education or other employer who (1) has or shall have attained the age of 60 years and has or shall have been for 20 years continuously or in the aggregate in office, position or employment of this State or of a county, municipality or school district, board of education or other employer, or (2) has or shall have attained the age of 55 years and has or shall have been for 25 years continuously or in the aggregate in that office, position or employment, shall have the privilege of retiring for service and of receiving, instead of the retirement allowance provided under N.J.S. 18A:66-44, a retirement allowance of one-half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made.

- b. (Deleted by amendment, P.L. 1984, c. 69.)

c. Any public employee veteran member who has been for 20 years in the aggregate in office, position or employment of this State or of a county, municipality or school district, board of education or other employer as of January 1, 1955, shall have the privilege of retiring for ordinary disability and of receiving, instead of the retirement allowance provided under N.J.S. 18A:66-41, a retirement allowance of one-half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made. Such retirement shall be subject to the provisions governing ordinary disability retirement in N.J.S. 18A:66-39 and N.J.S. 18A:66-40.

d. Any public employee veteran member who shall be in office, position or employment of this State or of a county, municipality, school district, board of education or other employer and who shall have attained 60 years of age and who has at least 35 years of

aggregate service credit in such office, position or employment, shall have the privilege of retiring for service and receiving a retirement allowance of one-sixtieth of the compensation he received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made for each year of creditable service.

e. The death benefit provided in N.J.S. 18A:66-44 shall apply in the case of any member retiring under the provisions of subsections a. and d. of this section and in the case of any member who has previously retired under the provisions of subsection b. of this section before said subsection was amended by this act. The death benefit provided in N.J.S. 18A:66-41 shall apply in the case of any member retiring under the provisions of subsection c. of this section.

f. A member who purchases service credit pursuant to any provision of the "Teachers' Pension and Annuity Fund Law" (N.J.S. 18A:66-1 et seq.) is entitled to apply the credit for the purpose of satisfying any of the service requirements of that act.

2. This act shall take effect immediately.

Approved April 13, 1987.

CHAPTER 98

AN ACT concerning relocation assistance costs, amending N.J.S. 40A:4-39 and supplementing chapter 4 of Title 20 of the Revised Statutes.

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

1. N.J.S. 40A:4-39 is amended to read as follows:

Anticipation of dedicated revenues.

40A:4-39. a. In the budget of any local unit, dedicated revenues anticipated during the fiscal year from any dog tax, dog license, solid fuel license, sinking fund for term bonds, bequest, escheat, federal grant, motor vehicle fine dedicated to road repairs, relocation costs deposited into a revolving relocation assistance fund established pursuant to section 2 of P.L. 1987, c. 98 (C. 20:4-4.1a) and, subject to the prior written consent of the director, other items of like charac-

ter when the revenue is not subject to reasonably accurate estimate in advance, may be included in said budget by annexing to said budget a statement in substantially the following form:

“The dedicated revenues anticipated during the year from (here insert one or more of the sources above, as the case may be) are hereby anticipated as revenue and are hereby appropriated for the purposes to which said revenue is dedicated by statute or other legal requirement.”

b. Dedicated revenues included in accordance with this section shall be available for expenditure by the local unit as and when received in cash during the fiscal year. The inclusion of such dedicated revenues shall be subject to the approval of the director, who may require such explanatory statements or data in connection therewith as he deems advisable for the information and protection of the public.

C. 20:4-4.1a Revolving relocation assistance fund.

2. (New section) Any municipality may, by ordinance, establish a revolving relocation assistance fund into which shall be deposited the following sums, less any money required to be repaid to the State of New Jersey: a. any relocation costs, and interest thereon, paid by an owner of real property who has been held liable for a civil or criminal penalty in the case of any displacement of persons by housing or construction code enforcement pursuant to section 1 of P.L. 1983, c. 536 (C. 20:4-4.1); b. any sums realized by the municipality upon enforcement of municipal liens or liquidation of any property acquired by virtue of enforcement pursuant to section 1 of P.L. 1983, c. 536 (C. 20:4-4.1); and c. any sums realized by the municipality relating to any relocation cost and interest thereon upon enforcement or liquidation of any property acquired by virtue of enforcement and collected pursuant to section 1 of P.L. 1984, c. 30 (C. 20:4-4.2).

Moneys appropriated from the fund shall be used by the municipality to provide relocation assistance pursuant to P.L. 1971, c. 362 (C. 20:4-1 et seq.).

3. This act shall take effect immediately except that section 1 shall take effect January 1 next following enactment.

Approved April 13, 1987.

CHAPTER 99

AN ACT providing for free transportation in certain cases and supplementing P.L. 1973, c. 126 (C. 27:1A-64 et seq.).

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

C. 27:1A-73 Free transportation for handicapped's attendant.

1. Notwithstanding the provisions of P.L. 1973, c. 126 (C. 27:1A-64 et seq.) or any other law to the contrary, a handicapped citizen and the citizen's travel attendant or guide shall be transported by any motorbus or rail carrier operated pursuant to the "New Jersey Public Transportation Act of 1979," P.L. 1979, c. 150 (C. 27:25-1 et seq.) at the fare charged to one handicapped citizen during peak or offpeak times, as the case may be. For the purposes of this section, a "handicapped citizen" is one defined pursuant to section 2 of P.L. 1973, c. 126 (C. 27:1A-65) who requires the assistance of a travel attendant or guide in order to use public transportation.

C. 27:1A-74 Regulations.

2. The Commissioner of Transportation shall, after consulting with other relevant departments and agencies, adopt reasonable regulations necessary to carry out the purposes of this act pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). The regulations shall include a procedure by which the commissioner shall issue an identification card, upon certification of a physician or upon certification of another person as prescribed by the commissioner, that a handicapped citizen requires the assistance of a travel attendant or guide in order to use public transportation.

3. This act shall take effect 30 days following enactment.

Approved April 13, 1987.

CHAPTER 100

AN ACT to amend "An act concerning certain property tax refunds, amending P.L. 1975, c. 361 and supplementing Title 54 of the Revised Statutes," approved April 14, 1983 (P.L. 1983, c. 137).

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

1. Section 2 of P.L. 1983, c. 137 (C. 54:4-134) is amended to read as follows:

C. 54:4-134 Application of refund to delinquency.

2. Whenever the owner of real property shall be entitled, pursuant to a determination of a county board of taxation or a judgment of the tax court, to a refund of all or any portion of the property taxes paid against the property in any given year, and any property taxes, water or sewer payments, or parking or payroll taxes imposed or to be collected by the municipality against that property or the owner or owners of that property are delinquent at the time of the determination or judgment, the governing body of the municipality constituting the taxing district in which the property is located may apply the refund, or such portion thereof as may be necessary, including any accrued interest, against the delinquency.

If the total amount of the refund is equal to or exceeds the total amount of the delinquency, the lien against the property for unpaid taxes shall be extinguished, and the balance, if any, remaining after the application of the refund against the delinquency shall be forwarded to the owner not later than 60 days after the date of the determination of the county board of taxation or the tax court judgment, as the case may be. If the total amount of the delinquency exceeds the total amount of the refund, the balance of the delinquency remaining shall remain a lien against the property.

2. This act shall take effect immediately.

Approved April 13, 1987.

CHAPTER 101

AN ACT to supplement chapter 35 of Title 2C of the New Jersey Statutes (P.L. 1987, c. 106).

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

C. 2C:35-7 Distribution of controlled dangerous substance within 1,000 feet of school.

1. Any person who violates subsection a. of N.J.S. 2C:35-5 by distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog while on any school property used for school purposes which is owned by any elementary or secondary school or school board, or within 1,000 feet of any school property or school bus, or while on any school bus, is guilty of a crime of the third degree and shall, except as provided in N.J.S. 2C:35-12, be sentenced by the court to a term of imprisonment. Where the violation involves 25 grams or less of marijuana, the term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, or one year, whichever is greater, during which the defendant shall be ineligible for parole. In all other cases, the term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, or three years, whichever is greater, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$100,000.00 may also be imposed upon any conviction for a violation of this section.

Notwithstanding the provisions of N.J.S. 2C:1-8 or any other provisions of law, a conviction arising under this section shall not merge with a conviction for a violation of subsection a. of N.J.S. 2C:35-5 (manufacturing, distributing or dispensing) or N.J.S. 2C:35-6 (employing a juvenile in a drug distribution scheme).

It shall be no defense to a prosecution for a violation of this section that the actor was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property.

It is an affirmative defense to prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person 17 years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve dis-

tributing, dispensing or possessing with the intent to distribute or dispense any controlled dangerous substance or controlled substance analog for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. Nothing herein shall be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

2. This act shall take effect immediately, but shall not affect the sentencing of a person convicted of a violation occurring before the effective date but shall be inoperative until the enactment into law of Assembly Bill No. 3270 of 1986.

Approved April 15, 1987.

CHAPTER 102

AN ACT concerning mandatory Statewide source separation and recycling of solid waste, supplementing P.L. 1970, c. 39 (C. 13:1E-1 et seq.), amending and supplementing other parts of the statutory law, and making appropriations.

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

C. 13:1E-99.11 Findings, declarations.

1. (New section) The Legislature finds that removing certain materials from the municipal solid waste stream will decrease the flow of solid waste to sanitary landfill facilities, aid in the conservation and recovery of valuable resources, conserve energy in the manufacturing process, and increase the supply of reusable raw materials for the State's industries; and that the recycling of reusable waste materials will reduce substantially the required capacity of proposed resource recovery facilities and contribute to their overall combustion efficiency, thereby resulting in significant cost-savings in the planning, construction, and operation of these resource recovery facilities.

The Legislature further finds that the expeditious identification of local, national and international markets and distribution networks for recyclable materials is a necessary prerequisite to the orderly development of mandatory Statewide county and municipal recycling programs; and that the State must institute and complete studies of market stimulation for recyclable materials.

The Legislature further finds that the State may most appropriately demonstrate its long-term commitment to proper solid waste management by establishing a mandatory Statewide source separation and recycling program, and by increasing the purchase of recycled paper and paper products by the various agencies and instrumentalities of the State Government.

The Legislature therefore declares that it is in the public interest to mandate the source separation of marketable waste materials on a Statewide basis so that reusable materials may be returned to the economic mainstream in the form of raw materials or products rather than be disposed of at the State's overburdened landfills, and further declares that the recycling of marketable materials by every municipality in this State, and the development of public and private sector recycling activities on an orderly and incremental basis, will further demonstrate the State's long-term commitment to an effective and coherent solid waste management strategy.

C. 13:1E-99.12 Definitions.

2. (New section) As used in sections 1 through 24 of this 1987 amendatory and supplementary act:

"Beverage" means milk, alcoholic beverages, including beer or other malt beverages, liquor, wine, vermouth and sparkling wine, and nonalcoholic beverages, including fruit juice, mineral water and soda water and similar nonalcoholic carbonated and noncarbonated drinks intended for human consumption;

"Beverage container" means an individual, separate, hermetically sealed, or made airtight with a metal or plastic cap, bottle or can composed of glass, metal, plastic or any combination thereof, containing a beverage;

"County" means any county of this State of whatever class;

"Department" means the Department of Environmental Protection;

"Designated recyclable materials" means those recyclable materials, including metal, glass, paper, or plastic containers, food waste, corrugated and other cardboard, newspaper, magazines, or high-grade office paper designated in a district recycling plan to be source separated in a municipality pursuant to section 3 of this amendatory and supplementary act;

"Disposition" or "disposition of designated recyclable materials" means the transportation, placement, reuse, sale, donation, transfer

or temporary storage for a period not exceeding six months of designated recyclable materials for all possible uses except for disposal as solid waste;

“District” means a solid waste management district as designated by section 10 of P.L. 1975, c. 326 (C. 13:1E-19), except that, as used in the provisions of this amendatory and supplementary act, “district” shall not include the Hackensack Meadowlands District;

“District recycling plan” means the plan prepared and adopted by the governing body of a county and approved by the department to implement the State Recycling Plan goals pursuant to section 3 of this amendatory and supplementary act;

“Market” or “markets” means the disposition of designated recyclable materials source separated in a municipality which entails a disposition cost less than the cost of transporting the recyclable materials to solid waste facilities and disposing of them as municipal solid waste at the facility utilized by the municipality;

“Municipality” means any city, borough, town, township or village situated within the boundaries of this State;

“Municipal solid waste stream” means all residential, commercial and institutional solid waste generated within the boundaries of any municipality;

“Paper” means and includes all newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeograph paper, duplicator paper, and related types of cellulosic material containing not more than 10% by weight or volume of non-cellulosic material such as laminates, binders, coatings, or saturants;

“Paper product” means any paper items or commodities, including but not limited to, paper napkins, towels, corrugated and other cardboard, construction material, toilet tissue, paper and related types of cellulosic products containing not more than 10% by weight or volume of non-cellulosic material such as laminates, binders, coatings, or saturants;

“Plastic container” means any hermetically sealed, or made airtight with a metal or plastic cap, container with a minimum wall thickness of not less than 0.010 inches, and composed of thermoplastic synthetic polymeric material;

“Post-consumer waste material” means any product generated by a business or consumer which has served its intended end use, and

which has been separated from solid waste for the purposes of collection, recycling and disposition and which does not include secondary waste material or demolition waste;

“Recyclable material” means those materials which would otherwise become municipal solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;

“Recycled paper” means any paper having a total weight consisting of not less than 50% secondary waste paper material;

“Recycled paper product” means any paper product consisting of not less than 50% secondary waste paper material;

“Recycling” means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;

“Recycling center” means any facility designed and operated solely for receiving, storing, processing and transferring source separated, nonputrescible or source separated commingled nonputrescible metal, glass, paper, plastic containers, and corrugated and other cardboard, or other recyclable materials approved by the department;

“Recycling services” means the services provided by persons engaging in the business of recycling, including the collection, processing, storage, purchase, sale or disposition, or any combination thereof, of recyclable materials;

“Secondary waste material” means waste material generated after the completion of a manufacturing process;

“Secondary waste paper material” means paper waste generated after the completion of a paper making process, such as post-consumer waste material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls and mill wrappers; except that secondary waste paper material shall not include fibrous waste generated during the manufacturing process, such as fibers recovered from waste water or trimmings of paper machine rolls, fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark;

“Source separated recyclable materials” means recyclable materials, including but not limited to, paper, metal, glass, food waste,

office paper and plastic which are kept separate and apart from residential, commercial and institutional solid waste by the generator thereof for the purposes of collection, disposition and recycling.

C. 13:1E-99.13 District recycling plan.

3. (New section) a. Each county shall, within six months of the effective date of this amendatory and supplementary act and after consultation with each municipality within the county, prepare and adopt a district recycling plan to implement the State Recycling Plan goals. Each plan shall be adopted as an amendment to the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c. 39 (C. 13:1E-1 et seq.).

b. Each district recycling plan required pursuant to this section shall include, but need not be limited to:

- (1) Designation of a district recycling coordinator;
- (2) Designation of the recyclable materials to be source separated in each municipality which shall include, in addition to leaves, at least three other recyclable materials separated from the municipal solid waste stream;
- (3) Designation of the strategy for the collection, marketing and disposition of designated source separated recyclable materials in each municipality; and
- (4) Designation of recovery targets in each municipality to achieve the maximum feasible recovery of recyclable materials from the municipal solid waste stream which shall include, at a minimum, the following schedule:
 - (a) The recycling of at least 15% of the prior year's total municipal solid waste stream by the end of the first full year succeeding the adoption and approval by the department of the district recycling plan; and
 - (b) The recycling of at least 25% of the second preceding year's total municipal solid waste stream by the end of the second full year succeeding the adoption and approval by the department of the district recycling plan.

For the purposes of this paragraph, "total municipal solid waste stream" means the sum of the municipal solid waste stream disposed of as solid waste, as measured in tons, plus the total number of tons of recyclable materials recycled.

c. Each district recycling plan, in designating a strategy for the collection, marketing and disposition of designated recyclable materials in each municipality, shall accord priority consideration to persons engaging in the business of recycling or otherwise lawfully providing recycling services on behalf of a county or municipality on January 1, 1986, if that person continues to provide recycling services prior to the adoption of the plan and that person has not discontinued these services for a period of 90 days or more between January 1, 1986, and the date on which the plan is adopted.

d. Notwithstanding the provisions of the "Solid Waste Management Act," P.L. 1970, c. 39 (C. 13:1E-1 et seq.), each district recycling plan may be modified after adoption pursuant to a procedure set forth in the adopted plan as approved by the department.

C. 13:1E-99.14 Contracts for recycling services.

4. (New section) a. Each county shall, within six months of the adoption and approval by the department of the district recycling plan required pursuant to section 3 of this amendatory and supplementary act, solicit proposals from, review the qualifications of, and enter into contracts or agreements on behalf of municipalities with persons providing recycling services or operating recycling centers for the collection, storage, processing, and disposition of recyclable materials designated in the district recycling plan in those instances where these services are not otherwise provided by the municipality, interlocal service agreement or joint service program, or other private or public recycling program operator.

b. In the event that a county is unable to enter into contracts or otherwise execute agreements to market specific designated recyclable materials in order to achieve the designated recovery targets set forth in the district recycling plan, the county may petition the department for a temporary exemption from the provisions of subsection a. of this section for these specified materials. The department is authorized to grant, deny or conditionally grant the exemption. If the exemption is denied, the department shall assist the county in identifying and securing markets for the recyclable materials designated in the district recycling plan. Any exemption granted by the department shall not exceed one year in duration, and shall be granted or renewed only upon a finding that the county has made a good faith effort to identify and secure markets for its recyclable materials. Each county shall continue to solicit those recycling services necessary to achieve the maximum feasible recovery targets in each municipality as set forth in the district recycling plan.

C. 13:1E-99.15 Exemption.

5. (New section) Any county which has prepared and adopted a district recycling plan as an amendment to the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c. 39 (C. 13:1E-1 et seq.), and the district recycling plan has been approved by the department prior to January 1, 1987, shall be exempt from the provisions of sections 3 and 4 of this amendatory and supplementary act. To be eligible for an exemption pursuant to this section, a county shall have established and implemented a county-wide mandatory source separation and recycling program for at least three recyclable materials, in addition to leaves, and shall have demonstrated that it has secured markets for these materials.

C. 13:1E-99.16 Municipal recycling program.

6. (New section) Each municipality in this State shall, within 30 days of the effective date of this amendatory and supplementary act, designate one or more persons as the municipal recycling coordinator. Each municipality shall establish and implement a municipal recycling program in accordance with the following requirements and schedule:

a. Within six months of the adoption by the county and approval by the department of the district recycling plan required pursuant to section 3 of this amendatory and supplementary act, each municipality shall provide for a collection system for the recycling of the recyclable materials designated in the district recycling plan as may be necessary to achieve the designated recovery targets set forth in the plan in those instances where a recycling collection system is not otherwise provided for by the generator or by the county, interlocal service agreement or joint service program, or other private or public recycling program operator.

b. The governing body of each municipality shall, if it has not already done so, within 30 days of the effective date of any contracts or agreements entered into by the county or other local government unit to market one or more of the specific designated recyclable materials as required pursuant to section 4 of this amendatory and supplementary act, adopt an ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, in addition to leaves, the specified recyclable materials for which markets have been secured and, unless recycling is otherwise provided for by the generator, place these specified recyclable materials for collection in the manner provided by the ordinance.

c. The governing body of each municipality shall, within 30 days of the effective date of the ordinance adopted pursuant to subsection b. of this section and at least once every 36 months thereafter, conduct a review and make necessary revisions to the master plan and development regulations adopted pursuant to P.L. 1975, c. 291 (C. 40:55D-1 et seq.), which revisions shall reflect changes in State, county and municipal policies and objectives concerning the collection, disposition and recycling of designated recyclable materials.

The revised master plan shall include provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance adopted pursuant to subsection b. of this section, and for the collection, disposition and recycling of designated recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land.

d. The governing body of a municipality may exempt persons occupying commercial and institutional premises within its municipal boundaries from the source separation requirements of the ordinance adopted pursuant to subsection b. of this section if those persons have otherwise provided for the recycling of the recyclable materials designated in the district recycling plan from solid waste generated at those premises. To be eligible for an exemption pursuant to this subsection, a commercial or institutional solid waste generator annually shall provide written documentation to the municipality of the total number of tons recycled.

e. The governing body of each municipality shall, on or before July 1, 1988 and on or before July 1 of each year thereafter, submit a recycling tonnage report to the New Jersey Office of Recycling in accordance with rules and regulations adopted by the department therefor.

f. The governing body of each municipality shall, within six months of the effective date of the ordinance adopted pursuant to subsection b. of this section and at least once every six months thereafter, notify all persons occupying residential, commercial, and institutional premises within its municipal boundaries of local recycling opportunities, and the source separation requirements of the ordinance. In order to fulfill the notification requirements of this subsection, the governing body of a municipality may, in its discretion, place an advertisement in a newspaper circulating in the mu-

municipality, post a notice in public places where public notices are customarily posted, include a notice with other official notifications periodically mailed to residential taxpayers, or any combination thereof, as the municipality deems necessary and appropriate.

C. 40A:4-45.34 County budget "cap" exception.

7. (New section) Any additional expenditures for the collection, storage, processing or disposition of recyclable materials, or the procurement of recycling services made by, or any expenditures of revenues received by, any county as a result of the provisions of P.L. 1981, c. 278 (C. 13:1E-92 et al.), as amended and supplemented, and the provisions of sections 1 through 30, inclusive, and sections 32 and 36 of P.L. 1987, c. 102 (C. 13:1E-99.11 et al.) shall, for the purposes of P.L. 1976, c. 68 (C. 40A:4-45.1 et seq.), be considered an exception to the spending limitations imposed thereby.

C. 40A:4-45.35 Municipal budget "cap" exception.

8. (New section) Any additional expenditures for the collection, storage, processing or disposition of recyclable materials, or the procurement of recycling services made by, or any expenditures of revenues received by, any municipality as a result of the provisions of P.L. 1981, c. 278 (C. 13:1E-92 et al.), as amended and supplemented, and the provisions of sections 1 through 30, inclusive, and sections 32 and 36 of P.L. 1987, c. 102 (C. 13:1E-99.11 et al.) shall, for the purposes of P.L. 1976, c. 68 (C. 40A:4-45.1 et seq.), be considered an exception to the spending limitations imposed thereby.

C. 13:1E-99.17 Bidding for collection, disposal of recyclable materials.

9. (New section) A municipality may require that every solid waste collector or solid waste transporter registered pursuant to sections 4 and 5 of P.L. 1970, c. 39 (C. 13:1E-4 and 13:1E-5) and holding a certificate of public convenience and necessity pursuant to sections 7 and 10 of P.L. 1970, c. 40 (C. 48:13A-6 and 48:13A-9) bid on a contract for the collection or disposition of recyclable materials, if required to do so by the district recycling plan of the county in which the collector or transporter engages in solid waste collection or transportation services.

C. 13:1E-99.18 Identification as recyclable container.

10. (New section) a. No plastic or bi-metal beverage container shall be identified as a recyclable container unless the department determines that a convenient and economically feasible recycling system for that specific container is available.

b. The department shall adopt, upon consultation with the appropriate industries and pursuant to the provisions of the "Adminis-

trative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this section.

C. 13:1E-99.19 Written determination.

11. (New section) a. Within 18 months of the effective date of this amendatory and supplementary act, the department shall make a written determination as to whether a convenient and economically feasible mechanism for the collection, recycling, and marketing of plastic or bi-metal beverage containers is available to counties and municipalities in this State. A determination by the department that such a mechanism is available shall be based upon a finding that the manufacturers of plastic or bi-metal beverage containers and the beverage manufacturing industries have achieved, by the end of the previous 12 months, the recycling, on a percentage basis, of plastic or bi-metal beverage containers at a rate at least equal to the recovery rate achieved for glass or aluminum beverage containers during that one-year period, whichever is less.

b. In the event that the department makes a written determination that the manufacturers of plastic or bi-metal beverage containers and the beverage manufacturing industries have not achieved the recycling of plastic or bi-metal beverage containers at a recovery rate at least equal to that achieved for glass or aluminum beverage containers as provided in subsection a. of this section, the department shall transmit its findings to the Governor and the Legislature, including appropriate recommendations for the proper disposition or recycling of these containers.

C. 13:1E-99.20 Disposition, recycling of automobile tires.

12. (New section) Within 18 months of the effective date of this amendatory and supplementary act, the department shall prepare a report on convenient and economically feasible methods for the disposition or recycling of scrap automobile tires which may be available to counties and municipalities. The department shall investigate various methods for the recovery or reuse of automobile tires from the municipal solid waste stream, including, but not limited to, incineration, artificial reef construction, retreading, asphalt paving material manufacture, sludge composting and energy recovery, and shall report to the Governor and the Legislature thereon, including a recommendation that a deposit be imposed on automobile tires, if warranted by the findings.

C. 13:1E-99.21 Use of leaf composting facility.

13. (New section) a. Within 12 months of the effective date of this amendatory and supplementary act, all leaves collected by a municipality pursuant to the provisions of section 14 of this amendatory and supplementary act shall be transported to a leaf composting facility. Each district recycling plan shall identify the leaf composting facility or facilities to be utilized by each municipality within the county. Any two or more counties may negotiate an interdistrict agreement for the development or use of a leaf composting facility. Notwithstanding the provisions of section 18 of P.L. 1975, c. 326 (C. 13:1E-27) or any other law, rule or regulation to the contrary, the Board of Public Utilities shall not have jurisdiction over, or otherwise regulate the tariffs or return of, a leaf composting facility approved by the department.

b. No sanitary landfill facility in this State shall accept for final disposal truckloads composed primarily of leaves at any time, except that leaves source separated from solid waste may be accepted by a sanitary landfill facility in those instances where the facility has provided and maintains for that purpose separate leaf composting facilities, and the composted leaves are utilized as part of the final vegetative cover for the landfill, or for other uses as a soil conditioning material.

C. 13:1E-99.22 Municipal leaf collection.

14. (New section) Within 12 months of the effective date of this amendatory and supplementary act, each municipality in this State shall, by a duly adopted ordinance of its governing body, provide for a collection system for leaves generated from residential premises, and require that persons occupying residential premises within its municipal boundaries shall, for the period from September 1 to December 31 of each year, source separate leaves from solid waste generated at those premises and, unless leaves are stored or recycled for composting or mulching by the generator, place the leaves for collection in the manner provided by the ordinance.

C. 13:1E-99.23 Preference to materials paid with public funds.

15. (New section) All State and local agencies responsible for the maintenance of public lands in this State shall, to the maximum extent practicable and feasible, give due consideration and preference to the use of compost materials in all land maintenance activities which are to be paid for with public funds.

C. 13:1E-99.24 Purchase of recycled paper, products.

16. (New section) The provisions of P.L. 1971, c. 257 (C. 52:34-21 et seq.) or any rules and regulations adopted pursuant thereto to the contrary notwithstanding, the Director of the Division of Purchase and Property in the Department of the Treasury shall, upon consultation with the department, review and modify all bid and product specifications relating to the purchase of recycled paper or recycled paper products so that the specifications do not discriminate against, but encourage the maximum purchase of products made from recycled paper or recycled paper products. Preference shall be given to recycled paper or recycled paper products with the highest percentage of post-consumer waste material.

C. 13:1E-99.25 Contracts for recycled paper, products.

17. (New section) a. In purchasing any paper or paper products for use by the various agencies and departments of the State government or for any county, municipality or school district pursuant to P.L. 1969, c. 104 (C. 52:25-16.1 et al.), the Director of the Division of Purchase and Property, whenever the price is competitive for the purpose intended, shall make contracts available for those items which are manufactured or produced from recycled paper or recycled paper products. For the purposes of this section, "competitive" means a price within 10% of the price of items which are manufactured or produced from virgin paper products.

b. The Director of the Division of Purchase and Property, after formal advertisement and solicitation of proposals for recycled paper or recycled paper products, and having received no competitive proposals for recycled paper or recycled paper products, may award the contract for paper or paper products manufactured or produced from virgin paper products in the manner prescribed by law. Any award or contract made for virgin paper products shall not relieve the director of any future obligation to make available contracts for recycled paper or recycled paper products as provided in subsection a. of this section.

C. 13:1E-99.26 Cooperative purchase.

18. (New section) The Director of the Division of Local Government Services in the Department of Community Affairs shall, pursuant to the "Local Public Contracts Law," P.L. 1971, c. 198 (C. 40A:11-1 et seq.), permit counties, municipalities and authorities, and the State Board of Education shall, pursuant to the "Public School Contracts Law," N.J.S. 18A:18A-1 et seq., permit any board of education, to cooperatively purchase recycled paper or products

made from recycled paper products procured by the Division of Purchase and Property.

C. 13:1E-99.27 Increasing percentage of recycled paper.

19. (New section) a. The total dollar amount of recycled paper or recycled paper products purchased by the State shall be as follows:

Not less than 10% of the paper or paper products purchased on or after July 1, 1987 shall be made from recycled paper or recycled paper products, not less than 30% by July 1, 1988, and not less than 45% by July 1, 1989.

Priority procurement consideration shall be given to recycled paper or recycled paper products with the highest percentage of post-consumer waste material.

b. The Director of the Division of Purchase and Property, after formal advertisement and solicitation of proposals for recycled paper or recycled paper products, and having received no competitive proposals for recycled paper or recycled paper products, may award the contract for paper or paper products manufactured or produced from virgin paper products in the manner prescribed by law. Any award or contract made for virgin paper products shall not relieve the director of any future obligation to purchase recycled paper or recycled paper products as provided in subsection a. of this section.

C. 13:1E-99.28 Recyclable paving materials.

20. (New section) The provisions of R.S. 27:2-1 et seq. or any rules and regulations adopted pursuant thereto to the contrary notwithstanding, the Commissioner of Transportation shall, upon consultation with the department, review and modify all bid and paving material and sub base specifications relating to the purchase of recyclable asphalt pavement, crushed concrete sub base, foundry slag and paving materials utilizing recycled materials, including, but not limited to, crumb rubber from automobile tires, ash, glass and glassy aggregates, to provide that the specifications encourage the maximum purchase of recyclable asphalt pavement and paving materials utilizing recycled materials.

C. 13:1E-99.29 Asphalt purchases.

21. (New section) The provisions of R.S. 27:2-1 et seq. or any rules and regulations adopted pursuant thereto to the contrary notwithstanding, the Commissioner of Transportation shall, upon consultation with the department, review and modify if necessary all bid specifications relating to the purchase of asphalt or recycled asphalt pavement to provide that the specifications encourage the use of fuel

derived from waste oil as a furnace or boiler fuel by manufacturers of asphalt or recycled asphalt pavement.

C. 13:1E-99.30 Compliance with district recycling plan.

22. (New section) a. The provisions of P.L. 1970, c. 39 (C. 13:1E-1 et seq.) or any rules and regulations adopted pursuant thereto to the contrary notwithstanding, on or after July 1, 1987, the department shall not issue a registration statement or engineering design approval for any new or expanded solid waste facility in any county unless the person or party proposing to construct or operate the facility submits written documentation and any other evidence the department may require demonstrating to the department's satisfaction that the goals of the relevant district recycling plan required by section 3 of this amendatory and supplementary act have been incorporated into the plans for the proposed facility.

b. The department may adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this section.

C. 13:1E-99.31 Resource recovery facility to comply with district recycling plan.

23. (New section) a. The provisions of section 6 of P.L. 1970, c. 40 (C. 48:13A-5) to the contrary notwithstanding, on or after July 1, 1987 the Board of Public Utilities shall not award a franchise to any person or party proposing to construct or operate a resource recovery facility unless the person or party proposing to construct or operate the facility submits written documentation and any other evidence the board may require demonstrating to the satisfaction of the board that the goals of the relevant district recycling plan required by section 3 of this amendatory and supplementary act have been incorporated into the plans for the proposed facility.

b. The board may adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this section.

C. 13:1E-99.32 Short title.

24. Sections 1 through 24 inclusive of this 1987 amendatory and supplementary act shall be known and may be cited as the "New Jersey Statewide Mandatory Source Separation and Recycling Act."

25. Section 2 of P.L. 1975, c. 291 (C. 40:55D-2) is amended to read as follows:

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 arrangement;

j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State 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;

- l. To encourage senior citizen community housing construction;
- 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;
- n. To promote utilization of renewable energy resources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

26. Section 19 of P.L. 1975, c. 291 (C. 40:55D-28) is amended to read as follows:

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, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (12):

(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 and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (12) hereof 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 stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance; and (c) showing the existing and proposed location of any airports and the boundaries of any airport hazard areas de-

lineated pursuant to the "Air Safety and Hazardous Zoning Act of 1983," P.L. 1983, c. 260 (C. 6:1-80 et seq.); and (d) including a statement of the standards of population density and development intensity recommended for the municipality;

(3) A housing plan element pursuant to section 10 of P.L. 1985, c. 222 (C. 52:27D-310), 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, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail;

(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, and including any storm water management plan required pursuant to the provisions of P.L. 1981, c. 32 (C. 40:55D-93 et seq.);

(6) A community facilities plan element showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, 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;

(8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species wildlife and other resources, and which systematically analyzes the impact of each other component and element of the master plan on the present and future preservation, conservation and utilization of those resources;

(9) An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the

labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;

(10) A historic preservation plan element (a) indicating the location, significance, proposed utilization and means for preservation of historic sites and historic districts, and (b) identifying the standards used to assess worthiness for historic site or district designation;

(11) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements; and

(12) A recycling plan element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land.

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, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L. 1985, c. 398 (C. 52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c. 39 (C. 13:1E-1 et seq.) of the county in which the municipality is located.

27. Section 29 of P.L. 1975, c. 291 (C. 40:55D-38) is amended to read as follows:

C. 40:55D-38 Contents of ordinance.

29. Contents of ordinance. An ordinance requiring approval by the planning board of either subdivisions or site plans, or both, shall include the following:

a. Provisions, not inconsistent with other provisions of this act, for submission and processing of applications for development, including standards for preliminary and final approval and provisions for processing of final approval by stages or sections of development;

b. Provisions ensuring:

(1) Consistency of the layout or arrangement of the subdivision or land development with the requirements of the zoning ordinance;

(2) Streets in the subdivision or land development of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the official map, if any, and the circulation element of the master plan, if any, and so oriented as to permit, consistent with the reasonable utilization of land, the buildings constructed thereon to maximize solar gain; provided that no street of a width greater than 50 feet within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width, or already has been shown on the master plan at the greater width, or already has been shown in greater width on the official map;

(3) Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants;

(4) Suitable size, shape and location for any area reserved for public use pursuant to section 32 of this act;

(5) Reservation pursuant to section 31 of this act of any open space to be set aside for use and benefit of the residents of planned development, resulting from the application of standards of density or intensity of land use, contained in the zoning ordinance, pursuant to subsection 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;

(7) Protection and conservation of soil from erosion by wind or water or from excavation or grading;

(8) Conformity with standards promulgated by the Commissioner of Transportation, pursuant to the "Air Safety and Hazardous Zoning Act of 1983," P.L. 1983, c. 260 (C. 6:1-80 et seq.), for any airport hazard areas delineated under that act; and

(9) Conformity with a municipal recycling ordinance required pursuant to section 6 of P.L. 1987, c. 102 (C. 13:1E-99.16);

c. Provisions governing the standards for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, streetlights, shade trees, fire hydrants and water, and drainage and sewerage facilities and other improvements as shall be found necessary, and provisions ensuring that such facilities shall be completed either prior to or subsequent to final approval of the subdivision or site plan by allowing the posting of performance bonds by the developer;

d. Provisions ensuring that when a municipal zoning ordinance is in effect, a subdivision or site plan shall conform to the applicable provisions of the zoning ordinance, and where there is no zoning ordinance, appropriate standards shall be specified in an ordinance, pursuant to this article; and

e. Provisions ensuring performance in substantial accordance with the final development plan; provided that the planning board may permit a deviation from the final plan, if caused by change of conditions beyond the control of the developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the master plan and zoning ordinance.

28. Section 29.3 of P.L. 1975, c. 291 (C. 40:55D-41) is amended to read as follows:

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;
- d. Exterior lighting needed for safety reasons in addition to any requirements for street lighting;
- e. Conservation of energy and use of renewable energy sources; and

f. Recycling of designated recyclable materials.

29. Section 76 of P.L. 1975, c. 291 (C. 40:55D-89) is amended to read as follows:

C. 40:55D-89 Periodic reexamination.

76. Periodic reexamination. The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every six years from the previous reexamination. The reexamination report shall state:

a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.

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 the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

30. 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 governing body 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 chapter 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.

(10) "Homemaker—home health services" means at home personal care and home management provided to an individual or members of his family who reside with him, or both, necessitated by the individual's illness or incapacity. "Homemaker—home health services" includes, but is not limited to, the services of a trained homemaker.

(11) "Recyclable material" means those materials which would otherwise become municipal solid waste, and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

(12) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

(13) "Marketing" means the marketing of designated recyclable materials source separated in a municipality which entails a marketing cost less than the cost of transporting the recyclable materials to solid waste facilities and disposing of the materials as municipal solid waste at the facility utilized by the municipality.

(14) "Municipal solid waste" means all residential, commercial and institutional solid waste generated within the boundaries of a municipality.

31. 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. All purchases, contracts or agreements for the performing of work or the furnishing of materials, supplies or services shall be made for a period not to exceed 12 consecutive months, except that contracts or agreements may be entered into for longer periods of time as follows:

(1) Supplying of

(a) Fuel for heating purposes, for any term not exceeding in the aggregate, two years;

(b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, two years;

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment, P.L. 1977, c. 53.)

(3) The collection and disposal of garbage and refuse, and the barging and disposal of sewage sludge, for any term not exceeding in the aggregate, five years;

(4) The recycling of solid waste, including the collection of methane gas from a sanitary landfill facility, 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. The contracting unit shall award the contract to the highest responsible bidder, notwithstanding that the contract price may be in excess of the amount of any necessarily related administrative expenses; except that if the contract requires the contracting unit to expend funds only, the contracting unit shall award the contract to the lowest responsible bidder. The approval by the Division of Local Government Services of public bidding requirements shall not be required for those contracts exempted therefrom pursuant to section 5 of P.L. 1971, c. 198 (C. 40A:11-5);

(5) Data processing service, for any term of not more than three years;

- (6) Insurance, for any term of not more than three years;
- (7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed three years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;
- (8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities for a term not exceeding five years;
- (9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;
- (10) The providing of food services for any term not exceeding three years;
- (11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P.L. 1975, c. 217; C. 52:27D-119 et seq.) for any term of not more than three years;
- (12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Energy establishing a methodology for computing energy cost savings;
- (13) The performance of work or services or the furnishing of materials or supplies for the purpose of elevator maintenance for any term not exceeding three years;
- (14) Leasing or servicing of electronic communications equipment for a period not to exceed five years; provided, however, such contract shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

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(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed seven years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection pursuant to P.L. 1985, c. 37 (C. 58:26-1 et seq.). For the purposes of this subsection, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources;

(17) The provision of solid waste disposal services by a resource recovery facility, the furnishing of products of a resource recovery facility, the disposal of the solid waste delivered for disposal which

cannot be processed by a resource recovery facility or the waste products resulting from the operation of a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection; and when the facility is in conformance with a solid waste management plan approved pursuant to P.L. 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Board of Public Utilities, and when the facility is in conformance with a solid waste management plan approved pursuant to P.L. 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(19) The provision of wastewater treatment services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or any component part or parts thereof, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection pursuant to P.L. 1985, c. 72 (C. 58:27-1 et seq.). For the purposes of this subsection, "wastewater treatment services" means any service provided by a wastewater treatment system, and "wastewater treatment system" means equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, sepa-

ration, or other treatment of wastewater or sewage sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their operation;

(20) The supplying of materials or services for the purpose of lighting public streets, for a term not to exceed five years, provided that the rates, fares, tariffs or charges for the supplying of electricity for that purpose are approved by the Board of Public Utilities.

All multi-year leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts involving the supplying of electricity for the purpose of lighting public streets and contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to subsection (12) above, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16) above, contracts for resource recovery services or a resource recovery facility authorized pursuant to subsection (17) above, contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) above, contracts for wastewater treatment services or for a wastewater treatment system or any component part or parts thereof authorized pursuant to subsection (19) above, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

32. Section 5 of P.L. 1971, c. 198 (C. 40A:11-5) is amended to read as follows:

C. 40A:11-5 Exceptions.

5. Exceptions. Any purchase, contract or agreement of the character described in section 4 of this act may be made, negotiated or awarded by the governing body without public advertising for bids and bidding therefor if

(1) The subject matter thereof consists of

(a) (i) Professional services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in a newspaper authorized by law to publish its legal advertisements, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating such contracting unit; or (ii) Extraordinary unspecifiable services. The application of this exception shall be construed narrowly in favor of open competitive bidding, where possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed, in the manner set forth in subsection (1)(a)(i) of this section, a brief notice of the award of such contract;

(b) The doing of any work by employees of the contracting unit;

(c) The printing of legal briefs, records and appendices to be used in any legal proceeding in which the contracting party may be a party;

(d) The furnishing of a tax map or maps for the contracting party;

(e) The purchase of perishable foods as a subsistence supply;

(f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged or exacted, filed with said board;

(g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;

(h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;

(i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

- (j) The publishing of legal notices in newspapers as required by law;
 - (k) The acquisition of artifacts or other items of unique intrinsic, artistic or historical character;
 - (l) Election expenses;
 - (m) Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;
 - (n) The doing of any work by handicapped persons employed by a sheltered workshop;
 - (o) The provision of any service or the furnishing of materials including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated, historical society at or on any historical preservation site;
 - (p) Homemaker—home health services performed by voluntary, nonprofit agencies;
 - (q) The purchase of materials and services for a law library established pursuant to R.S. 40:33-14, including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, copyright and patent materials, maps, charts, globes, sound recordings, slides, films, filmscripts, video and magnetic tapes, and other audiovisual, printed, or published material of a similar nature; necessary binding or rebinding of law library materials; and specialized library services;
 - (r) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P.L. 1975, c. 217; C. 52:27D-119 et seq.) and the regulations adopted pursuant thereto; or
 - (s) The marketing of recyclable materials recovered through a recycling program.
- (2) It is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority thereof and any other state or subdivision thereof.
- (3) The contracting agent has advertised for bids pursuant to section 4 on two occasions and (a) has received no bids on both occasions in response to its advertisement, or (b) the governing body

has rejected such bids on two occasions because the contracting agent has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; any such contract or agreement may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract or agreement; provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent materials or supplies, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of this act; and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of this act, shall be stated in the resolution awarding such contract or agreement;

provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each such bidder a reasonable opportunity to negotiate, but the governing body shall not award such contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible supplier, and is a reasonable price for such work, materials, supplies or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and when

appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

33. Section 2 of P.L. 1981, c. 278 (C. 13:1E-93) is amended to read as follows:

C. 13:1E-93 Additional findings, declarations.

2. The Legislature finds that New Jersey must continue to seek solutions to its energy, environmental and economic problems; that solutions to these problems require proper solid waste and resource recovery management; that the generation of municipal solid waste is increasing while landfill capacity is decreasing; that the siting of environmentally secure landfills is an area of serious concern and limited choice; that the planning and construction of waste-to-energy resource recovery facilities requires substantial capital expenditures and a guaranteed flow of processible and combustible waste; and that the disposal of reusable waste materials is wasteful of valuable resources.

The Legislature further finds that the recycling of waste materials decreases waste flow to landfill sites, substantially reduces the required capacity and cost of proposed waste-to-energy resource recovery facilities while contributing to their overall combustion efficiency through the removal of noncombustible and nonprocessable materials at the source, recovers valuable resources, conserves energy in the manufacturing process, and offers a supply of domestic raw materials for the State's industries; that a comprehensive recycling plan and program is necessary to achieve the maximum practicable recovery of reusable materials from solid waste in this State; and that such a plan will reduce the amount of waste to landfills, result in significant cost savings in the planning and construction of waste-to-energy resource recovery facilities, conserve energy and resources, and recover materials for industrial uses.

The Legislature finds that an uncluttered landscape is among the most priceless heritages which New Jersey can bequeath to posterity; that it is the duty of government to promote and encourage a clean and safe environment; that the proliferation and accumulation of carelessly discarded litter may pose a threat to the public health and safety; that the litter problem is especially serious in a State as densely populated and heavily traveled as New Jersey; and that unseemly litter has an adverse economic effect on New Jersey by

making the State less attractive to tourists and new industry and residents.

The Legislature, therefore, declares it to be in the energy, environmental, and economic interests of the State of New Jersey to implement a comprehensive Statewide recycling plan and to establish a clean communities account to develop resources to be used in a litter abatement and removal pickup plan as provided for by law.

34. Section 3 of P.L. 1981, c. 278 (C. 13:1E-94) is amended to read as follows:

C. 13:1E-94 "Recycling Act" definitions.

3. As used in this act:

a. "Department" means the State Department of Environmental Protection;

b. "Division" means the Division of Taxation in the Department of the Treasury;

c. "Director" means the Director of the Division of Taxation in the Department of the Treasury;

d. "Litter" means any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing;

e. "Litter-generating products" means the following specific goods which are produced, distributed, or purchased in disposable containers, packages or wrappings; or which are not usually sold in packages, containers, or wrappings but which are commonly discarded in public places; or which are of an unsightly or unsanitary nature, commonly thrown, dropped, discarded, placed, or deposited by a person on public property, or on private property not owned by him:

(1) Beer and other malt beverages;

- (2) Cigarettes and tobacco products;
 - (3) Cleaning agents and toiletries;
 - (4) Distilled spirits;
 - (5) Food for human or pet consumption;
 - (6) Glass containers sold as such;
 - (7) Groceries;
 - (8) Metal containers sold as such;
 - (9) Motor vehicle tires;
 - (10) Newsprint and magazine paper stock;
 - (11) Drugstore sundry products, but not including prescription drugs or nonprescription drugs;
 - (12) Paper products and household paper;
 - (13) Plastic or fiber containers made of synthetic material and sold as such, but not including any container which is routinely reused, has a useful life of more than one year and is ordinarily sold empty at retail;
 - (14) Soft drinks and carbonated waters; and
 - (15) Wine;
- f. "Litter receptacle" means a container suitable for the depositing of litter;
- g. "Municipality" means any city, borough, town, township or village situated within the boundaries of this State;
- h. "Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests;
- i. "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;
- j. "Sold within the State" or "sales within the State" means all sales of retailers engaged in business within the State and, in the case of manufacturers, wholesalers and distributors, all sales of products for use and consumption within the State. It shall be presumed that all sales of manufacturers, wholesalers and distributors sold

within the State are for use and consumption within the State unless the taxpayer shows that the products are shipped out of State for out-of-State use;

k. "Tax period" means every calendar month or any other period as may be prescribed by rule and regulation adopted by the director, on the basis of which the owner or operator of a solid waste facility is required to report to the director pursuant to section 4 of P.L. 1981, c. 278 (C. 13:1E-95);

l. "Taxpayer" means the owner or operator of a solid waste facility or the manufacturer, wholesaler, distributor, or retailer of litter-generating products subject to the tax provisions of section 4 of P.L. 1981, c. 278 (C. 13:1E-95) or section 6 of P.L. 1985, c. 533 (C. 13:1E-99.1), as the case may be.

35. Section 4 of P.L. 1981, c. 278 (C. 13:1E-95) is amended to read as follows:

C. 13:1E-95 Recycling tax.

4. a. There is levied upon the owner or operator of every solid waste facility a recycling tax of \$1.50 per ton of all solid waste accepted for disposal or transfer at the facility. In the event that any solid waste is measured upon acceptance for disposal or transfer by other than tons, the tax shall be levied on the equivalents thereof as shall be determined by the director. The tax shall not be imposed on the owner or operator of a resource recovery facility, upon the acceptance of solid waste for disposal at that facility, or on the owner or operator of a solid waste transfer station facility which is designed and operated solely for receiving and transferring solid waste from collection vehicles to haulage vehicles for the purposes of facilitating the transportation of solid waste, upon the acceptance of solid waste for transfer to an in-State solid waste facility for permanent disposal.

b. (1) Every owner or operator of a solid waste facility shall, on or before the 20th day of the month following the close of each tax period, render a return under oath to the director on such form as may be prescribed by the director indicating the number of tons of solid waste accepted for disposal or transfer which is subject to the tax pursuant to subsection a. of this section and at said time owner or operator shall pay the full amount of tax due.

(2) Every owner or operator of a solid waste facility which accepts solid waste for disposal or transfer and which is subject to the tax under subsection a. of this section shall, within 20 days after the first

acceptance of this waste, register with the director on forms prescribed by him.

c. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from such information as may be available. Notice of such determination shall be given to the taxpayer liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after receiving notice of such determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After such hearing the director shall give notice of his determination to the person to whom the tax is assessed.

d. 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," R.S. 54:48-1 et seq. If the Division of Taxation determines that the failure to comply with any provision of this section was excusable under the circumstances, it may remit such part or all of the penalty as shall be appropriate under such circumstances.

e. (1) (Deleted by amendment, P.L. 1987, c. 76.)

(2) (Deleted by amendment, P.L. 1987, c. 76.)

f. In addition to the other powers granted to the director in this section, he is hereby authorized and empowered:

(1) To delegate to any officer or employee of his division such of his powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person or persons to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this section.

g. The tax imposed by this section shall be governed in all respects by the provisions of the "State Tax Uniform Procedure Law," R.S. 54:48-1 et seq., except only to the extent that a specific provision of this section may be in conflict therewith.

36. Section 5 of P.L. 1981, c. 278 (C. 13:1E-96) is amended to read as follows:

C. 13:1E-96 State Recycling Fund.

5. a. The State Recycling Fund (hereinafter referred to as the "fund") is established as a nonlapsing, revolving fund. The fund shall be administered by the Department of Environmental Protection, and shall be credited with all tax revenue collected by the division pursuant to section 4 of P.L. 1981, c. 278 (C. 13:1E-95). Interest received on moneys in the fund and sums received as repayment of principal and interest on outstanding loans made from the fund shall be credited to the fund. The Department of Environmental Protection, in the administration of the fund, is authorized to assign to the New Jersey Economic Development Authority the responsibility for making credit evaluations of applicants for loans, for servicing loans on behalf of the department, and, the provisions of any other law to the contrary notwithstanding, for making recommendations as to the approval or denial of loans pursuant to this section. The department is further authorized to pay or reimburse the authority in the amounts as the department agrees are appropriate for all services rendered by the authority in connection with any assignment of responsibility under the terms of this section out of moneys held in the fund for loans and the loan guarantee program.

b. Moneys in the fund shall be allocated and used for the following purposes and no others:

(1) Not less than 40% of the estimated annual balance of the fund shall be used for the annual expenses of a program for recycling grants to municipalities or counties in those instances where a county, at its own expense, provides for the collection, processing and marketing of recyclable materials on a regional basis. The amount of these grants shall be calculated on the basis of the total number of tons of recyclable materials annually recycled from residential, commercial and institutional sources within that municipality, or group of municipalities in the case of a county recycling program, except that no such grant shall exceed \$10.00 per ton of materials recycled. The department may allocate a portion of these grant moneys as bonus grants to municipalities and counties in those instances where a municipality or county, at its own expense, provides for the collection of recyclable materials in its recycling program. The department shall announce each year the total amount of moneys available in the bonus grant fund.

A municipality may distribute a portion of its grant moneys to nonprofit groups that are located within that municipality and which have contributed to the receipt of the recycling grant, except that this distribution shall not exceed the value of approved documented tonnage contributed by a nonprofit group.

To be eligible for a grant pursuant to this subsection, a municipality or county in the case of a county recycling program shall demonstrate that the materials recycled by the municipal or county recycling program were not diverted from a commercial recycling program already in existence on the effective date of the ordinance or resolution establishing the municipal or county recycling program.

No recycling grant to any municipality shall be used for constructing or operating any facility for the baling of wastepaper or for the shearing, baling or shredding of ferrous or nonferrous materials;

(2) Not less than 35% of the estimated annual balance of the fund shall be used to provide low interest loans or loan guarantees to recycling businesses and industries, and to provide moneys for research into collection, market stimulation and reuse techniques applicable to recycling or the disposition of recyclable materials, or to contract for market studies, and to establish a sufficient reserve for a loan guarantee program for recycling businesses and industries;

(3) Not more than 7% of the estimated annual balance of the fund shall be used for State recycling program planning and program funding, including the administrative expenses thereof;

(4) Not more than 8% of the estimated annual balance of the fund shall be used for county recycling program planning and program funding, including the administrative expenses thereof; and

(5) Not less than 10% of the estimated annual balance of the fund shall be used for a public information and education program concerning recycling activities.

37. Section 6 of P.L. 1981, c. 278 (C. 13:1E-97) is amended to read as follows:

C. 13:1E-97 Rules, regulations.

6. a. The Commissioner of the Department of Environmental Protection shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), such rules and regulations as are necessary to effectuate this act. These rules and regulations shall be proposed within 90 days of the effective date of this

section, and thereafter adopted as provided in the "Administrative Procedure Act."

b. The director shall adopt, pursuant to the "Administrative Procedure Act," such rules and regulations as are necessary to effectuate this act.

38. Section 7 of P.L. 1981, c. 278 (C. 13:1E-98) is amended to read as follows:

C. 13:1E-98 Collection of tax as surcharge; order to increase tariffs.

7. a. The provisions of any law to the contrary notwithstanding, the owner or operator of any solid waste facility may collect the tax imposed pursuant to section 4 of P.L. 1981, c. 278 (C. 13:1E-95) as a surcharge on any tariff established pursuant to law for the solid waste disposal operations of the facility.

b. The Board of Public Utilities shall, within 90 days of the effective date of P.L. 1987, c. 102 (C. 13:1E-99.11 et al.), issue an appropriate order increasing current tariffs established pursuant to law for solid waste collection operations by an amount equal to the total increase in the relevant solid waste disposal tariff pursuant to subsection a. of this section. In issuing this order, the board shall be exempt from the provisions of R.S. 48:2-21.

39. Section 10 of P.L. 1981, c. 278 is amended to read as follows:

10. This act shall take effect on January 1, 1982, except that section 6 of P.L. 1981, c. 278 (C. 13:1E-97) shall take effect immediately. Section 4 of P.L. 1981, c. 278 (C. 13:1E-95) shall expire on December 31, 1996.

C. 13:E-99.33 Outside BPU jurisdiction.

40. (New section) a. Any person engaged in the business of solid waste collection or solid waste disposal in accordance with the provisions of P.L. 1970, c. 40 (C. 48:13A-1 et seq.) may engage in recycling or otherwise provide recycling services.

b. Notwithstanding the provisions of P.L. 1970, c. 40 (C. 48:13A-1 et seq.) or any other law, the Board of Public Utilities shall not have jurisdiction over charges or rates for recycling or services provided by persons engaging in the business of recycling or otherwise providing recycling services in this State. The revenues generated by persons engaging in the business of recycling or otherwise providing recycling services shall not be included within the computation of current or adjusted tariffs established pursuant to law for solid waste collection.

C. 13:1E-99.34 Recycling centers.

41. (New section) a. Notwithstanding the provisions of P.L. 1970, c. 39 (C. 13:1E-1 et seq.) or any other law, rule or regulation to the contrary, no recycling center as defined in section 2 of P.L. 1987, c. 102 (C. 13:1E-99.12) shall be required by the department to obtain a registration statement, engineering design approval, or approval of an environmental and health impact statement prior to the commencement of operations.

b. No recycling center shall receive, store, process or transfer any waste material other than source separated nonputrescible or source separated commingled nonputrescible metal, glass, paper, or plastic containers, and corrugated and other cardboard without the prior approval of the department.

C. 54:10A-5.3 Recycling equipment tax credit.

42. (New section) a. A taxpayer who purchases recycling equipment certified by the Commissioner of the Department of Environmental Protection pursuant to subsection b. of this section, to be used exclusively within this State, except for vehicles which are to be used primarily within this State, shall be entitled to a credit as provided herein against the tax imposed pursuant to section 5 of P.L. 1945, c. 162 (C. 54:10A-5) in an amount equal to 50% of the cost of the recycling equipment less the amount of any loan received pursuant to section 5 of P.L. 1981, c. 278 (C. 13:1E-96). The tax imposed pursuant to section 5 of P.L. 1945, c. 162 shall first be reduced by the amount of any credit allowable pursuant to section 19 of P.L. 1983, c. 303 (C. 52:27H-78) prior to applying the credit allowed pursuant to this section. The amount of the credit claimed in the tax year for which certification of equipment is received, and the amount of credit claimed therefor in each tax year thereafter, shall not exceed 20% of the amount of the total credit allowable, shall not exceed 50% of the tax liability which would be otherwise due, and shall not reduce the amount of tax liability to less than the statutory minimum provided in subsection (e) of section 5 of P.L. 1945, c. 162. For the purposes of this section, "recycling equipment" means new vehicles used exclusively for the transportation of post-consumer waste material, or new machinery or new apparatus used exclusively to process post-consumer waste material and manufacturing machinery used exclusively to produce finished products, the composition of which is at least 50% post-consumer waste materials.

"Post-consumer waste material" means any product generated by a business or consumer which has served its intended end use, and

which has been separated from solid waste for the purposes of collection, marketing and disposition and which does not include secondary waste material or demolition waste; and "secondary waste material" means waste material generated after the completion of a manufacturing process.

b. In order to qualify for the tax credit pursuant to subsection a. of this section, the taxpayer shall apply for a certification from the Commissioner of the Department of Environmental Protection that certifies that the equipment purchased qualifies as recycling equipment as defined in subsection a. of this section. The certification shall specifically indicate the date of purchase, a description of the equipment, and the cost, and state that the equipment has not previously qualified for a credit pursuant to this section either for the owner or for a previous owner.

Upon certification, the Commissioner of the Department of Environmental Protection shall submit a copy thereof to the taxpayer and the Director of the Division of Taxation. When filing a tax return that includes a claim for a credit pursuant to this section, the taxpayer shall include a copy of the certification and a statement that the recycling equipment is in use in the applicable tax year and is used exclusively in New Jersey, except for vehicles which shall be used primarily in New Jersey. Any credit shall be valid in the tax year in which the certification is approved and any unused portion thereof may be carried forward into subsequent years as provided in subsection a. of this section.

The Commissioner of the Department of Environmental Protection, in consultation with the Director of the Division of Taxation, shall adopt rules and regulations establishing technical specifications and certification requirements for the qualification of recycling equipment for the credit established pursuant to this section.

c. On or before January 31 of each year, the Commissioner of the Department of Environmental Protection shall submit a report to the Governor, the State Treasurer, and the Legislature setting forth the number of certifications that were approved during the preceding calendar year and the cost of each type of recycling equipment which has been certified as qualifying for the credit.

C. 13:1E-99.35 Requirements for motor oil sales.

43. (New section) a. On or after July 1, 1987, no person shall sell, or offer for sale, at retail or at wholesale for direct retail sale in this State any motor oil in containers for use off the premises unless:

(1) Every container of lubricating or other oil is clearly marked or labeled as containing a recyclable material which shall be disposed of after use only at a used oil collection center; and

(2) The motor oil retailer shall conspicuously post and maintain, at or near the point of sale, a durable and legible metal sign, not less than 11 inches by 15 inches in size, informing the public of the importance of the proper collection and disposal of used oil, and how and where used oil may be properly disposed. For the purposes of this section, "motor oil retailer" means any person who sells to consumers more than 500 gallons of lubricating or other oil annually in containers for use off the premises where sold.

b. The Commissioner of the Department of Environmental Protection shall adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) any rules and regulations necessary to implement the provisions of this section.

C. 13:1E-99.36 Sign posting.

44. (New section) a. On or after July 1, 1987, every owner or operator of a used oil collection center shall post and maintain a durable and legible metal sign, not less than 11 inches by 15 inches in size, in a prominent location, informing the public that it is a collection site for the disposal of used oil. For the purposes of this section, "used oil collection center" means any reinspection station permitted by the Division of Motor Vehicles in the Department of Law and Public Safety, or retail service station which has a used oil collection tank on the premises, or any site which accepts used oil for recycling.

b. The Commissioner of the Department of Environmental Protection shall adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) any rules and regulations necessary to implement the provisions of this section.

C. 13:1E-99.37 Mandatory Source Separation and Recycling Program Fund.

45. (New section) a. The "Statewide Mandatory Source Separation and Recycling Program Fund" is established as a special account in the Department of the Treasury. The fund shall be administered by the State Treasurer and shall be the depository of all moneys appropriated by the Legislature pursuant to this 1987 amendatory and supplementary act or any subsequent act for the purposes of assisting counties and municipalities in the implementation of the

county and municipal recycling program requirements of sections 3, 4 and 6 of this amendatory and supplementary act, and for studies of markets for recyclable materials as provided in section 48 of this amendatory and supplementary act.

b. The moneys in the fund shall be allocated and used to provide State aid to counties and municipalities for implementing the recycling program requirements of sections 3, 4 and 6 of this amendatory and supplementary act. The amount of this State aid shall be calculated based on the proportion which the housing units of a county or municipality bear to the total housing units in the State, except that no municipality shall receive less than .001% of the amount apportioned to aid all municipalities. Total housing units shall be determined using the most recent federal decennial population estimates for New Jersey and its municipalities filed in the office of the Secretary of State.

c. Within 30 days of the effective date of this amendatory and supplementary act, the State Treasurer shall pay and distribute to the chief fiscal officer of every county and municipality in this State, from moneys in the "Statewide Mandatory Source Separation and Recycling Program Fund," an amount equal to the local government unit's proportionate share of the State aid as calculated pursuant to subsection b. of this section.

C. 40A:4-45.36 Exemption from county tax levy limitations.

46. (New section) Any moneys due a county pursuant to the provisions of section 45 of P.L. 1987, c. 102 (C. 13:1E-99.37) shall be State aid and exempt from the limitations put on county tax levies pursuant to P.L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

C. 40A:4-45.37 Exemption from municipal expenditure limitations.

47. (New section) The receipt and expenditure by a municipality of the moneys which a municipality receives under section 45 of P.L. 1987, c. 102 (C. 13:1E-99.37) shall be exempt from the limitations on municipal expenditures imposed pursuant to section 3 of P.L. 1976, c. 68 (C. 40A:4-45.3).

C. 13:1E-99.38 Marketing studies.

48. (New section) a. Of the moneys appropriated from the General Fund to the "Statewide Mandatory Source Separation and Recycling Program Fund" pursuant to section 52 of this amendatory and supplementary act, there is allocated the sum of \$200,000.00 which shall be dedicated to studies of markets for recyclable materials, and of local, national and international distribution networks

for recyclable materials. These funds shall be distributed by the Commissioner of Environmental Protection through the New Jersey Office of Recycling as grants to qualified colleges and universities in this State or contracts to private firms which can demonstrate the administrative and technical capability to undertake studies of this nature. Each study shall focus on a particular recyclable material, including, but not limited to, automobile tires, paper, and plastic beverage containers. In contracting for these studies, the New Jersey Office of Recycling shall specify that consideration shall be accorded to alternative pricing structures and marketing strategies, including so-called "negative pricing," in order to determine whether the competitive disposition and marketing of recyclable materials may be achieved through means other than traditional price structures and commodity sales and transactions.

b. The New Jersey Office of Recycling in the Department of Environmental Protection shall, within nine months of the effective date of this amendatory and supplementary act, transmit copies of the studies prepared pursuant to subsection a. of this section to the governing bodies of each county and municipality in the State. These studies shall be made available to the general public at a cost not to exceed the cost of reproduction and distribution.

C. 13:1D-18.3 Office of Recycling.

49. (New section) a. There is established in the Department of Environmental Protection a New Jersey Office of Recycling. All of the functions, powers and duties heretofore exercised by the Department of Energy and the commissioner thereof pursuant to P.L. 1981, c. 278 (C. 13:1E-92 et seq.) are transferred to and vested in the New Jersey Office of Recycling in the Department of Environmental Protection and the commissioner thereof. The New Jersey Office of Recycling shall be under the immediate supervision of an administrator who shall be appointed by the Commissioner of Environmental Protection and who shall be in the unclassified service of the State.

b. The administrator shall administer the work of the New Jersey Office of Recycling under the direction of the commissioner and shall perform any other functions of the department as the commissioner may prescribe.

c. Whenever in any law, rule, regulation, order, contract document, judicial or administrative proceeding or otherwise, reference is made to the de facto Office of Recycling under the joint administration of the Departments of Energy and Environmental Protection,

the same shall mean and refer to the New Jersey Office of Recycling in the Department of Environmental Protection.

d. All transfers directed by this section shall be made in accordance with the "State Agency Transfer Act," P.L. 1971, c. 375 (C. 52:14D-1 et seq.).

C. 13:1E-99.39 Report to Legislature.

50. (New section) The Commissioner of Environmental Protection shall prepare a report to the Legislature concerning the implementation of this amendatory and supplementary act, including a recommendation that the continuation of the tax imposed pursuant to section 4 of P.L. 1981, c. 278 (C. 13:1E-95) is necessary to ensure the achievement of the State Recycling Plan goals and the success of county and municipal recycling programs in meeting the designated recovery targets set forth in the district recycling plans, if warranted by the circumstances. This report shall be transmitted to the Legislature not later than April 1, 1990, and shall be revised, and modified if necessary, at least once every three years thereafter.

51. There is appropriated from the General Fund to the New Jersey Office of Recycling in the Department of Environmental Protection the sum of \$500,000.00, to implement the provisions of this amendatory and supplementary act.

52. There is appropriated from the General Fund to the "State-wide Mandatory Source Separation and Recycling Program Fund" created pursuant to section 45 of this amendatory and supplementary act the sum of \$8,000,000.00. Of this amount, not more than 85% shall be apportioned to aid municipalities to implement the provisions of section 6 of this amendatory and supplementary act, and not more than 15% shall be apportioned to counties to implement the provisions of section 3 and section 4 of this amendatory and supplementary act, all as provided in section 45 of this amendatory and supplementary act. The amount appropriated pursuant to this section shall be repaid to the General Fund, from moneys deposited in the "State Recycling Fund" established pursuant to section 5 of P.L. 1981, c. 278 (C. 13:1E-96), in annual installments not to exceed \$1,000,000.00 per fiscal year beginning January 1, 1988 and annually thereafter until the full amount is repaid according to a schedule of repayments determined by the State Treasurer.

53. This act shall take effect immediately except that section 35 shall take effect the first day of the third month following enactment and except that section 42 shall be applicable on and after the first

day of the sixth month following enactment and shall expire on December 31, 1996, except that any unused credits claimed prior to January 1, 1997 shall be allowable after December 31, 1996 in accordance with the provisions of section 42.

Approved April 20, 1987.

CHAPTER 103

AN ACT concerning domestic violence and amending P.L. 1979, c. 337.

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

1. Section 4 of P.L. 1979, c. 337 (C. 30:14-4) is amended to read as follows:

C. 30:14-4 Advisory Council on Domestic Violence.

4. a. There is created an Advisory Council on Domestic Violence which shall consist of 19 members: the Director of the Division on Women in the Department of Community Affairs, the Director of the Division of Youth and Family Services and the Director of the Division of Public Welfare in the Department of Human Services, the Director of the Administrative Office of the Courts, the Commissioner of the Department of Education, the Attorney General, or their designees, and one representative of Legal Services of New Jersey, one former domestic violence shelter resident, one representative of the Police Chiefs Association, one representative of the County Prosecutors Association, one representative of the New Jersey State Nurses Association, one representative of the Mental Health Association in New Jersey, one representative of the New Jersey Crime Prevention Officers Association, one representative of the New Jersey Hospital Association, one representative of the Violent Crimes Compensation Board, and four representatives of the New Jersey Coalition for Battered Women to be appointed by the Governor.

b. The advisory council shall:

- (1) Monitor the effectiveness of the laws concerning domestic violence and make recommendations for their improvement;
- (2) Review proposed legislation governing domestic violence and make recommendations to the Governor and the Legislature;

(3) Study the needs, priorities, programs, and policies relating to domestic violence throughout the State; and

(4) Ensure that all service providers and citizens are aware of the needs of and services available to victims of domestic violence and make recommendations for community education and training programs.

c. The advisory council shall periodically advise the Director of the Division of Youth and Family Services in the Department of Human Services and the Director of the Division on Women in the Department of Community Affairs on its activities, findings and recommendations.

2. This act shall take effect on the 45th day after enactment.

Approved April 22, 1987.

CHAPTER 104

AN ACT concerning the Office of the Ombudsman for the Institutionalized Elderly and amending P.L. 1977, c. 239 and P.L. 1983, c. 43.

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

1. Section 14 of P.L. 1977, c. 239 (C. 52:27G-14) is amended to read as follows:

C. 52:27G-14 No reprisals.

14. a. No discriminatory, disciplinary or retaliatory action shall be taken against any officer or employee of a facility or government agency by such facility or government agency or against any patient, resident, or client of a facility or guardian or family member thereof, or volunteer, for any communication by him with the office or for any information given or disclosed by him in good faith to aid the office in carrying out its duties and responsibilities. Any person who knowingly or willfully violates the provisions of this subsection by instituting discriminatory, disciplinary or retaliatory action against any officer or employee of a facility or government agency or against any patient, resident or client of a facility or guardian or family member thereof, or volunteer, for any communication by him with the office or for any information given or disclosed by him in good

faith to aid the office in carrying out its duties and responsibilities is guilty of a crime of the fourth degree.

b. Any person who willfully hinders the lawful actions of the office or willfully refuses to comply with its lawful demands, including the demand of immediate entry into and inspection of a facility or government agency or the demand of immediate access to a patient, resident or client thereof, or who offers any compensation, gratuity, or promise thereof to the office in an effort to affect the outcome of any matter which is being investigated, or is likely to be investigated shall be subject to a penalty of not more than \$5,000.00. Such penalty shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.) upon complaint of the office or any other person. Each violation of this act shall constitute a separate offense.

c. The office may bring suit in any court of competent jurisdiction to enforce any of the powers enumerated in this act.

d. When a person has been penalized under this section, a letter making note of the penalty shall immediately be sent by the court to the licensing authority or the professional board, if any, having jurisdiction over the person who has been penalized.

2. Section 2 of P.L. 1983, c. 43 (C. 52:27G-7.1) is amended to read as follows:

C. 52:27G-7.1 Report of suspected abuse.

2. a. Any caretaker, social worker, physician, registered or licensed practical nurse or other professional, who, as a result of information obtained in the course of his employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited, shall report such information in a timely manner to the ombudsman or to the person designated by him to receive such report.

b. Such report shall contain the name and address of the elderly person, information regarding the nature of the suspected abuse or exploitation and any other information which might be helpful in an investigation of the case and the protection of such elderly person.

c. Any other person having reasonable cause to suspect or believe that an elderly person is being or has been abused or exploited may report such information to the ombudsman or to the person designated by him to receive such report.

d. The name of any person who reports suspected abuse or exploitation pursuant to this act shall not be disclosed, unless the person who reported the abuse or exploitation specifically requests such disclosure or a judicial proceeding results from such report.

e. Any person who reports suspected abuse or exploitation pursuant to this act or who testifies in any administrative or judicial proceeding arising from such report or testimony shall have immunity from any civil or criminal liability on account of such report or testimony, unless such person has acted in bad faith or with malicious purpose.

f. Any person required to report suspected abuse or exploitation pursuant to this act who fails to make such report shall be fined not more than \$5,000.00. Such penalty shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.). Each violation of this act shall constitute a separate offense.

g. No provision of this act shall be deemed to require the disclosure of, or penalize the failure to disclose, any information which would be privileged pursuant to the provisions of sections 18 through 23 inclusive of P.L. 1960, c. 52 (C. 2A:84A-18 through 2A:84A-23).

h. When a person has been penalized under this section, a letter making note of the penalty shall immediately be sent by the court to the licensing authority or the professional board, if any, having jurisdiction over the person who has been penalized.

i. The office may bring suit in a court of competent jurisdiction to enforce any of the powers enumerated in this section.

3. This act shall take effect immediately.

Approved April 22, 1987.

CHAPTER 105

AN ACT providing for the establishment of a regional women's center at an institution of higher education and making an appropriation.

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

C. 18A:64K-1 Northwest New Jersey Regional Women's Center.

1. There is created at Centenary College in Hackettstown, New Jersey a center to be known as the Northwest New Jersey Regional Women's Center. It shall be the purpose of the center to offer educational programs and counseling, continuing education courses, career planning and placement services and access to cultural programs to women of all ages and all backgrounds who are New Jersey residents.

C. 18A:64K-2 Use of funds.

2. Centenary College may utilize funds appropriated for the purposes of this act for the construction of the center, the provision of equipment, supplies, clerical, teaching and support staff salaries and such other appropriate support as is necessary for the establishment and operation of the center.

C. 18A:64K-3 Report to Governor, Legislature.

3. Within two years of the effective date of this act Centenary College shall submit a report to the Governor and the Legislature detailing the use of all funds appropriated to it for this purpose.

4. There is appropriated from the General Fund to Centenary College \$150,000.00 to effectuate the purposes of this act.

5. This act shall take effect immediately.

Approved April 22, 1987.

CHAPTER 106

AN ACT revising parts of and supplementing Title 2C of the New Jersey Statutes, enacting additional chapter 35, Controlled Dangerous Substances, chapter 36, Drug Paraphernalia, chapter 36A, Conditional Discharge for Certain First Offenders, revising parts of Title 2A of the New Jersey Statutes and Title 24 of the Revised Statutes and repealing sections 19, 20, 26, 27 and 30 of P.L. 1970, c. 226, sections 1 to 5 of P.L. 1980, c. 133, P.L. 1982, c. 38, P.L. 1952, c. 121 and P.L. 1966, c. 12.

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

1. An additional chapter, chapter 35, is added to Title 2C as follows:

TITLE 2C
CHAPTER 35
CONTROLLED DANGEROUS SUBSTANCES

2C:35-1.	Short Title.
2C:35-1.1.	Declaration of Policy and Legislative Findings.
2C:35-2.	Definitions.
2C:35-3.	Leader of Narcotics Trafficking Network.
2C:35-4.	Maintaining or Operating a Controlled Dangerous Substance Production Facility.
2C:35-5.	Manufacturing, Distributing or Dispensing.
2C:35-6.	Employing a Juvenile in a Drug Distribution Scheme.
2C:35-7.	Reserved.
2C:35-8.	Distribution to Persons Under Age 18; Enhanced Punishment.
2C:35-9.	Strict Liability for Drug-Induced Deaths.
2C:35-10.	Possession, Use or Being Under the Influence.
2C:35-11.	Imitation Controlled Dangerous Substances: Distribution, Possession, Manufacture, etc.; Penalties.
2C:35-12.	Waiver of Mandatory Minimum and Extended Terms.
2C:35-13.	Obtaining by Fraud.
2C:35-14.	Rehabilitation Program for Drug Dependent Persons; Mandatory Commitment to Residential Treatment Facilities; Revocation.
2C:35-15.	Mandatory Drug Enforcement and Demand Reduction Penalties; Collection; Disposition; Suspension.
2C:35-16.	Mandatory Forfeiture or Postponement of Driving Privileges.
2C:35-17.	Exception to Physician-Patient Privilege.
2C:35-18.	Exemption; Burden of Proof.
2C:35-19.	Laboratory Certificates; Use; Admission into Evidence; Objections.
2C:35-20.	Forensic Laboratory Fees.

- 2C:35-21. Seizure in Violation of Chapter; Pretrial Destruction
of Bulk Seizures of Controlled Dangerous
Substances.
- 2C:35-22. Severability.
- 2C:35-23. Pending Cases.

2C:35-1. Short Title.

This act shall be known and may be cited as the “Comprehensive Drug Reform Act of 1987.”

2C:35-1.1. Declaration of Policy and Legislative Findings.

The Legislature hereby finds and declares to be the public policy of this State, the following:

a. By enactment of the “New Jersey Code of Criminal Justice,” N.J.S. 2C:1-1 et seq., the Legislature recognized the need for the comprehensive reevaluation, revision, consolidation and codification of our criminal laws, and the need to ensure a uniform, consistent and predictable system for the sentencing of convicted offenders, focusing principally on the seriousness and degree of dangerousness inherent in a particular offense. In enacting the sentencing provisions of the penal code, the Legislature recognized that the imposition of a uniform, consistent and predictable sentence for a given offense is an essential prerequisite to any rational deterrent scheme designed ultimately to reduce the incidence of crime.

b. Despite the impressive efforts and gains of our law enforcement agencies, the unlawful use, manufacture and distribution of controlled dangerous substances continues to pose a serious and pervasive threat to the health, safety and welfare of the citizens of this State. New Jersey continues to experience an unacceptably high rate of drug-related crime, and continues to serve as a conduit for the illegal trafficking of drugs to and from other jurisdictions. In addition to the harm suffered by the victims of drug abuse and drug-related crime, the incidence of such offenses is directly related to the rate of other violent and non-violent crimes, including murder, assault, robbery, theft, burglary and organized criminal activities. For this reason, enhanced and coordinated efforts designed specifically to curtail drug-related offenses will lead inexorably to a reduction in the rate of crime generally, and is therefore decidedly in the public interest.

c. In order to be effective, the battle against drug abuse and drug-related crime must be waged aggressively at every level along the

drug distribution chain, but in particular, our criminal laws must target for expedited prosecution and enhanced punishment those repeat drug offenders and upper echelon members of organized narcotics trafficking networks who pose the greatest danger to society. In order to ensure the most efficient and effective dedication of limited investigative, prosecutorial, judicial and correctional resources, it is the policy of this State to distinguish between drug offenders based on the seriousness of the offense, considering principally the nature, quantity and purity of the controlled substance involved, and the role of the actor in the overall drug distribution network. It is the intention of the Legislature to provide for the strict punishment, deterrence and incapacitation of the most culpable and dangerous drug offenders, and to facilitate where feasible the rehabilitation of drug dependent persons so as ultimately to reduce the demand for illegal controlled dangerous substances and the incidence of drug-related crime. It is also the policy of this State to afford special protection to children from the perils of drug trafficking, to ensure that all schools and areas adjacent to schools are kept free from drug distribution activities, and to provide especially stern punishment for those drug offenders who operate on or near schools and school buses, who distribute to juveniles, or who employ juveniles in a drug distribution scheme. In addition, our criminal laws and sentencing practices must be reexamined and amended so as to minimize pretrial delay, thereby to ensure the prompt disposition of all drug-related criminal charges and the prompt imposition of fair and certain punishment.

d. Under the current drug laws, there are inadequate sentencing guidelines with which consistently to identify the most serious offenders and offenses and to guard against sentencing disparity and the resulting depreciation of the deterrent thrust of the criminal law. In order to protect the public interest, and so as to deter, disrupt and eliminate the operation of organized drug trafficking networks, it is necessary to undertake a comprehensive reexamination of our controlled dangerous substances laws, procedures and sentencing practices. The transfer of the provisions of the "New Jersey Controlled Dangerous Substances Act," P.L. 1970, c. 226 (C. 24:21-1 et seq.) into the penal code which is accomplished herein, along with the amendments and supplements thereto, will better ensure that the most culpable drug offenders will be subject to swift prosecutions and strict, consistently imposed criminal sanctions.

2C:35-2. Definitions.

As used in this chapter:

“Administer” means the direct application of a controlled dangerous substance or controlled substance analog, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner (or, in his presence, by his lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

“Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser but does not include a common or contract carrier, public warehouseman, or employee thereof.

“Controlled dangerous substance” means a drug, substance, or immediate precursor in Schedules I through V. The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R.S. 33:1-1 et seq., or tobacco and tobacco products. The term, wherever it appears in any law or administrative regulation of this State, shall include controlled substance analogs.

“Controlled substance analog” means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the “Federal Food, Drug and Cosmetic Act,” 52 Stat. 1052 (21 U.S.C. §355).

“Counterfeit substance” means a controlled dangerous substance or controlled substance analog which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

“Deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled dangerous substance or controlled substance analog, whether or not there is an agency relationship.

“Dispense” means to deliver a controlled dangerous substance or controlled substance analog to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. “Dispenser” means a practitioner who dispenses.

“Distribute” means to deliver other than by administering or dispensing a controlled dangerous substance or controlled substance analog. “Distributor” means a person who distributes.

“Drugs” means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b) and (c) of this section; but does not include devices or their components, parts or accessories.

“Drug dependent person” means a person who is using a controlled dangerous substance or controlled substance analog and who is in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance or controlled substance analog on a continuous basis. Drug dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

“Hashish” means the resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

“Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled dangerous substance or controlled substance analog, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled dangerous substance or controlled substance analog by an individual

for his own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to his administering or dispensing of a controlled dangerous substance or controlled substance analog in the course of his professional practice, or (2) by a practitioner (or under his supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

“Marijuana” means all parts of the plant Genus *Cannabis* L., whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, except those containing resin extracted from such plant; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

“Narcotic drug” means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (a) Opium, coca leaves, and opiates;
- (b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;
- (c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b), except that the words “narcotic drug” as used in this act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecogine.

“Opiate” means any dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled pursuant to the provisions of section 3 of P.L. 1970, c. 226 (C. 24:21-3), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

“Opium poppy” means the plant of the species *Papaver somniferum* L., except the seeds thereof.

“Person” means any corporation, association, partnership, trust, other institution or entity or one or more individuals.

“Poppy straw” means all parts, except the seeds, of the opium poppy, after mowing.

“Practitioner” means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance or controlled substance analog in the course of professional practice or research in this State.

(a) “Physician” means a physician authorized by law to practice medicine in this or any other state and any other person authorized by law to treat sick and injured human beings in this or any other state and

(b) “Veterinarian” means a veterinarian authorized by law to practice veterinary medicine in this State.

(c) “Dentist” means a dentist authorized by law to practice dentistry in this State.

(d) “Hospital” means any federal institution, or any institution for the care and treatment of the sick and injured, operated or approved by the appropriate State department as proper to be entrusted with the custody and professional use of controlled dangerous substances or controlled substance analogs.

(e) “Laboratory” means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances or controlled substance analogs for scientific, experimental and medical purposes and for purposes of instruction approved by the State Department of Health.

“Production” includes the manufacture, planting, cultivation, growing, or harvesting of a controlled dangerous substance or controlled substance analog.

“Immediate precursor” means a substance which the State Department of Health has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance or controlled substance analog, the control of which is necessary to prevent, curtail, or limit such manufacture.

“Residential treatment facility” means any facility approved by any county probation department for the inpatient treatment and rehabilitation of drug dependent persons.

“Schedules I, II, III, IV, and V” are the schedules set forth in sections 5 through 8 of P.L. 1970, c. 226 (C. 24:21-5 through 24:21-8) and in section 4 of P.L. 1971, c. 3 (C. 24:21-8.1) and as modified by any regulations issued by the Commissioner of Health pursuant to his authority as provided in section 3 of P.L. 1970, c. 226 (C. 24:21-3).

“State” means the State of New Jersey.

“Ultimate user” means a person who lawfully possesses a controlled dangerous substance or controlled substance analog for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

2C:35-3. Leader of Narcotics Trafficking Network.

A person is a leader of a narcotics trafficking network if he conspires with others as an organizer, supervisor, financier or manager, to engage for profit in a scheme or course of conduct to unlawfully manufacture, distribute, dispense, bring into or transport in this State methamphetamine, lysergic acid diethylamide, phencyclidine or any controlled dangerous substance classified in Schedule I or II, or any controlled substance analog thereof. Leader of narcotics trafficking network is a crime of the first degree and upon conviction thereof, except as may be provided by N.J.S. 2C:35-12, a person shall be sentenced to an ordinary term of life imprisonment during which the person must serve 25 years before being eligible for parole. Notwithstanding the provisions of subsection a. of N.J.S. 2C:43-3, the court may also impose a fine not to exceed \$500,000.00 or five times the street value of the controlled dangerous substance or controlled substance analog involved, whichever is greater.

Notwithstanding the provisions of N.J.S. 2C:1-8, a conviction of leader of narcotics trafficking network shall not merge with the conviction for any offense which is the object of the conspiracy. Nothing contained in this section shall prohibit the court from imposing an extended term pursuant to N.J.S. 2C:43-7; nor shall this section be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S. 2C:5-2, or any prosecution or conviction under N.J.S. 2C:35-4 (maintaining or operating a CDS production facility), N.J.S. 2C:35-5 (manufacturing, distributing or dispensing), N.J.S. 2C:35-6 (employing a juvenile in a drug distribution scheme), N.J.S. 2C:35-9 (strict liability for drug

induced death), N.J.S. 2C:41-2 (racketeering activities) or subsection g. of N.J.S. 2C:5-2 (leader of organized crime).

It shall not be necessary in any prosecution under this section for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attendant circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor's net worth and his expenditures in relation to his legitimate sources of income, the amount or purity of the specified controlled dangerous substance or controlled substance analog involved, or the amount of cash or currency involved.

It shall not be a defense to a prosecution under this section that such controlled dangerous substance or controlled substance analog was brought into or transported in this State solely for ultimate distribution or dispensing in another jurisdiction; nor shall it be a defense that any profit was intended to be made in another jurisdiction.

2C:35-4. Maintaining or Operating a Controlled Dangerous Substance Production Facility.

Except as authorized by P.L. 1970, c. 226 (C. 24:21-1 et seq.), any person who knowingly maintains or operates any premises, place or facility used for the manufacture of methamphetamine, lysergic acid diethylamide, phencyclidine or any substance classified as a narcotic drug in Schedule I or II, or the analog of any such substance, or any person who knowingly aids, promotes, finances or otherwise participates in the maintenance or operations of such premises, place or facility, is guilty of a crime of the first degree and shall, except as provided in N.J.S. 2C:35-12, be sentenced to a term of imprisonment which shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S. 2C:43-3, the court may also impose a fine not to exceed \$500,000.00 or five times the street value of all controlled dangerous substances or controlled substance analogs at any time manufactured or stored at such premises, place or facility.

2C:35-5. Manufacturing, Distributing or Dispensing.

a. Except as authorized by P.L. 1970, c. 226 (C. 24:21-1 et seq.), it shall be unlawful for any person knowingly or purposely:

(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 controlled substance analog; 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) Heroin, or its analog, or coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, or analogs, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecogine, in a quantity of five ounces or more including any adulterants or dilutants, provided there are included at least 3.5 grams of the pure free base drug, is guilty of a crime of the first degree. The defendant shall, except as provided in N.J.S. 2C:35-12, be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S. 2C:43-3, a fine of up to \$300,000.00 may be imposed;

(2) A substance referred to in paragraph (1) of this subsection, in a quantity of one-half ounce or more but less than five ounces, including any adulterants or dilutants, provided there are included at least 3.5 grams of the pure free base drug, is guilty of a crime of the second degree;

(3) A substance referred to in paragraph (1) of this subsection in a quantity less than one-half ounce including any adulterants or dilutants, or in a quantity of one-half ounce or more with there being included less than 3.5 grams of the pure free base drug or where the amount of the pure free base is undetermined, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$50,000.00 may be imposed;

(4) A substance classified as a narcotic drug in Schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants, provided there are included at least 3.5 grams of the pure free base drug, is guilty of a crime of the second degree;

(5) A substance classified as a narcotic drug in Schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants, or in a quantity of one ounce or more with there being included less than 3.5 grams of the pure free base drug or where the amount of the pure free base drug is undetermined, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$50,000.00 may be imposed;

(6) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more including any adulterants or dilutants, or phencyclidine, or its analog, in a quantity of 10 grams or more including any adulterants or dilutants, is guilty of a crime of the first degree. Except as provided in 2C:35-12, the court shall impose a term of imprisonment which shall include the imposition of a minimum term, fixed at, or between, one-third and one-half of the sentence imposed by the court, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S. 2C:43-3, a fine of up to \$300,000.00 may be imposed;

(7) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine, or its analog, in a quantity of less than 10 grams including any adulterants or dilutants, or where the amount is undetermined, is guilty of a crime of the second degree;

(8) Methamphetamine, or its analog, in a quantity of one ounce or more including any adulterants or dilutants, provided there are included at least 3.5 grams of the pure free base drug, is guilty of a crime of the second degree;

(9) Methamphetamine, or its analog, in a quantity of less than one ounce including any adulterants or dilutants, or in a quantity of one ounce or more with there being included less than 3.5 grams of the pure free base drug or where the amount of the pure free base drug is undetermined, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$50,000.00 may be imposed;

(10) Marijuana in a quantity of five pounds or more including any adulterants and dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants, is guilty of a crime of the second degree;

(11) Marijuana in a quantity of one ounce or more but less than five pounds including any adulterants and dilutants, or hashish in a quantity of five grams or more but less than one pound including any adulterants and dilutants, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$15,000.00 may be imposed;

(12) Marijuana in a quantity of less than one ounce including any adulterants and dilutants, or hashish in a quantity of less than five grams including any adulterants and dilutants, is guilty of a crime of the fourth degree;

(13) Any other controlled dangerous substance classified in Schedules I, II, III or IV, or its analog, is guilty of a crime of the third degree, except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$15,000.00 may be imposed; or

(14) Any Schedule V substance, or its analog, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$15,000.00 may be imposed.

c. Where the degree of the offense for violation of this section depends on the quantity of the substance, the quantity involved shall be determined by the trier of fact. The quantity involved in individual acts of manufacturing, distribution, dispensing or possessing with intent to distribute may be aggregated in determining the grade of the offense, whether distribution or dispensing is to the same person or several persons, provided that each individual act of distribution was committed within the applicable statute of limitations.

2C:35-6. Employing a Juvenile in a Drug Distribution Scheme.

Any person being at least 18 years of age who knowingly uses, solicits, directs, hires or employs a person 17 years of age or younger to violate N.J.S. 2C:35-4 or subsection a. of N.J.S. 2C:35-5, is guilty of a crime of the second degree and shall, except as provided in N.J.S. 2C:35-12, be sentenced to a term of imprisonment which shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, or five years, whichever is greater, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S. 2C:43-3, the court may also impose a fine not to exceed \$300,000.00 or five times the street value of the controlled dangerous substance or controlled substance analog involved, whichever is greater.

It shall be no defense to a prosecution under this section that the actor mistakenly believed that the person which the actor used, solicited, directed, hired or employed was 18 years of age or older, even if such mistaken belief was reasonable.

Nothing in this section shall be construed to preclude or limit a prosecution or conviction for a violation of any offense defined in this chapter pursuant to N.J.S. 2C:2-6 or any other provision of law governing an actor's liability for the conduct of another, and, notwithstanding the provisions of N.J.S. 2C:1-8 or any other provision of law, a conviction arising under this section shall not merge with a conviction for a violation of N.J.S. 2C:35-3 (leader of narcotics trafficking network), N.J.S. 2C:35-4 (maintaining or operating a CDS production facility), N.J.S. 2C:35-5 (manufacturing, distributing or dispensing), or N.J.S. 2C:35-9 (strict liability for drug induced death).

2C:35-8. Distribution to Persons Under Age 18; Enhanced Punishment.

Upon the application of the prosecuting attorney, any person being at least 18 years of age who has been convicted for violating subsection a. of N.J.S. 2C:35-5 or section 1 of P.L. 1987, c. 101 (C. 2C:35-7) by distributing a controlled dangerous substance or controlled substance analog to a pregnant female or a person 17 years of age or younger shall, except as provided in N.J.S. 2C:35-12, be subject to twice the term of imprisonment, fine and penalty, including twice the term of parole ineligibility, if any, authorized or required to be imposed by subsection b. of N.J.S. 2C:35-5 or section 1 of P.L. 1987, c. 101 (C. 2C:35-7) or any other provision of this title.

The court shall not impose more than one enhanced sentence pursuant to this section. If the defendant is convicted of more than one offense which is otherwise subject to enhanced punishment pursuant to this section, the court shall impose enhanced punishment based upon the most serious such offense for which the defendant was convicted, or, where applicable, the offense which mandates the imposition of the longest term of parole ineligibility. Notwithstanding the provisions of paragraph (2) of subsection a. of 2C:44-5, nothing herein shall prevent the court from also imposing an extended term pursuant to subsection f. of N.J.S. 2C:43-6. The court shall not impose an enhanced sentence pursuant to this section unless the prosecutor has established the ground therefor by a preponderance of the evidence at a hearing, which may occur at the time of sentenc-

ing. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing or other court proceedings, and shall also consider the presentence report and any other relevant information. It shall be no defense to the imposition of enhanced punishment pursuant to this section that the defendant mistakenly believed that the recipient of the substance was 18 years of age or older, even if the mistaken belief was reasonable. It shall not be a defense to the imposition of enhanced punishment pursuant to this section that the defendant did not know that the recipient was pregnant.

2C:35-9. Strict Liability for Drug-Induced Deaths.

a. Any person who manufactures, distributes or dispenses methamphetamine, lysergic acid diethylamide, phencyclidine or any other controlled dangerous substance classified in Schedule I or II, or any controlled substance analog thereof, in violation of subsection a. of N.J.S. 2C:35-5, is strictly liable for a death which results from the injection, inhalation or ingestion of that substance, and is guilty of a crime of the first degree.

b. The provisions of N.J.S. 2C:2-3 (governing the causal relationship between conduct and result) shall not apply in a prosecution under this section. For purposes of this offense, the defendant's act of manufacturing, distributing or dispensing a substance is the cause of a death when:

(1) The injection, inhalation or ingestion of the substance is an antecedent but for which the death would not have occurred; and

(2) The death was not:

(a) too remote in its occurrence as to have a just bearing on the defendant's liability; or

(b) too dependent upon conduct of another person which was unrelated to the injection, inhalation or ingestion of the substance or its effect as to have a just bearing on the defendant's liability.

c. It shall not be a defense to a prosecution under this section that the decedent contributed to his own death by his purposeful, knowing, reckless or negligent injection, inhalation or ingestion of the substance, or by his consenting to the administration of the substance by another.

d. Nothing in this section shall be construed to preclude or limit any prosecution for homicide. Notwithstanding the provisions of

N.J.S. 2C:1-8 or any other provision of law, a conviction arising under this section shall not merge with a conviction for leader of narcotics trafficking network, maintaining or operating a controlled dangerous substance production facility, or for unlawfully manufacturing, distributing, dispensing or possessing with intent to manufacture, distribute or dispense the controlled dangerous substance or controlled substance analog which resulted in the death.

2C:35-10. Possession, Use or Being Under the Influence.

a. It is unlawful for any person, knowingly or purposely, to obtain, or to possess, actually or constructively, a controlled dangerous substance or controlled substance analog, unless the substance was obtained directly, or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by P.L. 1970, c. 226 (C. 24:21-1 et seq.). Any person who violates this section with respect to:

(1) A controlled dangerous substance, or its analog, classified in Schedules I, II, III or IV other than those specifically covered in this section, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$25,000.00 may be imposed;

(2) Any controlled dangerous substance, or its analog, classified in Schedule V, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$15,000.00 may be imposed;

(3) Possession of more than 50 grams of marijuana, including any adulterants or dilutants, or more than five grams of hashish is guilty of a crime of the fourth degree, except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$15,000.00 may be imposed; or

(4) Possession of 50 grams or less of marijuana, including any adulterants or dilutants, or five grams or less of hashish is a disorderly person.

Any person who violates this subsection or the offense defined in subsection b. of this section while on any property used for school purposes which is owned by any elementary or secondary school or school board, or within 1,000 feet of any school property or school bus, or while on any school bus, and who is not sentenced to a term of imprisonment, shall, in addition to any other sentence which the

court may impose, be required to perform not less than 100 hours of community service.

b. Any person who uses or who is under the influence of any controlled dangerous substance, or its analog, for a purpose other than the treatment of sickness or injury as lawfully prescribed or administered by a physician 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 drug, 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, counterfeit controlled dangerous substance, or controlled substance analog, by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled dangerous substance or controlled substance analog.

2C:35-11. Imitation controlled dangerous substances; distribution, possession, manufacture, etc.; penalties.

a. It is unlawful for any person to distribute or to possess or have under his control with intent to distribute any substance which is not a controlled dangerous substance or controlled substance analog:

(1) Upon the express or implied representation to the recipient that the substance is a controlled dangerous substance or controlled substance analog; or

(2) Upon the express or implied representation to the recipient that the substance is of such nature, appearance or effect that the recipient will be able to distribute or use the substance as a controlled dangerous substance or controlled substance analog; or

(3) Under circumstances which would lead a reasonable person to believe that the substance is a controlled dangerous substance or controlled substance analog.

Any of the following shall constitute prima facie evidence of such circumstances:

(a) The substance was packaged in a manner normally used for the unlawful distribution of controlled dangerous substances or controlled substance analogs.

(b) The distribution or attempted distribution of the substance was accompanied by an exchange of or demand for money or other

thing as consideration for the substance, and the value of the consideration exceeded the reasonable value of the substance.

(c) The physical appearance of the substance is substantially the same as that of a specific controlled dangerous substance or controlled substance analog.

b. It is unlawful for any person to manufacture, compound, encapsulate, package or imprint any substance which is not a controlled dangerous substance, controlled substance analog or any combination of such substances, other than a prescription drug, with the purpose that it resemble or duplicate the physical appearance of the finished form, package, label or imprint of a controlled dangerous substance or controlled substance analog.

c. In any prosecution under this section, it shall not be a defense that the defendant mistakenly believed a substance to be a controlled dangerous substance or controlled substance analog.

d. A violation of this section is a crime of the third degree, except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$100,000.00 may be imposed.

e. The provisions of this section shall not be applicable to (1) practitioners or agents, servants and employees of practitioners dispensing or administering noncontrolled substances to patients on behalf of practitioners in the normal course of their business or professional practice; and (2) persons who manufacture, process, package, distribute or sell noncontrolled substances to practitioners for use as placebos in the normal course of their business, professional practice or research or for use in federal Food and Drug Administration investigational new drug trials.

2C:35-12. Waiver of Mandatory Minimum and Extended Terms.

Whenever an offense defined in this chapter specifies a mandatory sentence of imprisonment which includes a minimum term during which the defendant shall be ineligible for parole, or a mandatory extended term which includes a period of parole ineligibility, the court upon conviction shall impose the mandatory sentence unless the defendant has pleaded guilty pursuant to a negotiated agreement or, in cases resulting in trial, the defendant and the prosecution have entered into a post-conviction agreement, which provides for a lesser sentence or period of parole ineligibility. The negotiated plea or post-conviction agreement may provide for a specified term of imprison-

ment within the range of ordinary or extended sentences authorized by law, a specified period of parole ineligibility, a specified fine, or other disposition. In that event, the court at sentencing shall not impose a lesser term of imprisonment, period of parole ineligibility or fine than that expressly provided for under the terms of the plea or post-conviction agreement.

2C:35-13. Obtaining by Fraud.

It shall be unlawful for any person to acquire or obtain possession of a controlled dangerous substance or controlled substance analog by misrepresentation, fraud, forgery, deception or subterfuge. It shall be unlawful for any person to acquire or obtain possession of a forged or fraudulent certificate of destruction required pursuant to N.J.S. 2C:35-21. A violation of this section shall be a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$30,000.00 may be imposed. Nothing in this section shall be deemed to preclude or limit a prosecution for theft as defined in chapter 20 of this title.

2C:35-14. Rehabilitation Program for Drug Dependent Persons; Mandatory Commitment to Residential Treatment Facilities; Revocation.

a. Notwithstanding the presumption of incarceration pursuant to the provisions of subsection d. of N.J.S. 2C:44-1, and except as provided in subsection b. of this section, whenever a drug dependent person is convicted of an offense under N.J.S. 2C:35-5, N.J.S. 2C:35-6, section 1 of P.L. 1987, c. 101 (C. 2C:35-7), N.J.S. 2C:35-10, N.J.S. 2C:35-11, or N.J.S. 2C:35-13, other than a crime of the first degree, the court, upon notice to the prosecutor, may, on motion of the defendant and where the court finds that no danger to the community will result and that the placement will serve to benefit the defendant by serving to correct his or her dependency on controlled substances, place the defendant on probation, which shall be for a term of five years. As a condition of that probation, the court shall order the defendant to enter a drug rehabilitation program, subject to such other reasonable terms and conditions as may be required by the court and by law, pursuant to N.J.S. 2C:45-1, and which shall include periodic urine testing for drug usage throughout the period of probation.

b. Except upon the joint application of the defendant and the prosecuting attorney, no person convicted of an offense under N.J.S. 2C:35-6 or section 1 of P.L. 1987, c. 101 (C. 2C:35-7), or who has been

previously convicted of an offense under subsection a. of N.J.S. 2C:35-5 or a similar offense under any other law of this State, any other state or the United States, shall be eligible for sentence in accordance with this section.

c. A person convicted of a crime of the second degree or of a violation of section 1 of P.L. 1987, c. 101 (C. 2C:35-7), who is placed in a drug rehabilitation program under this section shall be committed to the custody of a residential treatment facility. The term of such commitment shall be for a minimum of six months, or until the defendant successfully completes the residential treatment program, whichever is later, except that no person shall remain in the custody of a residential treatment facility for a period in excess of five years. Upon successful completion of the required residential treatment program, the defendant shall complete the period of probation, as authorized by subsection a. of this section, with credit for time served in the residential treatment facility and for any imprisonment served as a condition of probation. A person placed into a residential treatment facility under this subsection shall be deemed to be subject to official detention for the purposes of N.J.S. 2C:29-5 (escape).

d. Upon a first violation of any term or condition of the probation authorized by this section or of any term or condition of the applicable drug rehabilitation program, the court in its discretion may, and upon a subsequent violation shall, revoke the defendant's probation and impose on the defendant any sentence that might have been imposed originally for the offense of which he was convicted. In that event, the defendant shall receive credit for any time served pursuant to N.J.S. 2C:45-1, and any time spent by the defendant in a residential treatment facility. An action for a violation under this subsection may be brought by a probation officer or prosecutor. Notwithstanding any other provision of this subsection, if a defendant at any time refuses to undergo urine testing for drug usage as provided in subsection a. of this section, the court shall, upon the application of the probation officer or prosecutor, revoke the defendant's probation. Failure to successfully complete the required drug rehabilitation program shall constitute a violation of the defendant's probation. A defendant who fails to comply with the terms of his probation pursuant to this section and is thereafter sentenced to imprisonment in accordance with this subsection shall be ineligible for entry into the Intensive Supervision Program.

e. The court, as a condition of its order, and after considering the defendant's financial resources, may at any time require the defendant to pay for all or some portion of the costs associated with his or her participation in any rehabilitation program or period of residential treatment authorized by this section.

2C:35-15. Mandatory Drug Enforcement and Demand Reduction Penalties; Collection; Disposition; Suspension.

a. In addition to any disposition authorized by this title, the provisions of section 24 of P.L. 1982, c. 77 (C. 2A:4A-43), or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, every person convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this title, and every person placed in supervisory treatment pursuant to N.J.S. 2C:43-12 who was charged with any offense defined in this chapter or chapter 36 of this title, shall be assessed for each such offense a penalty fixed at:

- (1) \$3,000.00 in the case of a crime of the first degree;
- (2) \$2,000.00 in the case of a crime of the second degree;
- (3) \$1,000.00 in the case of a crime of the third degree;
- (4) \$750.00 in the case of a crime of the fourth degree;
- (5) \$500.00 in the case of a disorderly persons or petty disorderly persons offense.

All penalties provided for in this section shall be in addition to and not in lieu of any fine authorized by law or required to be imposed pursuant to the provisions of N.J.S. 2C:35-12.

b. All penalties provided for in this section shall be collected as provided for collection of fines and restitutions in section 3 of P.L. 1979, c. 396 (C. 2C:46-4), and shall be forwarded to the Department of Law and Public Safety as provided in subsection c. of this section.

c. All moneys collected pursuant to this section shall be forwarded to the Department of Law and Public Safety to be deposited in a nonlapsing revolving fund to be known as the "Drug Enforcement and Demand Reduction Fund."

d. All moneys, including fines and restitution, collected from a person convicted of or adjudicated delinquent for an offense or placed in supervisory treatment pursuant to N.J.S. 2C:43-12 shall be applied first to any Violent Crimes Compensation Board penalty imposed

pursuant to section 2 of P.L. 1979, c. 396 (C. 2C:43-3.1), and shall next be applied to any forensic laboratory fee assessed pursuant to N.J.S. 2C:35-20, and shall next be applied to any penalty imposed pursuant to this section.

e. The court may suspend the collection of a penalty imposed pursuant to this section; provided the defendant agrees to enter a residential drug rehabilitation program approved by the court; and further provided that the defendant agrees to pay for all or some portion of the costs associated with the rehabilitation program. In this case, the collection of a penalty imposed pursuant to this section shall be suspended during the defendant's participation in the approved rehabilitation program. Upon successful completion of the program, the defendant may apply to the court to reduce the penalty imposed pursuant to this section by any amount actually paid by the defendant for his participation in the program. The court shall not reduce the penalty pursuant to this subsection unless the defendant establishes to the satisfaction of the court that he has successfully completed the rehabilitation program. If the defendant's participation is for any reason terminated before his successful completion of the rehabilitation program, collection of the entire penalty imposed pursuant to this section shall be enforced. Nothing in this section shall be deemed to affect or suspend any other criminal sanctions imposed pursuant to this chapter or chapter 36 of this title.

2C:35-16. Mandatory Forfeiture or Postponement of Driving Privileges.

In addition to any disposition authorized by this title, the provisions of section 24 of P.L. 1982, c. 77 (C. 2A:4A-43), or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, and notwithstanding the provisions of subsection c. of N.J.S. 2C:43-2 every person convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this title shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period to be fixed by the court at not less than six months or more than two years, or, after the expiration of six months, until the privilege shall be restored to him in the discretion of the Director of the Division of Motor Vehicles upon application to and after certification by a physician to the director that the person is not a drug dependent person within the meaning of this chapter. In the case of any person who at the time of the imposition of sentence is less than 17 years of age, the period of the suspension of driving privileges authorized

herein shall not commence to run until the defendant reaches the age of 17. The court before whom any person is convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this title shall cause a report of the conviction or adjudication to be filed with the Director of the Division of Motor Vehicles.

2C:35-17. Exception to Physician-Patient Privilege.

Information communicated to a practitioner in an effort unlawfully to obtain or procure the administration of a controlled dangerous substance or controlled substance analog shall not be a privileged communication.

2C:35-18. Exemption; Burden of Proof.

a. It is an affirmative defense to any criminal action arising under this chapter or chapter 36 that the defendant is the authorized holder of an appropriate registration or order form or is otherwise exempted or excepted from criminal liability by virtue of any provision of P.L. 1970, c. 226 (C. 24:21-1 et seq.). The affirmative defense established herein shall be proved by the defendant by a preponderance of the evidence. It shall not be necessary for the State to negate any exemption set forth in this act or in any provision of Title 24 of the Revised Statutes in any complaint, information, indictment or other pleading or in any trial, hearing or other proceeding under this act.

b. No liability shall be imposed by virtue of this chapter upon any duly authorized State officer, engaged in the enforcement of any law or municipal ordinance relating to controlled dangerous substances or controlled substance analogs.

2C:35-19. Laboratory Certificates; Use; Admission into Evidence; Objections.

a. The Attorney General of New Jersey may designate State Forensic Laboratories. These laboratories shall be staffed by employees of this State or any of the State's political subdivisions. In a proceeding for a violation of the provisions of chapters 35 and 36 of this title, a law enforcement agency may submit to one of these laboratories any substance, including, but not limited to, any substance believed to be a controlled dangerous substance or controlled substance analog thereof, or any poisons, drugs or medicines or human body tissues or fluids. The laboratory shall chemically analyze these substances.

b. Upon the request of any law enforcement agency, the labora-

tory employee performing the chemical analysis shall prepare a certificate. This employee shall sign the certificate under oath and shall include in the certificate an attestation as to the result of the analysis. The presentation of this certificate to a court by any party to a proceeding shall be evidence that all of the requirements and provisions of this section have been complied with. This certificate shall be sworn to before a notary public or other person empowered by law to take oaths and shall contain a statement establishing the following: the type of analysis performed; the result achieved; any conclusions reached based upon that result; that the subscriber is the person who performed the analysis and made the conclusions; the subscriber's training or experience to perform the analysis; and the nature and condition of the equipment used. When properly executed, the certificate shall, subject to subsection c. of this section and notwithstanding any other provision of law, be admissible evidence of the composition, quality, and quantity of the substance submitted to the laboratory for analysis, and the court shall take judicial notice of the signature of the person performing the analysis and of the fact that he is that person.

c. Whenever a party intends to proffer in a criminal or quasi-criminal proceeding, a certificate executed pursuant to this section, notice of an intent to proffer that certificate and all reports relating to the analysis in question, including a copy of the certificate, shall be conveyed to the opposing party or parties at least 20 days before the proceeding begins. An opposing party who intends to object to the admission into evidence of a certificate shall give notice of objection and the grounds for the objection within 10 days upon receiving the adversary's notice of intent to proffer the certificate. Whenever a notice of objection is filed, admissibility of the certificate shall be determined not later than two days before the beginning of the trial. A proffered certificate shall be admitted in evidence unless it appears from the notice of objection and specific grounds for that objection that the composition, quality, or quantity of the substance submitted to the laboratory for analysis will be contested at trial. A failure to comply with the time limitations regarding the notice of objection required by this section shall constitute a waiver of any objections to the admission of the certificate. The time limitations set forth in this section shall not be relaxed except upon a showing of good cause.

2C:35-20. Forensic Laboratory Fees.

a. In addition to any disposition made pursuant to the provisions of N.J.S. 2C:43-2, any person convicted of an offense under this

chapter shall be assessed a criminal laboratory analysis fee of \$50.00 for each offense for which he was convicted. Any person who is placed in supervisory treatment pursuant to N.J.S. 2C:43-12 shall be assessed a criminal laboratory analysis fee of \$50.00 for each such offense for which he was charged.

b. In addition to any other disposition made pursuant to the provisions of section 24 of P.L. 1982, c. 77 (C. 2A:4A-43) or any other statute indicating the dispositions that can be ordered for adjudications of delinquency, any juvenile adjudicated delinquent for a violation of this chapter shall be assessed a laboratory analysis fee of \$25.00 for each adjudication.

c. All criminal laboratory analysis fees provided for in this section shall be collected as provided for the collection of fines and restitutions in N.J.S. 2C:46-4, and shall be forwarded to the appropriate forensic laboratory fund as provided in subsection d. of this section.

d. Forensic laboratory funds shall be established as follows:

(1) Any county which maintains a publicly funded forensic laboratory that regularly employs at least one forensic chemist engaged in the analysis of controlled dangerous substances may establish a county forensic laboratory fund within the office of the county treasurer.

(2) A separate account shall be established in the State Treasury and shall be designated the "State Forensic Laboratory Fund."

e. The \$50.00 analysis fee provided for in subsection a. of this section shall be forwarded to the office of the county treasurer of the county that performed the laboratory analysis if that county has established a county forensic laboratory fund or, where appropriate, to the State forensic laboratory that performed the analysis. If the county has not established a forensic laboratory fund, then the \$50.00 analysis fee shall be forwarded to the State forensic laboratory fund within the State Treasury. The county treasurer and State Treasurer may retain an amount of this money equal to the administrative costs incurred pursuant to carrying out their respective responsibilities under this section.

f. Moneys deposited in the county forensic laboratory fund created pursuant to paragraph (1) of subsection c. of this section shall be in addition to any allocations pursuant to existing law and shall be designated for the exclusive use of the county forensic laboratory. These uses may include, but are not limited to, the following:

(1) costs incurred in providing microscopic and chemical analyses for controlled substances in connection with criminal investigations conducted within this State;

(2) purchase and maintenance of equipment for use in performing analyses; and

(3) continuing education, training and scientific development of forensic scientists regularly employed by these laboratories.

g. Moneys deposited in the State forensic laboratory fund created pursuant to paragraph (2) of subsection c. of this section shall be used by State forensic laboratories that the Attorney General designates pursuant to N.J.S. 2C:35-19, and the Division of State Police in the Department of Law and Public Safety. These moneys shall be in addition to any allocations pursuant to existing law and shall be designated for the exclusive use of State forensic facilities. These uses may include those enumerated in subsection e. of this section.

2C:35-21. Seizure in Violation of Chapter; Pretrial Destruction of Bulk Seizures of Controlled Dangerous Substances.

Any controlled dangerous substance or controlled substance analog seized in violation of this chapter shall be subject to the forfeiture provisions of chapter 64 of this title. In any case involving a bulk seizure of a controlled dangerous substance or a controlled substance analog, a prosecuting authority, upon notice to defense counsel, may apply to the trial court for an order to destroy all or some portion of the seized substance. The State or county forensic laboratory that analyzes the substance shall make a photographic record thereof.

In the event that the defendant objects to the application to destroy all or some portion of the controlled dangerous substance or controlled substance analog, defense counsel shall within 20 days of receiving notice from the prosecuting authority serve notice of objection upon the trial judge and the prosecuting authority. The notice of objection shall include the reasons therefor. Failure to comply with the time limitations regarding the notice of objection required by this section shall constitute a waiver of any objections to the destruction of all or some portion of the substance.

The decision to order the destruction of the substance shall be vested in the sound discretion of the trial court. Prior to the issuance of any order authorizing the destruction of all or some portion of the controlled dangerous substance or controlled substance analog, and subject to reasonable supervision by laboratory or agency personnel,

defense counsel shall be afforded an opportunity to inspect or test the substance.

The State or county forensic laboratory authorized to destroy all or some portion of the controlled dangerous substance or controlled substance analog shall file with the court a certificate under oath attesting to the date on which the substance was destroyed, the quantity of the substance destroyed, and the method used to destroy the substance.

Notwithstanding any other provision of law, the photographic record made in accordance with the provisions of this section, upon proper authentication, may be introduced as evidence in any court.

2C:35-22. Severability.

If any one or more sections, clauses, sentences or parts of this chapter shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, the 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.

2C:35-23. Pending Cases.

a. Except as provided in subsections b. and c. of this section, any violation of a provision of P.L. 1970, c. 226 (C. 24:21-1 et seq.) which is amended or deleted by this act, and which violation was committed prior to the effective date of this chapter, shall be governed by the prior law, which is continued in effect for that purpose, as if this act were not in force.

b. Any offense defined in this act and committed on or after the effective date shall be governed by the provisions of this act. For the purposes of this section, an offense was committed after the effective date of this act if any of the elements of the offense occurred subsequent thereto.

c. In any case pending on or initiated after the effective date of this act involving an offense defined herein and committed prior to such date:

(1) N.J.S. 2C:35-19 and N.J.S. 2C:35-21 shall govern, insofar as they are justly applicable and their application does not introduce confusion or delay;

(2) The court, with the consent of the defendant, may impose sentence under the provisions of this chapter applicable to the offense and the offender;

(3) A defendant who, on the effective date of this act, has not made application for supervisory treatment under section 27 of P.L. 1970, c. 226 (C. 24:21-27) shall not be eligible for supervisory treatment except pursuant to the provisions of 2C:43-12 and as provided in Chapter 36A of this title.

2. An additional chapter, chapter 36, is added to Title 2C as follows:

TITLE 2C
CHAPTER 36
DRUG PARAPHERNALIA

2C:36-1.	Drug Paraphernalia, Defined; Determination.
2C:36-2.	Use or Possession with Intent to Use, Disorderly Persons Offense.
2C:36-3.	Distribute, Dispense or Possession with Intent to Distribute or Manufacture, Crime of Fourth Degree.
2C:36-4.	Advertising to Promote Sale, Crime of Fourth Degree.
2C:36-5.	Delivering Drug Paraphernalia to Persons Under 18 Years of Age, Crime of Third Degree.
2C:36-6.	Possession or Distribution of Hypodermic Syringe or Needle.
2C:36-7.	Seizure in Violation of Chapter.
2C:36-8.	Severability.
2C:36-9.	Pending Cases.

2C:36-1. Drug paraphernalia, defined; determination.

As used in this act, "drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance or controlled substance analog in violation of the provisions of chapter 35 of this title. It shall include, but not be limited to: a. kits used or intended for use in planting, propagating, cultivating, growing or harvesting

of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived; b. kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled dangerous substances or controlled substance analogs; c. isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled dangerous substance; d. testing equipment used or intended for use identifying, or in analyzing the strength, effectiveness or purity of controlled dangerous substances or controlled substance analogs; e. scales and balances used or intended for use in weighing or measuring controlled dangerous substances or controlled substance analogs; f. dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled dangerous substances or controlled substance analogs; g. separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana; h. blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled dangerous substances or controlled substance analogs; i. capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled dangerous substances or controlled substance analogs; j. containers and other objects used or intended for use in storing or concealing controlled dangerous substances or controlled substance analogs; k. objects used or intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as (1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; (2) water pipes; (3) carburetion tubes and devices; (4) smoking and carburetion masks; (5) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; (6) miniature cocaine spoons and cocaine vials; (7) chamber pipes; (8) carburetor pipes; (9) electric pipes; (10) air-driven pipes; (11) chillums; (12) bongs; and (13) ice pipes or chillers.

In determining whether or not an object is drug paraphernalia, the trier of fact, in addition to or as part of the proofs, may consider the following factors: a. statements by an owner or by anyone in control of the object concerning its use; b. the proximity of the object to illegally possessed controlled dangerous substances or controlled substance analogs; c. the existence of any residue of illegally possessed controlled dangerous substances or controlled substance

analogous on the object; d. direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows intend to use the object to facilitate a violation of this act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use as drug paraphernalia; e. instructions, oral or written, provided with the object concerning its use; f. descriptive materials accompanying the object which explain or depict its use; g. national or local advertising whose purpose the person knows or should know is to promote the sale of objects intended for use as drug paraphernalia; h. the manner in which the object is displayed for sale; i. the existence and scope of legitimate uses for the object in the community; and j. expert testimony concerning its use.

2C:36-2. Use or possession with intent to use, disorderly persons offense.

It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance or controlled substance analog in violation of the provisions of chapter 35 of this title. Any person who violates this section is guilty of a disorderly persons offense.

2C:36-3. Distribute, dispense or possession with intent to distribute or manufacture, crime of fourth degree.

It shall be unlawful for any person to distribute or dispense, or possess with intent to distribute or dispense, or manufacture with intent to distribute or dispense, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance or controlled substance analog in violation of the provisions of chapter 35 of this title. Any person who violates this section commits a crime of the fourth degree.

2C:36-4. Advertising to promote sale, crime of fourth degree.

It shall be unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing

that the purpose of the advertisement in whole or in part, is to promote the sale of objects intended for use as drug paraphernalia. Any person who violates this section commits a crime of the fourth degree.

2C:36-5. Delivering drug paraphernalia to person under 18 years of age, crime of third degree.

Any person 18 years of age or over who violates N.J.S. 2C:36-3 by delivering drug paraphernalia to a person under 18 years of age commits a crime of the third degree.

2C:36-6. Possession or distribution of hypodermic syringe or needle.

Except as otherwise authorized by law, it shall be unlawful for a person to have under his control or possess with intent to use a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog as defined in chapter 35 of this title or to sell, furnish or give to any person such syringe, needle or instrument. Any person who violates this section is guilty of a disorderly persons offense.

2C:36-7. Seizure in violation of chapter.

Any drug paraphernalia, hypodermic syringe or needle seized in violation of this chapter shall be subject to the forfeiture provisions of Chapter 64 of this title.

2C:36-8. Severability.

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

2C:36-9. Pending cases.

Notwithstanding any other provision of this act, the provisions of P.L. 1970, c. 226 (C. 24:21-1 et seq.) shall remain in full force and effect as to any offense committed prior to the effective date of this act.

3. An additional chapter, chapter 36A is added to Title 2C as follows:

TITLE 2C
CHAPTER 36A

CONDITIONAL DISCHARGE FOR CERTAIN FIRST OFFENDERS

2C:36A-1. Conditional discharge for certain first offenses; expunging of records.

a. Whenever any person who has not previously been convicted of any offense under section 20 of P.L. 1970, c. 226 (C. 24:21-20), or a disorderly persons or petty disorderly persons offense defined in chapter 35 or 36 of this title or, subsequent to the effective date of this title, under any law of the United States, this State or any other state relating to marijuana, or stimulant, depressant, or hallucinogenic drugs, is charged with or convicted of any disorderly persons offense or petty disorderly persons offense under chapter 35 or 36 of this title, the court upon notice to the prosecutor and subject to subsection c. of this section, may on motion of the defendant or the court:

(1) Suspend further proceedings and with the consent of the person after reference to the State Bureau of Identification criminal history record information files, place him under supervisory treatment upon such reasonable terms and conditions as it may require; or

(2) After plea of guilty or finding of guilty, and without entering a judgment of conviction, and with the consent of the person after proper reference to the State Bureau of Identification criminal history record information files, place him on supervisory treatment upon reasonable terms and conditions as it may require, or as otherwise provided by law.

b. In no event shall the court require as a term or condition of supervisory treatment under this section, referral to any residential treatment facility for a period exceeding the maximum period of confinement prescribed by law for the offense for which the individual has been charged or convicted, nor shall any term of supervisory treatment imposed under this subsection exceed a period of three years. Upon violation of a term or condition of supervisory treatment the court may enter a judgment of conviction and proceed as otherwise provided, or where there has been no plea of guilty or finding of guilty, resume proceedings. Upon fulfillment of the terms and conditions of supervisory treatment the court shall terminate the supervisory treatment and dismiss the proceedings against him. Termination of supervisory treatment and dismissal under this section

shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities, if any, imposed by law upon conviction of a crime or disorderly persons offense but shall be reported by the clerk of the court to the State Bureau of Identification criminal history record information files. Termination of supervisory treatment and dismissal under this section may occur only once with respect to any person. Imposition of supervisory treatment under this section shall not be deemed a conviction for the purposes of determining whether a second or subsequent offense has occurred under section 29 of P.L. 1970, c. 226 (C. 24:21-29), chapter 35 or 36 of this title or any law of this State.

c. Proceedings under this section shall not be available to any defendant unless the court in its discretion concludes that:

(1) The defendant's continued presence in the community, or in a civil treatment center or program, will not pose a danger to the community; or

(2) That the terms and conditions of supervisory treatment will be adequate to protect the public and will benefit the defendant by serving to correct any dependence on or use of controlled substances which he may manifest; and

(3) The person has not previously received supervisory treatment under section 27 of P.L. 1970, c. 226 (C. 24:21-27), N.J.S. 2C:43-12, or the provisions of this chapter.

4. N.J.S. 2C:5-2 is amended to read as follows:

Conspiracy.

2C:5-2. Conspiracy. a. Definition of conspiracy. A person is guilty of conspiracy with another person or persons to commit a crime if with the purpose of promoting or facilitating its commission he:

(1) Agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or

(2) Agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

b. Scope of conspiratorial relationship. If a person guilty of conspiracy, as defined by subsection a. of this section, knows that a person with whom he conspires to commit a crime has conspired with another person or persons to commit the same crime, he is guilty of

conspiring with such other person or persons, whether or not he knows their identity, to commit such crime.

c. Conspiracy with multiple objectives. If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship. It shall not be a defense to a charge under this section that one or more of the objectives of the conspiracy was not criminal; provided that one or more of its objectives or the means of promoting or facilitating an objective of the conspiracy is criminal.

d. Overt act. No person may be convicted of conspiracy to commit a crime other than a crime of the first or second degree or distribution or possession with intent to distribute a controlled dangerous substance or controlled substance analog as defined in chapter 35 of this title, unless an overt act in pursuance of such conspiracy is proved to have been done by him or by a person with whom he conspired.

e. Renunciation of purpose. It is an affirmative defense which the actor must prove by a preponderance of the evidence that he, after conspiring to commit a crime, informed the authority of the existence of the conspiracy and his participation therein, and thwarted or caused to be thwarted the commission of any offense in furtherance of the conspiracy, under circumstances manifesting a complete and voluntary renunciation of criminal purpose as defined in 2C:5-1d.; provided, however, that an attempt as defined in 2C:5-1 shall not be considered an offense for purposes of renunciation under this subsection.

f. Duration of conspiracy. For the purpose of section 2C:1-6d.:

(1) Conspiracy is a continuing course of conduct which terminates when the crime or crimes which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he conspired; and

(2) Such abandonment is presumed with respect to a crime other than one of the first or second degree if neither the defendant nor anyone with whom he conspired does any overt act in pursuance of the conspiracy during the applicable period of limitation; and

(3) If an individual abandons the agreement, the conspiracy is terminated as to him only if and when he advises those with whom he conspired of his abandonment or he informs the law enforcement

authorities of the existence of the conspiracy and of his participation therein.

g. Leader of organized crime. A person is a leader of organized crime if he purposefully conspires with others as an organizer, supervisor or manager, to commit a continuing series of crimes which constitute a pattern of racketeering activity under the provisions of N.J.S. 2C:41-1, provided, however, that notwithstanding 2C:1-8a.(2), a conviction of leader of organized crime shall not merge with the conviction of any other crime which constitutes racketeering activity under 2C:41-1.

5. N.J.S. 2C:20-2. is amended to read as follows:

Consolidation of theft offenses; grading; provisions applicable to theft generally.

2C:20-2. Consolidation of Theft Offenses; Grading; Provisions Applicable to Theft Generally. a. Consolidation of Theft Offenses. Conduct denominated theft in this chapter constitutes a single offense, but each episode or transaction may be the subject of a separate prosecution and conviction. A charge of theft may be supported by evidence that it was committed in any manner that would be theft under this chapter, notwithstanding the specification of a different manner in the indictment or accusation, subject only to the power of the court to ensure fair trial by granting a bill of particulars, discovery, a continuance, or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

b. Grading of theft offenses.

(1) Theft constitutes a crime of the second degree if:

(a) The amount involved is \$75,000.00 or more;

(b) The property is taken by extortion; or

(c) The property stolen is a controlled dangerous substance or controlled substance analog as defined in N.J.S. 2C:35-2 and the quantity is in excess of one kilogram.

(2) Theft constitutes a crime of the third degree if:

(a) The amount involved exceeds \$500.00 but is less than \$75,000.00;

(b) The property stolen is a firearm, automobile, boat, horse or airplane;

(c) The property stolen is a controlled dangerous substance or controlled substance analog as defined in N.J.S. 2C:35-2 and the amount involved is less than \$75,000.00 or is undetermined and the quantity is one kilogram or less;

(d) It is from the person of the victim;

(e) It is in breach of an obligation by a person in his capacity as a fiduciary;

(f) It is by threat not amounting to extortion; or

(g) It is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.

(3) Theft constitutes a crime of the fourth degree if the amount involved is at least \$200.00 but does not exceed \$500.00. If the amount involved was less than \$200.00 the offense constitutes a disorderly persons offense.

(4) The amount involved in a theft shall be determined by the trier of fact. The amount shall include, but shall not be limited to, the amount of any State tax avoided, evaded or otherwise unpaid, improperly retained or disposed of. Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

c. Claim of right. It is an affirmative defense to prosecution for theft that the actor:

(1) Was unaware that the property or service was that of another;

(2) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he did; or

(3) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.

d. Theft from spouse. It is no defense that theft was from the actor's spouse, except that misappropriation of household and personal effects, or other property normally accessible to both spouses, is theft only if it occurs after the parties have ceased living together.

6. Section 6 of P.L. 1979, c. 179 (C. 2C:39-7) is amended to read as follows:

C. 2C:39-7 Certain persons not to have weapons.

6. Certain Persons Not to Have Weapons. Any person, having been convicted in this State or elsewhere of the crime of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, or sexual assault, whether or not armed with or having in his possession any weapon enumerated in section 2C:39-1r., or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted of other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S. 2C:35-2 who purchases, owns, possesses or controls any of the said weapons is guilty of a crime of the fourth degree. Whenever any person shall have been convicted in another state, territory, commonwealth or other jurisdiction of the United States, or any country in the world, in a court of competent jurisdiction, of a crime which in said other jurisdiction or country is comparable to one of the crimes enumerated above, then that person shall be subject to the provisions of this section.

7. N.J.S. 2C:41-1 is amended to read as follows:

Definitions.

2C:41-1. Definitions. For purposes of this section and N.J.S. 2C:41-2 through N.J.S. 2C:41-6:

a. "Racketeering activity" means (1) any of the following crimes which are crimes under the laws of New Jersey or are equivalent crimes under the laws of any other jurisdiction:

- (a) murder
- (b) kidnapping
- (c) gambling
- (d) promoting prostitution
- (e) obscenity
- (f) robbery
- (g) bribery
- (h) extortion
- (i) criminal usury

- (j) violations of Title 33 of the Revised Statutes
 - (k) violations of Title 54A of the New Jersey Statutes and Title 54 of the Revised Statutes
 - (l) arson
 - (m) burglary
 - (n) theft and related crimes
 - (o) forgery and fraudulent practices
 - (p) fraud in the offering, sale or purchase of securities
 - (q) alteration of motor vehicle identification numbers
 - (r) unlawful manufacture, purchase, use or transfer of firearms
 - (s) unlawful possession or use of destructive devices or explosives
 - (t) violation of sections 112 through 116 inclusive of the "Casino Control Act," P.L. 1977, c. 110 (C. 5:12-112 through 5:12-116)
 - (u) violation of N.J.S. 2C:35-5 except possession of 84 grams or less of marijuana or of N.J.S. 2C:35-4 or N.J.S. 2C:35-6.
- (2) any conduct defined as "racketeering activity" under 18 U.S.C. §1961(1)(A), (B) and (D).
- b. "Person" includes any individual or entity or enterprise as defined herein holding or capable of holding a legal or beneficial interest in property.
- c. "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business or charitable trust, association, or other legal entity, any union or group of individuals associated in fact although not a legal entity, and it includes illicit as well as licit enterprises and governmental as well as other entities.
- d. "Pattern of racketeering activity" requires
- (1) Engaging in at least two incidents of racketeering conduct one of which shall have occurred after the effective date of this act and the last of which shall have occurred within 10 years (excluding any period of imprisonment) after a prior incident of racketeering activity; and
 - (2) A showing that the incidents of racketeering activity embrace criminal conduct that has either the same or similar purposes, results, participants or victims or methods of commission or are otherwise interrelated by distinguishing characteristics and are not isolated incidents.
- e. "Unlawful debt" means a debt
- (1) Which was incurred or contracted in gambling activity which

was in violation of the law of the United States, a state or political subdivision thereof; or

(2) Which is unenforceable under State or federal law in whole or in part as to principal or interest because of the laws relating to usury.

f. "Documentary material" includes any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic or recording or video tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into useable form or other tangible item.

g. "Attorney General" includes the Attorney General of New Jersey, his assistants and deputies. The term shall also include a county prosecutor or his designated assistant prosecutor if a county prosecutor is expressly authorized in writing by the Attorney General to carry out the powers conferred on the Attorney General by this chapter.

h. "Trade or commerce" shall include all economic activity involving or relating to any commodity or service.

8. N.J.S. 2C:43-1 is amended to read as follows:

Degrees of crimes.

2C:43-1. Degrees of Crimes. a. Crimes defined by this code are classified, for the purpose of sentence, into four degrees, as follows:

- (1) Crimes of the first degree;
- (2) Crimes of the second degree;
- (3) Crimes of the third degree; and
- (4) Crimes of the fourth degree.

A crime is of the first, second, third or fourth degree when it is so designated by the code. An offense, declared to be a crime, without specification of degree, is of the fourth degree.

b. Notwithstanding any other provision of law, a crime defined by any statute of this State other than this code and designated as a high misdemeanor shall constitute for the purpose of sentence a crime of the third degree. Except as provided in sections 2C:1-4c. and 2C:1-5b. and notwithstanding any other provision of law, a crime defined by any statute of this State other than this code and designated as a misdemeanor shall constitute for the purpose of sentence a crime of the fourth degree.

9. N.J.S. 2C:43-2 is amended to read as follows:

Sentence in accordance with code; authorized dispositions.

2C:43-2. Sentence in accordance with code; authorized dispositions.

a. Except as otherwise provided by this code, all persons convicted of an offense or offenses shall be sentenced in accordance with this chapter.

b. Except as provided in subsection a. of this section and subject to the applicable provisions of the code, the court may suspend the imposition of sentence on a person who has been convicted of an offense, or may sentence him as follows:

(1) To pay a fine or make restitution authorized by section 2C:43-3; or

(2) To be placed on probation and, in the case of a person convicted of a crime, to imprisonment for a term fixed by the court not exceeding 364 days to be served as a condition of probation, or in the case of a person convicted of a disorderly persons offense, to imprisonment for a term fixed by the court not exceeding 90 days to be served as a condition of probation; or

(3) To imprisonment for a term authorized by sections 2C:11-3, 2C:43-5, 2C:43-6, 2C:43-7, and 2C:43-8 or 2C:44-5; or

(4) To pay a fine, make restitution and probation, or fine, restitution and imprisonment; or

(5) To release under supervision in the community or to require the performance of community-related service; or

(6) To a halfway house or other residential facility in the community, including agencies which are not operated by the Department of Human Services; or

(7) To imprisonment at night or on weekends with liberty to work or to participate in training or educational programs.

c. Instead of or in addition to any disposition made according to this section, the court may postpone, suspend, or revoke for a period not to exceed two years the driver's license, registration certificate, or both of any person convicted of a crime, disorderly persons offense, or petty disorderly persons offense in the course of which a motor vehicle was used. In imposing this disposition and in deciding the duration of the postponement, suspension, or revocation, the court

shall consider the severity of the crime or offense and the potential effect of the loss of driving privileges on the person's ability to be rehabilitated. Any postponement, suspension, or revocation shall be imposed consecutively with any custodial sentence.

d. This chapter does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

e. The court shall state on the record the reasons for imposing the sentence, including its findings pursuant to the criteria for withholding or imposing imprisonment or fines under sections 2C:44-1 to 2C:44-3, where imprisonment is imposed, consideration of the defendant's eligibility for release under the law governing parole and the factual basis supporting its findings of particular aggravating or mitigating factors affecting sentence.

10. N.J.S. 2C:43-3 is amended to read as follows:

Fines and restitutions.

2C:43-3. Fines and Restitutions. A person who has been convicted of an offense may be sentenced to pay a fine, to make restitution, or both, such fine not to exceed:

a. \$100,000.00, when the conviction is of a crime of the first or second degree;

b. \$7,500.00, when the conviction is of a crime of the third or fourth degree;

c. \$1,000.00, when the conviction is of a disorderly persons offense;

d. \$500.00, when the conviction is of a petty disorderly persons offense;

e. Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this section the terms "gain" means the amount of money or the value of property derived by the offender and "loss" means the amount of value separated from the victim. The term "gain" shall also mean, where appropriate, the amount of any tax, fee, penalty and interest avoided, evaded, or otherwise unpaid or improperly retained or disposed of;

f. Any higher amount specifically authorized by another section of this code or any other statute;

g. Up to twice the amounts authorized in subsection a., b., c. or d. of this section, in the case of a second or subsequent conviction of any tax offense defined in Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, as amended and supplemented, or of any offense defined in chapter 20 or 21 of this code.

h. In the case of violations of chapter 35, any higher amount equal to three times the street value of the controlled dangerous substance or controlled substance analog. The street value for purposes of this section shall be determined pursuant to subsection e. of N.J.S. 2C:44-2.

The restitution ordered paid to the victim shall not exceed his loss, except that in any case involving the failure to pay any State tax, the amount of restitution to the State shall be the full amount of the tax avoided or evaded, including full civil penalties and interest as provided by law. In any case where the victim of the offense is any department or division of State government, the court shall order restitution to the victim. Any restitution imposed on a person shall be in addition to any fine which may be imposed pursuant to this section.

11. Section 2 of P.L. 1979, c. 396 (C. 2C:43-3.1) is amended to read as follows:

C. 2C:43-3.1 Victim, witness funds.

2. a. (1) In addition to any disposition made pursuant to the provisions of N.J.S. 2C:43-2, any person convicted of a crime of violence resulting in the injury or death of another person shall be assessed a penalty of at least \$30.00, but not to exceed \$10,000.00 for each such crime for which he was convicted. In imposing this penalty, the court shall consider factors such as the severity of the crime, the defendant's criminal record, defendant's ability to pay and the economic impact of the penalty on the defendant's dependents.

(2)(a) In addition to any other disposition made pursuant to the provisions of N.J.S. 2C:43-2 or any other statute imposing sentences for crimes, any person convicted of any disorderly persons offense, any petty disorderly persons offense, or any crime not resulting in the injury or death of any other person shall be assessed a penalty of \$30.00 for each such offense or crime for which he was convicted.

(b) In addition to any other disposition made pursuant to the provisions of section 20 of P.L. 1973, c. 306 (C. 2A:4-61) or any other

statute indicating the dispositions that can be ordered for adjudications of delinquency, any juvenile adjudicated delinquent, according to the definition of "delinquency" established in section 3 of P.L. 1973, c. 306 (C. 2A:4-44), shall be assessed a penalty of at least \$15.00 for each such adjudication, but shall not exceed the amount which could be assessed if the offense was committed by an adult.

(3) All penalties provided for in this section shall be collected as provided for collection of fines and restitution in section 3 of P.L. 1979, c. 396 (C. 2C:46-4) and forwarded to the Violent Crimes Compensation Board for use as provided in paragraph (4) hereof.

(4) All moneys collected pursuant to paragraphs (1) and (2) shall be forwarded by the Violent Crimes Compensation Board to the State Treasury to be deposited in a separate account for use by the Violent Crimes Compensation Board in satisfying claims and for related administrative costs, pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L. 1971, c. 317 (C. 52:4B-1 et seq.), except that after the Violent Crimes Compensation Board shall have received the first \$25.00 of each penalty assessment per count for an adult offender or the first \$10.00 of each penalty assessment per count for a juvenile offender, then the next \$5.00 of each penalty assessment collected shall be forwarded by the Violent Crimes Compensation Board to the State Treasury to be deposited in a separate account to be known as the Victim and Witness Advocacy Fund to be administered by the Department of Law and Public Safety as provided herein. If the initial penalty assessment is greater than \$30.00 for an adult offender or \$15.00 for a juvenile offender then any penalty assessment money collected after the \$5.00 allocated to the Victim and Witness Advocacy Fund shall be forwarded by the Violent Crimes Compensation Board to the State Treasury to be deposited in the separate account for use by the Violent Crimes Compensation Board as provided for in this subsection. The parties responsible for collection of the penalty assessment, the municipal court clerks, the county probation departments and the Department of Corrections shall provide the Violent Crimes Compensation Board with a monthly accounting of the penalty assessment collections which enables the Violent Crimes Compensation Board to accurately identify the \$5.00 share allocable to the Victim and Witness Advocacy Fund.

(5) The Department of Law and Public Safety through the Division of Criminal Justice shall be responsible for administering the Victim and Witness Advocacy Fund. This fund shall be used to

support the development and provision of services to victims and witnesses of crimes and for related administrative costs. The Director of the Division of Criminal Justice shall promulgate rules and regulations in order to effectuate the purposes of this fund.

(6) The Division of Criminal Justice shall report annually to the Governor and the Legislature concerning the implementation of this fund.

b. All moneys, including fines and restitution, collected from a person convicted of any disorderly persons offense, any petty disorderly persons offense, from any juvenile adjudicated delinquent or any crime shall be applied first to any penalty imposed pursuant to this section upon such a person.

c. An adult prisoner of a State correctional institution who has not paid a penalty imposed pursuant to this section shall have the penalty deducted from any income the inmate receives as a result of labor performed at the institution or any type of work release program.

d. If any person, including an inmate, fails to comply with any of the terms or penalties imposed pursuant to this section the court may, in addition to any other penalties it may impose, order the suspension of the person's driver's license or nonresident reciprocity privilege, or prohibit the person from receiving or obtaining a license until the terms or penalties are complied with. The court shall notify the Director of the Division of Motor Vehicles of the action. Prior to any action being taken pursuant to this subsection, the person shall be afforded notice and a hearing before the court to contest the charge of failure to comply.

12. N.J.S. 2C:43-6 is amended to read as follows:

Sentence of imprisonment for crime; ordinary terms; mandatory terms.

2C:43-6. Sentence of Imprisonment for Crime; Ordinary Terms; Mandatory Terms.

a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced to imprisonment, as follows:

(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between five years and 10 years;

(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between three years and five years;

(4) In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.

b. As part of a sentence for any crime, where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, as set forth in subsections a. and b. of 2C:44-1, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a., or one-half of the term set pursuant to a maximum period of incarceration for a crime set forth in any statute other than this code, during which the defendant shall not be eligible for parole; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. A person who has been convicted under 2C:39-4a. of possession of a firearm with intent to use it against the person of another, or of a crime under any of the following sections: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a firearm as defined in 2C:39-1f., shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth degree.

A person who has been convicted of an offense enumerated by this subsection and who used or possessed a firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of a firearm as defined in 2C:44-3d., shall be sentenced by the court to an extended term as authorized by 2C:43-7c., notwithstanding that extended terms are ordinarily discretionary with the court.

d. The court shall not impose a mandatory sentence pursuant to subsection c. of this section, 2C:43-7c. or 2C:44-3d., unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

e. A person convicted of a third or subsequent offense involving State taxes under N.J.S. 2C:20-9, N.J.S. 2C:21-15, any other provision of this code, or under any of the provisions of Title 54 of the Revised Statutes, or Title 54A of the New Jersey Statutes, as amended and supplemented, shall be sentenced to a term of imprisonment by the court. This shall not preclude an application for and imposition of an extended term of imprisonment under N.J.S. 2C:44-3 if the provisions of that section are applicable to the offender.

f. A person convicted of manufacturing, distributing, dispensing or possessing with intent to distribute any dangerous substance or controlled substance analog under N.J.S. 2C:35-5, of maintaining or operating a controlled dangerous substance production facility under N.J.S. 2C:35-4, of employing a juvenile in a drug distribution scheme under N.J.S. 2C:35-6, leader of a narcotics trafficking network under N.J.S. 2C:35-3, or of distributing, dispensing or possessing with intent to distribute on or near school property or buses under section 1 of P.L. 1987, c. 101 (C. 2C:35-7), who has been previously convicted of manufacturing, distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog, shall upon application of the prosecuting attorney be sentenced by the court to an extended term as authorized by subsection c. of N.J.S. 2C:43-7, notwithstanding that extended terms are ordinarily discretionary with the court. The term of imprisonment shall, except as may be provided in N.J.S. 2C:35-12, include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The court shall not impose an extended term pursuant to this subsection unless the ground therefor has been established at a hear-

ing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish the ground therefor by a preponderance of the evidence. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

For the purpose of this subsection, a previous conviction exists where the actor has at any time been convicted under chapter 35 of this title or Title 24 of the Revised Statutes or under any similar statute of the United States, this State, or any other state for an offense that is substantially equivalent to N.J.S. 2C:35-3, N.J.S. 2C:35-4, N.J.S. 2C:35-5, N.J.S. 2C:35-6 or section 1 of P.L. 1987, c. 101 (C. 2C:35-7).

13. N.J.S. 2C:43-7 is amended to read as follows:

Sentence of imprisonment for crime; extended terms.

2C:43-7. Sentence of Imprisonment for Crime; Extended Terms.

a. In the cases designated in section 2C:44-3, a person who has been convicted of a crime may be sentenced to an extended term of imprisonment, as follows:

(1) In case of aggravated manslaughter sentenced under subsection c. of N.J.S. 2C:11-4 or kidnapping when sentenced as a crime of the first degree under paragraph (1) of subsection c. of 2C:13-1 for a specific term of years which shall be between 30 years and life imprisonment;

(2) Except for the crime of murder and except as provided in paragraph (1) of this subsection, in the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 20 years and life imprisonment;

(3) In the case of a crime of the second degree, for a term which shall be fixed by the court between 10 and 20 years;

(4) In the case of a crime of the third degree, for a term which shall be fixed by the court between five and 10 years;

(5) In the case of a crime of the fourth degree pursuant to 2C:43-6c. and 2C:44-3d. for a term of five years.

b. As part of a sentence for an extended term and notwithstanding the provisions of 2C:43-9, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a. during which the defendant shall not be eligible for parole or a term of 25

years during which time the defendant shall not be eligible for parole where the sentence imposed was life imprisonment; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. In the case of a person sentenced to an extended term pursuant to 2C:43-6c., 2C:43-6f. and 2C:44-3d., the court shall impose a sentence within the ranges permitted by 2C:43-7a. (2), (3), (4) or (5) according to the degree or nature of the crime for which the defendant is being sentenced, which sentence shall include a minimum term which shall, except as may be specifically provided by N.J.S. 2C:43-6f., be fixed at or between one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall not be eligible for parole. Where the sentence imposed is life imprisonment, the court shall impose a minimum term of 25 years during which the defendant shall not be eligible for parole, except that where the term of life imprisonment is imposed on a person convicted for a violation of N.J.S. 2C:35-3, the term of parole ineligibility shall be 30 years.

14. N.J.S. 2C:43-12 is amended to read as follows:

Supervisory treatment—pretrial intervention.

2C:43-12. Supervisory Treatment—Pretrial Intervention. a. Public policy. The purpose of sections 2C:43-12 through 2C:43-22 of this chapter is to effectuate a Statewide program of Pretrial Intervention. It is the policy of the State of New Jersey that supervisory treatment should ordinarily be limited to persons who have not previously been convicted of any criminal offense under the laws of New Jersey, or under any criminal law of the United States, or any other state when supervisory treatment would:

(1) Provide applicants, on an equal basis, with opportunities to avoid ordinary prosecution by receiving early rehabilitative services or supervision, when such services or supervision can reasonably be expected to deter future criminal behavior by an applicant, and when there is apparent causal connection between the offense charged and the rehabilitative or supervisory need, without which cause both the alleged offense and the need to prosecute might not have occurred; or

(2) Provide an alternative to prosecution for applicants who might be harmed by the imposition of criminal sanctions as presently administered, when such an alternative can be expected to serve as sufficient sanction to deter criminal conduct; or

(3) Provide a mechanism for permitting the least burdensome form of prosecution possible for defendants charged with "victimless" offenses; or

(4) Provide assistance to criminal calendars in order to focus expenditure of criminal justice resources on matters involving serious criminality and severe correctional problems; or

(5) Provide deterrence of future criminal or disorderly behavior by an applicant in a program of supervisory treatment.

b. Admission of an applicant into a program of supervisory treatment shall be measured according to the applicant's amenability to correction, responsiveness to rehabilitation and the nature of the offense.

c. The decision and reasons therefor made by the designated judges (or assignment judges), prosecutors and program directors in granting or denying applications for supervisory treatment, in recommending and ordering termination from the program or dismissal of charges, in all cases shall be reduced to writing and disclosed to the applicant.

d. If an applicant desires to challenge the decision of the prosecutor or program director not to recommend enrollment in a program of supervisory treatment the proceedings prescribed under section 14 shall be followed.

e. Referral. At any time prior to trial but after the filing of a criminal complaint, or the filing of an accusation or the return of an indictment, with the consent of the prosecutor and upon written recommendation of the program director, the assignment judge or a judge designated by him may postpone all further proceedings against an applicant and refer said applicant to a program of supervisory treatment approved by the Supreme Court. Prosecutors and program directors shall consider in formulating their recommendation of an applicant's participation in a supervisory treatment program, among others, the following criteria:

- (1) The nature of the offense;
- (2) The facts of the case;
- (3) The motivation and age of the defendant;
- (4) The desire of the complainant or victim to forego prosecution;
- (5) The existence of personal problems and character traits which

may be related to the applicant's crime and for which services are unavailable within the criminal justice system, or which may be provided more effectively through supervisory treatment and the probability that the causes of criminal behavior can be controlled by proper treatment;

(6) The likelihood that the applicant's crime is related to a condition or situation that would be conducive to change through his participation in supervisory treatment;

(7) The needs and interests of the victim and society;

(8) The extent to which the applicant's crime constitutes part of a continuing pattern of anti-social behavior;

(9) The applicant's record of criminal and penal violations and the extent to which he may present a substantial danger to others;

(10) Whether or not the crime is of an assaultive or violent nature, whether in the criminal act itself or in the possible injurious consequences of such behavior;

(11) Consideration of whether or not prosecution would exacerbate the social problem that led to the applicant's criminal act;

(12) The history of the use of physical violence toward others;

(13) Any involvement of the applicant with organized crime;

(14) Whether or not the crime is of such a nature that the value of supervisory treatment would be outweighed by the public need for prosecution;

(15) Whether or not the applicant's involvement with other people in the crime charged or in other crime is such that the interest of the State would be best served by processing his case through traditional criminal justice system procedures;

(16) Whether or not applicant's participation in pretrial intervention will adversely affect the prosecution of codefendants; and

(17) Whether or not the harm done to society by abandoning criminal prosecution would outweigh the benefits to society from channeling an offender into a supervisory treatment program.

f. Review of Supervisory Treatment Applications; Procedure Upon Denial. Each applicant for supervisory treatment shall be entitled to full and fair consideration of his application. If an application is denied, the program director or the prosecutor shall precisely state

his findings and conclusion which shall include the facts upon which the application is based and the reasons offered for the denial. If the applicant desires to challenge the decision of a program director not to recommend, or of a prosecutor not to consent to, enrollment into a supervisory treatment program, a motion shall be filed before the designated judge (or assignment judge) authorized pursuant to the rules of court to enter orders.

g. Limitations. Supervisory treatment may occur only once with respect to any defendant and any person who has previously received supervisory treatment under section 27 of P.L. 1970, c. 226 (C. 24:21-27), shall not be eligible for supervisory treatment under this section. However, supervisory treatment, as provided herein, shall be available to a defendant irrespective of whether the defendant contests his guilt of the charge or charges against him.

h. Termination. Termination of supervisory treatment under this section shall be immediately reported to the assignment judge of the county who shall forward such information to the Administrative Director of the Courts.

i. Appointment of Program Directors; Authorized Referrals. Programs of supervisory treatment and appointment of the program directors require approval by the Supreme Court with the consent of the assignment judge and prosecutor. Referrals of participants from supervisory treatment programs may be to any public or private office or agency, including but not limited to programs within the probation service of the court, offering counseling or any other social service likely to aid in the rehabilitation of the participant and to deter the commission of other offenses.

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

Criteria for imposing fines and restitutions.

2C:44-2. Criteria for Imposing Fines and Restitutions. a. The court may sentence a defendant to pay a fine or make restitution, or both, in addition to a sentence of imprisonment or probation if:

(1) The defendant has derived a pecuniary gain from the offense;
or

(2) The court is of opinion that a fine or restitution, or both, is specially adapted to deterrence of the type of offense involved or to the correction of the offender.

b. The court may sentence a defendant to pay a fine or make restitution, or both, if the defendant is able, or given a fair opportuni-

ty to do so, will be able to pay the fine or make restitution, or both. The court may sentence a defendant to pay a fine only if the fine will not prevent the defendant from making restitution to the victim of the offense.

c. In determining the amount and method of payment of a fine or restitution, the court shall take into account the financial resources of the defendant and the nature of the burden that its payment will impose.

d. Nonpayment. When a defendant is sentenced to pay a fine or make restitution, or both, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to nonpayment shall be determined only after the fine has not been paid, as provided in section 2C:46-2.

e. Whenever the maximum potential fine which may be imposed on a conviction for an offense defined in chapter 35 (Controlled Dangerous Substances) depends on the street value of the controlled dangerous substance or controlled substance analog involved and the court intends to impose a fine in excess of the maximum ordinary fine applicable to the offense for which defendant was convicted, and where the fine has not been agreed to pursuant to the provisions of N.J.S. 2C:35-12, the court at the time of sentence shall determine the street value at the time and place of the offense based on the amount and purity of the controlled dangerous substance or controlled substance analog involved. The sentencing court's finding as to the street value may be based on expert opinion in the form of live testimony or by affidavit, or by such other means as the court deems appropriate. The court's finding as to street value shall not be subject to modification by an appellate court except upon a showing that the finding was totally lacking in support on the record or was arbitrary or capricious.

16. N.J.S. 2C:52-5 is amended to read as follows:

Expungement of records of young drug offenders.

2C:52-5. Expungement of Records of Young Drug Offenders. Notwithstanding the provisions of sections 2C:52-2 and 2C:52-3, after a period of not less than one year following conviction, termination of probation or parole or discharge from custody, whichever is later, any person convicted of an offense under chapters 35 or 36 of this title for the possession or use of a controlled dangerous substance, convicted of violating P.L. 1955, c. 277, §3 (C. 2A:170-77.5), or convicted of violating P.L. 1962, c. 113, §1 (C. 2A:170-77.8), and who at the

time of the offense was 21 years of age or younger, may apply to the Superior Court in the county wherein the matter was disposed of for the expungement of such person's conviction and all records pertaining thereto. The relief of expungement under this section shall be granted only if said person has not, prior to the time of hearing, violated any of the conditions of his probation or parole, albeit subsequent to discharge from probation or parole, has not been convicted of any previous or subsequent criminal act or any subsequent or previous violation of chapters 35 or 36 of this title or of P.L. 1955, c. 277, §3 (C. 2A:170-77.5) or of P.L. 1962, c. 113, §1 (C. 2A:170-77.8), or who has not had a prior or subsequent criminal matter dismissed because of acceptance into a supervisory treatment or other diversion program.

This section shall not apply to any person who has been convicted of the sale or distribution of a controlled dangerous substance or possession with the intent to sell any controlled dangerous substance except:

- (1) Marijuana, where the total sold, distributed or possessed with intent to sell was 25 grams or less, or
- (2) Hashish, where the total amount sold, distributed or possessed with intent to sell was 5 grams or less.

17. N.J.S. 2C:64-2 is amended to read as follows:

Forfeiture procedures; prima facie contraband.

2C:64-2. Forfeiture Procedures; Prima Facie Contraband.

Except as provided in N.J.S. 2C:35-21, prima facie contraband shall be retained by the State until entry of judgment or dismissal of the criminal proceeding, if any, arising out of the seizure. Thereafter, prima facie contraband shall be forfeited to the entity funding the prosecuting agency involved, subject to the rights of owners and others holding interests pursuant to section 2C:64-5.

18. Section 22 of P.L. 1970, c. 226 (C. 24:21-22) is amended to read as follows:

C. 24:21-22 Prohibited acts D.—Fraud or misrepresentation by registered manufacturers or distributors—Penalties.

22. Prohibited acts D. Fraud or misrepresentation by registered manufacturers or distributors—Penalties.

- a. It shall be unlawful for any person knowingly or intentionally:

(1) Who is a registrant to distribute a controlled dangerous substance classified in Schedule I or II, in the course of his legitimate business, except pursuant to an order form as required by section 14 of this act;

(2) To use in the course of the manufacture or distribution of a controlled dangerous substance a registration number which is fictitious, revoked, suspended or issued to another person;

(3) (Deleted by amendment, P.L. 1987, c. 106.)

(4) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act; or

(5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance.

b. Any person who violates this section shall be punished by imprisonment for not more than three years, or by a fine of not more than \$30,000.00, or both.

19. Section 23 of P.L. 1970, c. 226 (C. 24:21-23) is amended to read as follows:

C. 24:21-23 General penalty.

23. General Penalty. Any person who violates any provision of this act for which no specific penalty is provided shall be guilty of a disorderly persons offense.

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

C. 24:21-24 Attempt, endeavor and conspiracy.

24. Attempt, endeavor and conspiracy. a. Any person who attempts, endeavors or conspires to commit any offense defined in this act is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the endeavor or conspiracy.

b. (Deleted by amendment, P.L. 1987, c. 106.)

21. Section 29 of P.L. 1970, c. 226 (C. 24:21-29) is amended to read as follows:

C. 24:21-29 Second or subsequent offenses.

29. Second or subsequent offenses. a. Any person convicted of any offense under this act, if the offense is a second or subsequent offense, shall be punished by a term of imprisonment of up to twice that otherwise authorized, by up to twice the fine otherwise authorized, or by both.

b. For purposes of this section, an offense shall be considered a second or subsequent offense, if, prior to the commission of the offense, the offender has at any time been convicted of an offense or offenses under this act or under any law of the United States or of any state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs.

22. Section 36 of P.L. 1970, c. 226 (C. 24:21-36) is amended to read as follows:

C. 24:21-36 Reports of conviction of manufacturers and practitioners.

36. Reports of conviction of manufacturers and practitioners.

Whenever a manufacturer or practitioner is convicted of violating any provision of this act or of a rule or regulation issued hereunder or of any offense defined in chapters 35 or 36 of Title 2C of the New Jersey Statutes, the court shall cause a copy of the judgment and sentence and opinion of the court, if any, to be sent to the State department or professional board, as the case may be, by which the defendant was registered or licensed.

23. Section 7 of P.L. 1982, c. 77 (C. 2A:4A-26) is amended to read as follows:

C. 2A:4A-26 Referral to another court without juvenile's consent.

7. Referral to another court without juvenile's consent.

a. On motion of the prosecutor, the court shall, without the consent of the juvenile, waive jurisdiction over a case and refer that case from the family court to the appropriate court and prosecuting authority having jurisdiction if it finds, after hearing, that:

(1) The juvenile was 14 years of age or older at the time of the charged delinquent act; and

(2) There is probable cause to believe that the juvenile committed a delinquent act or acts which if committed by an adult would constitute:

(a) Criminal homicide other than death by auto, strict liability for drug induced deaths, pursuant to N.J.S. 2C:35-9, robbery which would constitute a crime of the first degree, aggravated sexual assault, sexual assault, aggravated assault which would constitute a crime of the second degree, kidnapping or aggravated arson; or

(b) A crime committed at a time when the juvenile had previously been adjudicated delinquent, or convicted, on the basis of any of the offenses enumerated in subsection a.(2)(a);

(c) A crime committed at a time when the juvenile had previously been sentenced and confined in an adult penal institution; or

(d) An offense against a person committed in an aggressive, violent and willful manner, other than an offense enumerated in subsection a.(2)(a) of this section, or the unlawful possession of a firearm, destructive device or other prohibited weapon, or arson; or

(e) A violation of N.J.S. 2C:35-3, N.J.S. 2C:35-4, or N.J.S. 2C:35-5; or

(f) Crimes which are a part of a continuing criminal activity in concert with two or more persons and the circumstances of the crimes show the juvenile has knowingly devoted himself to criminal activity as a source of livelihood; or

(g) An attempt or conspiracy to commit any of the acts enumerated in paragraph (a), (d) or (e) of this subsection; and

(3) Except with respect to any of the acts enumerated in subsection a.(2)(a) of this section, or with respect to any acts enumerated in subparagraph (e) of paragraph (2) of subsection a. of this section which involve the distribution for pecuniary gain of any controlled dangerous substance or controlled substance analog while on any property used for school purposes which is owned by any school or school board, or within 1,000 feet of any school property or while on any school bus, or any attempt or conspiracy to commit any of those acts, the State has shown that the nature and circumstances of the charge or the prior record of the juvenile are sufficiently serious that the interests of the public require waiver.

However, if in any case the juvenile can show that the probability of his rehabilitation by the use of the procedures, services and facilities available to the court prior to the juvenile reaching the age of 19 substantially outweighs the reasons for waiver, waiver shall not be granted.

b. In every case where there is a motion seeking waiver, the prosecutor shall within a reasonable time thereafter file a statement with the Attorney General setting forth the basis for the motion. In addition, the court shall, in writing, state its reasons for granting or denying the waiver motion. The Attorney General shall compile this information and report its findings to the Legislature 18 months after the effective date of this act with the objective of developing, where appropriate, guidelines as to the waiver of juveniles from the family court.

c. An order referring a case shall incorporate therein not only the alleged act or acts upon which the referral is premised, but also all other delinquent acts arising out of or related to the same transaction.

d. A motion seeking waiver shall be filed by the prosecutor within 30 days of receipt of the complaint. This time limit shall not, except for good cause shown, be extended.

C. 2C:35-1.2 Reference to criminal code provisions.

24. (New section) Whenever in any law, rule or regulation, reference is made to the "New Jersey Controlled Dangerous Substances Act," P.L. 1970, c. 226 (C. 24:21-1 et seq.) or any part thereof, the same shall mean and refer to the appropriate chapter, section or provision of the "New Jersey Code of Criminal Justice" as amended and supplemented herein. Similarly, any reference to chapter 35 or 36 in the "New Jersey Code of Criminal Justice" shall be deemed to incorporate P.L. 1970, c. 226 (C. 24:21-1 et seq.) or any other predecessor statute.

Repealer.

25. The following are repealed:

Section 19 of P.L. 1970, c. 226 (C. 24:21-19);

Sections 1 and 2 of P.L. 1982, c. 38 (C. 24:21-19.1 and 24:21-19.2);

Section 20 of P.L. 1970, c. 226 (C. 24:21-20);

Section 26 of P.L. 1970, c. 226 (C. 24:21-26);

Section 27 of P.L. 1970, c. 226 (C. 24:21-27), except that any person who prior to the effective date of this act has made application for or is undergoing supervisory treatment pursuant to this section shall continue to be governed by this section;

Section 30 of P.L. 1970, c. 226 (C. 24:21-30);

Sections 1 through 5, inclusive of P.L. 1980, c. 133 (C. 24:21-46 through 24:21-50);

P.L. 1952, c. 121 (C. 2A:96-5);

P.L. 1966, c. 12 (C. 2A:96-5.1).

26. This act shall take effect on the 60th day following enactment but shall remain inoperative until the enactment into law of Assembly Bill No. 3209 of 1986.

Approved April 23, 1987.

CHAPTER 107

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS
DEPARTMENT OF HEALTH
Physical and Mental Health
21 Health Services

04-4240 Narcotic and Drug Abuse	
Control	\$2,282,000
State Aid and Grants:	
Narcotic and drug abuse control,	
Pub.L. 99-570	(\$2,282,000)

2. The Department of Health shall coordinate its expenditure of funds hereinabove appropriated with the Department of Education, the Department of Human Services and the Department of Law and Public Safety, which departments may also receive funds under Pub.L. 99-570, to prevent the duplication of services provided under this federal act.

3. This act shall take effect immediately.

Approved April 23, 1987.

CHAPTER 108

AN ACT concerning parole and amending P.L. 1979, c. 441.

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

1. Section 18 of P.L. 1979, c. 441 (C. 30:4-123.62) is amended to read as follows:

C. 30:4-123.62 Parole violation; apprehension; hearing.

18. a. (1) If a parole officer assigned to supervise a parolee has probable cause to believe that the parolee has violated a condition of his parole, such violation being a basis for return to custody pursuant to subsection b. of section 16 of P.L. 1979, c. 441 (C. 30:4-123.60), a designated representative of the chairman of the board may issue a warrant for the arrest of the parolee if evidence indicates that the parolee may not appear at the preliminary hearing or if the parolee poses a danger to the public safety. With the parole warrant, a law enforcement officer may apprehend the delinquent parolee.

(2) If a parole officer assigned to supervise a parolee has probable cause to believe that the parolee has committed a crime, is about to commit a crime or is about to flee the jurisdiction, which violation is a basis for return to custody pursuant to subsection b. of section 16 of P.L. 1979, c. 441 (C. 30:4-123.60), and the situation is one of immediate emergency that cannot await the issuance of a warrant by a designated representative, the parole officer, by the parole officer's own warrant, may apprehend the parolee and cause his detention in a suitable facility designated by the Department of Corrections or cause the parolee's confinement in an appropriate institution pending return to a facility designated by the Department of Corrections, to await the conduction of a preliminary hearing. The warrant shall be in the form prescribed by the Bureau of Parole and approved by the Department of Corrections and, when signed by the parole officer in charge of the case, shall be a sufficient instrument and authority to all peace officers to assist in the apprehension of the parolee. It shall also be sufficient authority for detention of the parolee in a suitable facility, to await the conduction of the preliminary hearing. Upon enforcement of the warrant, the appropriate board panel shall be promptly notified. No parolee held in custody on a parole warrant shall be entitled to release on bail.

b. A parolee retaken under this section shall within 14 days be granted a preliminary hearing to be conducted by a hearing officer

not previously involved in the case, unless the parolee or the hearing officer requests postponement of the preliminary hearing, which may be granted by the appropriate board panel for good cause, but in no event shall such postponement, if requested by the hearing officer, exceed 14 days.

c. The preliminary hearing shall be for the purpose of determining:

(1) Whether there is probable cause to believe that the parolee violated a condition of his parole being the basis for return to custody pursuant to subsection b. of section 16, and

(2) Whether revocation and return to custody is desirable in the instant matter.

d. Prior to the preliminary hearing the parolee shall be provided with written notice of:

(1) The conditions of parole alleged to have been violated;

(2) The time, date, place and circumstances of the alleged violation;

(3) The possible action which may be taken by the board after a parole revocation hearing;

(4) The time, date and place of the preliminary hearing;

(5) The right pursuant to P.L. 1974, c. 33 (C. 2A:158A-5.1 et seq.), to representation by an attorney or such other qualified person as the parolee may retain; and

(6) The right to confront and cross-examine witnesses.

e. The hearing officer who conducts the hearing shall make a summary or other record of said hearing.

f. If the evidence presented at the preliminary hearing does not support a finding of probable cause to believe that the parolee has violated a condition of his parole, such violation being a basis for return to custody pursuant to subsection b. of section 16, or if it is otherwise determined that revocation is not desirable, the hearing officer may, in accordance with the provisions of subsection a. of section 16 and section 17 of this act, issue an order modifying parole and releasing the offender, or continuing parole and releasing the offender.

g. If the evidence presented at the preliminary hearing supports

a finding of probable cause to believe that the parolee has violated a condition of his parole, the hearing officer shall determine whether the parolee shall be retained in custody or released on specific conditions pending action by the appropriate board panel.

h. Conviction of a crime committed while on parole shall be deemed to constitute probable cause to believe that the parolee has violated a condition of parole.

2. This act shall take effect on the 30th day following enactment.

Approved April 24, 1987.

CHAPTER 109

AN ACT concerning the priority of a lien for child support enforcement and amending N.J.S. 2A:34-24.

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

1. N.J.S. 2A:34-24 is amended to read as follows:

Lien; security.

2A:34-24. If an obligor shall abandon an obligee or separate from the obligee and refuse or neglect to maintain and provide for the obligee, the court may order suitable support and maintenance to be paid and provided by the obligor for the obligee and their children. If the obligor fails to comply with the order of the court, entered in New Jersey or another jurisdiction, the court may impose a lien against the real and personal property of the obligor who lives in or owns property in New Jersey to secure payment of the overdue support and for such time as the nature of the case and circumstances of the parties render suitable and proper; such lien shall have priority from the time of the proper filing or recording.

If the circumstances warrant, for such overdue support or maintenance, upon reasonable notice, the court may compel the obligor to give reasonable security, post a bond, or other guarantee for such overdue support and for present and future support and maintenance and may, from time to time, make further orders touching the same as shall be just and equitable and enforce such judgment and orders in the manner provided in N.J.S. 2A:34-23.

2. This act shall take effect immediately.

Approved April 24, 1987.

CHAPTER 110

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management—State Aid

04-8030 Local Government Services \$150,000

State Aid:

River Edge police headquarters (\$150,000)

2. This act shall take effect immediately but shall remain inoperative until the enactment into law of the annual appropriations act for fiscal year ending June 30, 1987, P.L. 1986, c. 41.

Approved April 24, 1987.

CHAPTER 111

AN ACT temporarily making permissive the implementation of a revaluation of real property in certain cities.

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

1. Notwithstanding any provisions of law, rule, regulation, or judicial order to the contrary, no city of the second class having a population of more than 80,000 but less than 90,000, shall be required to implement a revaluation of real property for the tax years 1987 and 1988. The determination of a city not to implement a revaluation pursuant to this act shall not prevent the city from conducting and

implementing any partial or complete reassessment of real property in the city during the time covered by the act.

2. This act shall take effect immediately.

Approved April 24, 1987.

CHAPTER 112

AN ACT to amend the title of "An act concerning community residences for developmentally disabled persons and providing for their development, licensing and regulation," approved March 2, 1978 (P.L. 1977, c. 448), so that the same shall read "An act concerning community residences for developmentally disabled persons and for mentally ill persons and providing for their development, licensing and regulation," and to amend and supplement the body of said act, amending P.L. 1979, c. 496 and making 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. 1977, c. 448 is amended to read as follows:

An act concerning community residences for developmentally disabled persons and for mentally ill persons and providing for their development, licensing and regulation.

2. Section 1 of P.L. 1977, c. 448 (C. 30:11B-1) is amended to read as follows:

C. 30:11B-1 Findings.

1. The Legislature finds that many developmentally disabled persons who are now housed in large institutions can be better cared for and given training for independent living in small community residences. Such persons have a right to the fuller, more normal life that care in such residences brings, and it is, therefore, the intention of the Legislature, through this act, to encourage the development of community residences for the developmentally disabled and to provide for the licensing and regulation of such residences by the Department of Human Services.

The Legislature further finds that there are many persons who have been hospitalized due to mental illness and are recovered to the

extent that they no longer require such hospitalization, but would benefit from the specialized independent-living training available to residents of small community residences for the mentally ill. These community residences for the mentally ill may also be utilized by persons who have not been hospitalized for mental illness but who are participating in community mental health counseling or training programs provided by a State-affiliated community mental health agency. These persons have a right to the fuller, more normal life that care in community residences brings, and it is, therefore, the intention of the Legislature through this act, to encourage the development of community residences for the mentally ill and to provide for the licensing and regulation of the residences by the Department of Human Services.

3. Section 2 of P.L. 1977, c. 448 (C. 30:11B-2) is amended to read as follows:

C. 30:11B-2 Definitions.

2. "Community residence for the developmentally disabled" means any community residential facility housing up to 16 developmentally disabled persons which provides food, shelter and personal guidance for developmentally disabled persons who require assistance, temporarily or permanently, in order to live independently in the community. Such residences shall not be considered health care facilities within the meaning of the "Health Care Facilities Planning Act," P.L. 1971, c. 136 (C. 26:2H-1 et seq.) and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements and hostels.

"Community residence for the mentally ill" means any community residential facility which provides food, shelter and personal guidance, under such supervision as required, to not more than 15 mentally ill persons who require assistance temporarily or permanently, in order to live independently in the community. These residences shall be approved for a purchase of service contract or an affiliation agreement pursuant to procedures established by the Division of Mental Health and Hospitals in the Department of Human Services. These residences shall not house persons who have been assigned to a State psychiatric hospital after having been found not guilty of a criminal offense by reason of insanity or unfit to be tried on a criminal charge. These residences shall not be considered health care facilities within the meaning of the "Health Care Facilities Planning Act," P.L. 1971, c. 136 (C. 26:2H-1 et seq.) and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements, family care homes and hostels.

“Developmental disability” or “developmentally disabled” means a severe, chronic disability of a person which: a. is attributable to a mental or physical impairment or combination of mental or physical impairments; b. is manifest before age 22; c. is likely to continue indefinitely; d. results in substantial functional limitations in three or more of the following areas of major life activity, that is, self-care, receptive and expressive language, learning, mobility, self-direction and capacity for independent living or economic self-sufficiency; and e. reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. Developmental disability includes, but is not limited to, severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments where the above criteria are met.

“Mentally ill” means any psychiatric disorder which has required an individual to receive either inpatient psychiatric care or outpatient psychiatric care on an extended basis.

4. Section 3 of P.L. 1977, c. 448 (C. 30:11B-3) is amended to read as follows:

C. 30:11B-3 Assistance in self-care, developing potential.

3. Every community residence for the developmentally disabled and every community residence for the mentally ill shall provide to every person admitted assistance in maintaining a basic level of self-care and in developing the potential to live independently in the community.

5. Section 5 of P.L. 1977, c. 448 (C. 30:11B-5) is amended to read as follows:

C. 30:11B-5 Geographic location.

5. The geographic location of community residences for the developmentally disabled and of community residences for the mentally ill shall be monitored by the Department of Human Services. Through the granting or withholding of licenses the department shall insure that such residences are available throughout the State, without unnecessary concentration in any area.

6. Section 6 of P.L. 1977, c. 448 (C. 30:11B-6) is amended to read as follows:

C. 30:11B-6 Residents of municipality.

6. All residents of community residences for the developmentally disabled and of community residences for the mentally ill in any

municipality and county of the State shall be deemed residents of such municipality and county for all purposes, and shall be entitled to the use and benefit of all health, education, vocational and other facilities of such municipality and county in the same manner and extent as any other persons living in such municipality and county.

7. Section 7 of P.L. 1977, c. 448 (C. 30:11B-7) is amended to read as follows:

C. 30:11B-7 Fiscal audit, analysis; review.

7. One year after the effective date of this act and annually thereafter the office of the State Auditor in the Office of Legislative Services shall conduct a fiscal audit and analysis of the operation of community residences for the developmentally disabled and of community residences for the mentally ill and shall report its findings to the Legislature. One year after the effective date of this act and annually thereafter, the Senate standing committee on Institutions, Health and Welfare and the General Assembly standing committee on Health and Human Resources shall jointly conduct a review of the operation and effectiveness of community residences for the developmentally disabled and community residences for the mentally ill and report their findings to the Legislature with any recommendations they may have.

8. Section 3 of P.L. 1979, c. 496 (C. 55:13B-3) is amended to read as follows:

C. 55:13B-3 Terms defined.

3. As used in this act:

a. "Boarding house" means any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel or established guest house wherein a minimum of 85% of the units of dwelling space are offered for limited tenure only, any foster home as defined in section 1 of P.L. 1962, c. 137 (C. 30:4C-26.1), any community residence for the developmentally disabled and any community residence for the mentally ill as defined in section 2 of P.L. 1977, c. 448 (C. 30:11B-2), any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary or higher education for the use of its students, any building arranged for single room occupancy wherein the units of dwelling space are occupied

exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the Department of Higher Education, any facility or living arrangement operated by, or under contract with, any State department or agency, upon the written authorization of the commissioner, and any owner-occupied, one-family residential dwelling made available for occupancy by not more than six guests, where the primary purpose of the occupancy is to provide charitable assistance to the guests and where the owner derives no income from the occupancy. A dwelling shall be deemed "owner-occupied" within the meaning of this section if it is owned or operated by a nonprofit religious or charitable association or corporation and is used as the principal residence of a minister or employee of that corporation or association. For any such dwelling, however, fire detectors shall be required as determined by the Department of Community Affairs.

b. "Commissioner" means the Commissioner of the Department of Community Affairs.

c. "Financial services" means any assistance permitted or required by the commissioner to be furnished by an owner or operator to a resident in the management of personal financial matters, including, but not limited to, the cashing of checks, holding of personal funds for safekeeping in any manner or assistance in the purchase of goods or services with a resident's personal funds.

d. "Limited tenure" means residence at a rooming or boarding house on a temporary basis, for a period lasting no more than 90 days, when a resident either maintains a primary residence at a location other than the rooming or boarding house or intends to establish a primary residence at such a location and does so within 90 days after taking up original residence at the rooming or boarding house.

e. "Operator" means any individual who is responsible for the daily operation of a rooming or boarding house.

f. "Owner" means any person who owns, purports to own, or exercises control of any rooming or boarding house.

g. "Personal services" means any services permitted or required to be furnished by an owner or operator to a resident, other than shelter, including, but not limited to, meals or other food services, and assistance in dressing, bathing or attending to other personal needs.

h. "Rooming house" means a boarding house wherein no personal or financial services are provided to the residents.

i. "Single room occupancy" means an arrangement of dwelling space which does not provide a private, secure dwelling space arranged for independent living, which contains both the sanitary and cooking facilities required in dwelling spaces pursuant to the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 (C. 55:13A-1 et seq.), and which is not used for limited tenure occupancy in a hotel, motel or established guest house, regardless of the number of individuals occupying any room or rooms.

j. "Unit of dwelling space" means any room, rooms, suite, or portion thereof, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons.

C. 30:11B-4.1 Fire Safety Act applicable.

9. (New section) The provisions of the "Uniform Fire Safety Act," P.L. 1983, c. 383 (C. 52:27D-193 et seq.) shall apply to any residence licensed or regulated pursuant to P.L. 1977, c. 448 (C. 30:11B-1 et seq.).

C. 30:11B-4.2 Program standards.

10. (New section) Within six months of the effective date of this act, the Director of the Division of Mental Health and Hospitals in the Department of Human Services shall develop program standards which include criteria for educational and professional experience of employees of a community residence for the mentally ill and staffing ratios appropriate to the needs of the residents of the community residences for the mentally ill.

11. There is appropriated \$75,000.00 from the General Fund to the Department of Human Services in order to effectuate the purposes of this act.

12. This act shall take effect immediately.

Approved April 24, 1987.

CHAPTER 113

AN ACT concerning the appointment of sheriff's investigators, amending N.J.S. 11A:3-5 and supplementing chapter 9 of Title 40A of the New Jersey Statutes.

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

1. N.J.S. 11A:3-5 is amended to read as follows:

Political subdivision unclassified service.

11A:3-5. Political subdivision unclassified service. The political subdivision unclassified service shall not be subject to the provisions of this title unless otherwise specified and shall include the following:

- a. Elected officials;
- b. One secretary and one confidential assistant to each mayor;
- c. Members of boards and commissions authorized by law;
- d. Heads of institutions;
- e. Physicians, surgeons and dentists;
- f. Attorneys of a county, municipality or school district operating under this title;
- g. Teaching staff 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. Principal executive officers;
- i. One secretary, clerk or executive director to each department, board and commission authorized by law to make the appointment;
- j. One secretary or clerk to each county constitutional officer, principal executive officer, and judge;
- k. One deputy or first assistant to a principal executive officer who is authorized by statute to act for and in place of the principal executive officer;
- l. No more than 12 county department heads and the heads of divisions within such departments; provided that the total number of unclassified positions created by the county administrative code pursuant to this subsection shall not exceed 20;

m. One secretary or confidential assistant to each unclassified department or division head established in subsection l.;

n. Employees of county park commissions appointed pursuant to R.S. 40:37-96 through R.S. 40:37-174 in counties of the second class;

o. Directors of free public libraries in cities of the first class having a population of more than 300,000;

p. One secretary to the municipal council in cities of the first class having a population of less than 300,000;

q. One secretary and one confidential aide for each member of the board of freeholders other than the director, and one secretary and two confidential aides for the freeholder director, of any county of the second class with a population of at least 470,000 which has not adopted the provisions of the "Optional County Charter Law," P.L. 1972, c. 154 (C. 40:41A-1 et seq.) and one secretary or confidential aide for each member of the board of freeholders of any other county which has not adopted the provisions of the "Optional County Charter Law";

r. In school districts organized pursuant to N.J.S. 18A:17-1 et seq., the executive controller, public information officer and the executive directors of board affairs, personnel, budget, purchasing, physical facilities, data processing, financial affairs, and internal audits;

s. The executive director, assistant executive director, director of staff operations, director of administration, director of redevelopment and the urban initiatives coordinator of a local housing authority;

t. The sheriff's investigators of any county appointed pursuant to P.L. 1987, c. 113 (C. 40A:9-117a); and

u. All other titles as provided by statute or as the board may determine in accordance with criteria established by rule.

C. 40A:9-117a Sheriff's investigators.

2. (New section) The sheriff of each county may appoint a number of persons, not to exceed 15% of the total number of sheriff's officers employed by the sheriff and set forth in the sheriff's table of organization in the county budget, to the position of sheriff's investigator. All sheriff's investigators shall serve at the pleasure of the sheriff making their appointment and shall be included in the unclassified service of the civil service.

A sheriff's investigator appointed pursuant to this section shall have the same compensation, benefits, powers and police officer status as is granted to sheriff's officers. The duties of sheriff's investigators shall be law enforcement investigations and related duties. A person appointed to the position of sheriff's investigator shall, within 18 months of appointment, complete a police training course at an approved school and receive certification by the Police Training Commission as provided in P.L. 1961, c. 56 (C. 52:17B-66 et seq.). The implementation of this act shall not result in the layoff of permanent sheriff's officers.

3. This act shall take effect immediately.

Approved April 29, 1987.

CHAPTER 114

AN ACT concerning court costs and amending N.J.S. 22A:3-4.

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

1. N.J.S. 22A:3-4 is amended to read as follows:

Court costs.

22A:3-4. The fees provided in the following schedule, and no other charges whatsoever, shall be allowed for court costs in any proceedings of a criminal nature in the special civil part, Law Division, Superior Court, municipal courts, park police courts, or other inferior courts of limited criminal jurisdiction, but no charge shall be made for the services of any salaried police officer of the State, county or municipal police:

COURT

For violations of Title 39 of the Revised Statutes, or of traffic ordinances, at the discretion of the court, up to but not exceeding \$15.00.

For all other cases, at the discretion of the court, up to but not exceeding \$25.00.

The provisions of this act shall not prohibit the taxing of additional costs when authorized by R.S. 39:5-39.

For certificate of judgment	\$4.00
For certified copy of paper filed with the court as a public record:	
First page	4.00
Each additional page or part thereof	1.00
For copy of paper filed with the court as a public record:	
First page	2.00
Each additional page or part thereof	1.00

In addition to any fine imposed, when a supplemental notice is sent for failure to appear on a return date the cost shall be \$10.00 per notice, unless satisfactory evidence is presented to the court that the notice was not received.

CONSTABLES OR OTHER OFFICERS

From the fees allowed for court costs in the foregoing schedule, the clerk of the court shall pay the following fees to constables or other officers:

Serving warrant or summons, \$1.50.

Serving every subpoena, \$0.70.

Serving every execution, \$1.50.

Advertising property under execution, \$0.70.

Sale of property under execution, \$1.00.

Serving every commitment, \$1.50.

Transport of defendant, actual cost.

Mileage, for every mile of travel in serving any warrant, summons, commitment, subpoena or other process, computed by counting the number of miles in and out, by the most direct route from the place where such process is returnable, exclusive of the first mile, \$0.20.

If defendant is found guilty of the charge laid against him, he shall pay the costs herein provided, but if, on appeal, the judgment is reversed, the costs shall be repaid to defendant. If defendant is found not guilty of the charge laid against him, the costs shall be paid by the prosecutor, except when the Director of the Division of Motor Vehicles, a peace officer, or a police officer shall have been prosecutor.

2. This act shall take effect immediately.

Approved April 29, 1987.

CHAPTER 115

AN ACT providing for health care for pregnant women and children and amending and supplementing P.L. 1968, c. 413 (C. 30:4D-1 et seq.).

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

C. 30:4D-2.1 Findings, declarations.

1. (New section) The Legislature finds and declares that:

a. Low-income pregnant women are at higher risk of poor birth outcomes by virtue of their poverty status and non-whites in New Jersey are more likely to be indigent than whites; in 1983, more than 1,100 babies in New Jersey died before their first birthday; the State's infant mortality rate, 11.3 deaths per 1,000 live births, is among the 17 highest in the country and non-white infants in New Jersey are nearly twice as likely to die before their first birthday than white infants; the non-white and white infant mortality rates in 1983 were 19.3 and 9.2, respectively, and in 1984 the rates for black and white infants were 19.7 and 9.0, respectively; there has been no significant improvement in the infant mortality rate among older infants, ages one month to one year, during the last decade; the percentage of babies born at low birthweight, a condition which places babies at high risk of permanent disability and death, is higher in New Jersey than the national average and is among the highest third of all states; and while early continuous and comprehensive prenatal care can prevent low birthweight and infant death, only 64% of babies born to non-white mothers benefited from any early prenatal care in the State in 1983.

b. Teenage mothers are at special risk of poor pregnancy outcome in New Jersey; in 1983, 11% of all babies born to teenage mothers had low birthweights, compared to 7.2% of all births; New Jersey's low birthweight rate among teenagers is the fourth highest in the nation, and only 52% of babies born to teenagers in 1983 benefited from any early prenatal care.

c. Access to existing maternal and child health services is often limited and some basic services that are necessary to reduce poor birth outcomes are not universally available to all pregnant women with incomes below the federal poverty level; and there is a need to provide more effective coordination between maternal and child health services offered through programs administered by the Departments of Human Services and Health.

d. The State of New Jersey is committed to ensuring access to quality health care for pregnant women and children as a means of improving the health of State residents and reducing overall State expenditures; and the basic health service needs of low-income pregnant women and children can best be met by a coordinated program of comprehensive health care.

e. It is the State's objective to provide early comprehensive maternity care for pregnant women and comprehensive health care for infants and young children to reduce infant deaths and morbidity, to improve child health status, and to realize a substantial reduction in costly hospitalization.

2. Section 3 of P.L. 1968, c. 413 (C. 30:4D-3) is amended to read as follows:

C. 30:4D-3 Definitions.

3. Definitions. As used in this act, and unless the context otherwise requires:

a. "Applicant" means any person who has made application for purposes of becoming a "qualified applicant."

b. "Commissioner" means the Commissioner of the Department of Human Services.

c. "Department" means the Department of Human Services, which is herein designated as the single State agency to administer the provisions of this act.

d. "Director" means the Director of the Division of Medical Assistance and Health Services.

e. "Division" means the Division of Medical Assistance and Health Services.

f. "Medicaid" means the New Jersey Medical Assistance and Health Services Program.

g. "Medical assistance" means payments on behalf of recipients to providers for medical care and services authorized under this act.

h. "Provider" means any person, public or private institution, agency or business concern approved by the division lawfully providing medical care, services, goods and supplies authorized under this act, holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies.

i. "Qualified applicant" means a person who is a resident of this

State and is determined to need medical care and services as provided under this act, and who:

- (1) Is a recipient of Aid to Families with Dependent Children;
- (2) Is a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act;
- (3) Is an "ineligible spouse" of a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act, as defined by the federal Social Security Administration;
- (4) Would be eligible to receive public assistance under a categorical assistance program except for failure to meet an eligibility condition or requirement imposed under such State program which is prohibited under Title XIX of the federal Social Security Act such as a durational residency requirement, relative responsibility, consent to imposition of a lien;
- (5) Is a child between 18 and 21 years of age who would be eligible for Aid to Families with Dependent Children living in the family group, except for lack of school attendance or pursuit of formalized vocational or technical training;
- (6) Is an individual under 21 years of age who qualifies for categorical assistance on the basis of financial eligibility, but does not qualify as a dependent child under the State's program of Aid to Families with Dependent Children (AFDC), or groups of such individuals, including but not limited to, children in foster placement under supervision of the Division of Youth and Family Services whose maintenance is being paid in whole or in part from public funds, children placed in a foster home or institution by a private adoption agency in New Jersey or children in intermediate care facilities, including institutions for the mentally retarded, or in psychiatric hospitals;
- (7) Meets the standard of need applicable to his circumstances under a categorical assistance program or Supplemental Security Income program, but is not receiving such assistance and applies for medical assistance only.

A person shall not be considered a qualified applicant if, within 24 months of becoming or making application to become a qualified applicant, he has made a voluntary assignment or transfer of real or personal property, or any interest or estate in property, for less than adequate consideration. Such voluntary assignment or transfer

of property shall be deemed to have been made for the purpose of becoming a qualified applicant in the absence of evidence to the contrary supplied by the applicant. This requirement shall not be applicable to Supplemental Security Income applicants or aged, blind or disabled applicants for Medicaid only unless authorized by federal law. Implementation of this requirement shall conform with the provisions of section 132 of Pub.L. 97-248 (42 U.S.C. §1396p.(c));

(8) Is determined to be medically needy and meets all the eligibility requirements described below:

(a) The following individuals are eligible for services, if they are determined to be medically needy:

- (i) Pregnant women;
- (ii) Dependent children under the age of 21;
- (iii) Individuals who are 65 years of age and older; and
- (iv) Individuals who are blind or disabled pursuant to either 42 C.F.R. 435.530 et seq. or 42 C.F.R. 435.540 et seq., respectively.

(b) The following income standard shall be used to determine medically needy eligibility:

(i) For one person and two person households, the income standard shall be the maximum allowable under federal law, but shall not exceed 133⅓% of the State's payment level to two person households eligible to receive assistance pursuant to P.L. 1959, c. 86 (C. 44:10-1 et seq.); and

(ii) For households of three or more persons, the income standard shall be set at 133⅓% of the State's payment level to similar size households eligible to receive assistance pursuant to P.L. 1959, c. 86 (C. 44:10-1 et seq.).

(c) The following resource standard shall be used to determine medically needy eligibility:

(i) For one person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C. §1382(1)(B);

(ii) For two person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C. §1382(2)(B); and

(iii) For households of three or more persons, the resource standard in subparagraph (c)(ii) above shall be increased by \$100.00 for each additional person.

(iv) The resource standards established in (i), (ii), and (iii) are subject to federal approval and the resource standard may be lower if required by the federal Department of Health and Human Services.

(d) Individuals whose income exceeds those established in subparagraph (b) of paragraph (8) of this subsection may become medically needy by incurring medical expenses as defined in 42 C.F.R. 435.831(c) which will reduce their income to the applicable medically needy income established in subparagraph (b) of paragraph (8) of this subsection.

(e) A six month period shall be used to determine whether an individual is medically needy.

(f) Eligibility determinations for the medically needy program shall be administered as follows:

(i) County welfare agencies are responsible for determining and certifying the eligibility of pregnant women and dependent children. The division shall reimburse county welfare agencies for 100% of the reasonable costs of administration which are not reimbursed by the federal government for the first 12 months of this program's operation. Thereafter, 75% of the administrative costs incurred by county welfare agencies which are not reimbursed by the federal government shall be reimbursed by the division;

(ii) The division is responsible for certifying the eligibility of individuals who are 65 years of age and older and individuals who are blind or disabled. The division may enter into contracts with county welfare agencies to determine certain aspects of eligibility. In such instances the division shall provide county welfare agencies with all information the division may have available on the individual.

The division shall notify all eligible recipients of the Pharmaceutical Assistance to the Aged and Disabled Program, P.L. 1975, c. 194 (C. 30:4D-20 et seq.) on an annual basis of the medically needy program and the program's general requirements. The division shall take all reasonable administrative actions to ensure that Pharmaceutical Assistance to the Aged and Disabled recipients, who notify the division that they may be eligible for the program, have their applications processed expeditiously, at times and locations convenient to the recipients; and

(iii) The division is responsible for certifying incurred medical expenses for all eligible persons who attempt to qualify for the program pursuant to subparagraph (d) of paragraph (8) of this subsection;

(9) (a) Is a pregnant women, or is a child who is under one year of age, or, on and after October 1, 1987, is a child under two years of age; and

(b) Is a member of a family whose income does not exceed the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L. 99-509 (42 U.S.C. §1396a), except that a pregnant woman who is determined to be a qualified applicant shall, notwithstanding any change in the income of the family of which she is a member, continue to be deemed a qualified applicant until the end of the 60 day period beginning on the last day of her pregnancy;

(10) Is a pregnant woman who is determined by a provider to be presumptively eligible for medical assistance based on criteria established by the commissioner, pursuant to section 9407 of Pub.L. 99-509 (42 U.S.C. §1396a(a)).

j. "Recipient" means any qualified applicant receiving benefits under this act.

k. "Resident" means a person who is living in the State voluntarily with the intention of making his home here and not for a temporary purpose. Temporary absences from the State, with subsequent returns to the State or intent to return when the purposes of the absences have been accomplished, do not interrupt continuity of residence.

l. "State Medicaid Commission" means the Governor, the Commissioner of Human Services, the President of the Senate and the Speaker of the General Assembly, hereby constituted a commission to approve and direct the means and method for the payment of claims pursuant to this act.

m. "Third party" means any person, institution, corporation, insurance company, public, private or governmental entity who is or may be liable in contract, tort, or otherwise by law or equity to pay all or part of the medical cost of injury, disease or disability of an applicant for or recipient of medical assistance payable under this act.

n. "Governmental peer grouping system" means a separate class

of skilled nursing and intermediate care facilities administered by the State or county governments, established for the purpose of screening their reported costs and setting reimbursement rates under the Medicaid program that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated State or county skilled nursing and intermediate care facilities.

o. "Comprehensive maternity or pediatric care provider" means any person or public or private health care facility that is a provider and that is approved by the commissioner to provide comprehensive maternity care or comprehensive pediatric care as defined in subsection b. (18) and (19) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6b.- (18) and (19)).

p. "Poverty level" means the official poverty level based on family size established and adjusted under section 673(2) of Subtitle B, the "Community Services Block Grant Act," Pub.L. 97-35 (42 U.S.C. §9902(2)).

3. Section 6 of P.L. 1968, c. 413 (C. 30:4D-6) is amended to read as follows:

C. 30:4D-6 Authorized services.

6. a. Subject to the requirements of Title XIX of the federal Social Security Act, the limitations imposed by this act and by the rules and regulations promulgated pursuant thereto, the department shall provide medical assistance to qualified applicants, including authorized services within each of the following classifications:

- (1) Inpatient hospital services;
- (2) Outpatient hospital services;
- (3) Other laboratory and X-ray services;
- (4) (a) Skilled nursing or intermediate care facility services;

(b) Such early and periodic screening and diagnosis of individuals who are eligible under the program and are under age 21, ascertain their physical or mental defects and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary of the federal Department of Health and Human Services and approved by the commissioner;

(5) Physician's services furnished in the office, the patient's home, a hospital, a skilled nursing or intermediate care facility or elsewhere.

b. Subject to the limitations imposed by federal law, by this act, and by the rules and regulations promulgated pursuant thereto, the medical assistance program may be expanded to include authorized services within each of the following classifications:

(1) Medical care not included in subsection a.(5) above, or any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice, as defined by State law;

(2) Home health care services;

(3) Clinic services;

(4) Dental services;

(5) Physical therapy and related services;

(6) Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select;

(7) Optometric services;

(8) Podiatric services;

(9) Chiropractic services;

(10) Psychological services;

(11) Inpatient psychiatric hospital services for individuals under 21 years of age, or under age 22 if they are receiving such services immediately before attaining age 21;

(12) Other diagnostic, screening, preventive, and rehabilitative services, and other remedial care;

(13) Inpatient hospital services, skilled nursing facility services and intermediate care facility services for individuals 65 years of age or over in an institution for mental diseases;

(14) Intermediate care facility services;

(15) Transportation services;

(16) Services in connection with the inpatient or outpatient treatment or care of drug abuse, when the treatment is prescribed by a physician and provided in a licensed hospital or in a narcotic and drug abuse treatment center approved by the Department of Health pursuant to P.L. 1970, c. 334 (C. 26:2G-21 et seq.) and whose staff includes a medical director, and limited to those services eligible for

federal financial participation under Title XIX of the federal Social Security Act;

(17) Any other medical care and any other type of remedial care recognized under State law, specified by the Secretary of the federal Department of Health and Human Services, and approved by the commissioner;

(18) Comprehensive maternity care, which may include: the basic number of prenatal and postpartum visits recommended by the American College of Obstetrics and Gynecology; additional prenatal and postpartum visits that are medically necessary; necessary laboratory, nutritional assessment and counseling, health education, personal counseling, managed care, outreach and follow-up services; treatment of conditions which may complicate pregnancy; and physician or certified nurse-midwife delivery services;

(19) Comprehensive pediatric care, which may include: ambulatory, preventive and primary care health services. The preventive services shall include, at a minimum, the basic number of preventive visits recommended by the American Academy of Pediatrics.

c. Payments for the foregoing services, goods and supplies furnished pursuant to this act shall be made to the extent authorized by this act, the rules and regulations promulgated pursuant thereto and, where applicable, subject to the agreement of insurance provided for under this act. Said payments shall constitute payment in full to the provider on behalf of the recipient. Every provider making a claim for payment pursuant to this act shall certify in writing on the claim submitted that no additional amount will be charged to the recipient, his family, his representative or others on his behalf for the services, goods and supplies furnished pursuant to this act.

No provider whose claim for payment pursuant to this act has been denied because the services, goods or supplies were determined to be medically unnecessary shall seek reimbursement from the recipient, his family, his representative or others on his behalf for such services, goods and supplies provided pursuant to this act; provided, however, a provider may seek reimbursement from a recipient for services, goods or supplies not authorized by this act, if the recipient elected to receive the services, goods or supplies with the knowledge that they were not authorized.

d. Any individual eligible for medical assistance (including drugs) may obtain such assistance from any person qualified to per-

form the service or services required (including an organization which provides such services, or arranges for their availability on a prepayment basis), who undertakes to provide him such services.

No copayment or other form of cost-sharing shall be imposed on any individual eligible for medical assistance, except as mandated by federal law as a condition of federal financial participation.

e. Anything in this act to the contrary notwithstanding, no payments for medical assistance shall be made under this act with respect to care or services for any individual who:

(1) Is an inmate of a public institution (except as a patient in a medical institution); provided, however, that an individual who is otherwise eligible may continue to receive services for the month in which he becomes an inmate, should the commissioner determine to expand the scope of Medicaid eligibility to include such an individual, subject to the limitations imposed by federal law and regulations, or

(2) Has not attained 65 years of age and who is a patient in an institution for mental diseases, or

(3) Is over 21 years of age and who is receiving inpatient psychiatric hospital services in a psychiatric facility; provided, however, that an individual who was receiving such services immediately prior to attaining age 21 may continue to receive such services until he reaches age 22. Nothing in this subsection shall prohibit the commissioner from extending medical assistance to all eligible persons receiving inpatient psychiatric services; provided that there is federal financial participation available.

f. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment for goods and services to an individual because of that individual's eligibility for or receipt of Medicaid benefits shall be null and void, and no payments shall be made under this act as a result of any such provision.

g. The following services shall be provided to eligible medically needy individuals as follows:

(1) Pregnant women shall be provided prenatal care and delivery services and postpartum care, including the services cited in subsection a.(1), (3) and (5) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6a.(1)-(3) and (5)) and subsection b.(1)-(10), (12), (15) and (17) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6b.(1)-(10), (12), (15) and (17)).

(2) Dependent children shall be provided with services cited in subsection a.(3) and (5) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6a.(3) and (5)) and subsection b.(1), (2), (3), (4), (5), (6), (7), (10), (12), (15) and (17) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6b.(1), (2), (3), (4), (5), (6), (7), (10), (12), (15) and (17)).

(3) Individuals who are 65 years of age or older shall be provided with services cited in subsection a.(3) and (5) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6a.(3) and (5)) and subsection b.(1)-(5), (6) excluding prescribed drugs, (7), (8), (10), (12), (15) and (17) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6b.(1)-(5), (6) excluding prescribed drugs, (7), (8), (10), (12), (15) and (17)).

(4) Individuals who are blind or disabled shall be provided with services cited in subsection a.(3) and (5) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6a.(3) and (5)) and subsection b.(1)-(5), (6) excluding prescribed drugs, (7), (8), (10), (12), (15) and (17) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6b.(1)-(5), (6) excluding prescribed drugs, (7), (8), (10), (12), (15) and (17)).

(5)(a) Inpatient hospital services, subsection a.(1) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6a.(1)), shall only be provided to eligible medically needy individuals, other than pregnant women, if the federal Department of Health and Human Services discontinues the State's waiver to establish inpatient hospital reimbursement rates for the Medicare and Medicaid programs under the authority of section 601(c)(3) of the Social Security Act Amendments of 1983, Pub.L. 98-21 (42 U.S.C. §1395ww(c)(5)). Inpatient hospital services may be extended to other eligible medically needy individuals if the federal Department of Health and Human Services directs that these services be included.

(b) Outpatient hospital services, subsection a.(2) of section 6 of P.L. 1968, c. 413 (C. 30:4D-6a.(2)), shall only be provided to eligible medically needy individuals if the federal Department of Health and Human Services discontinues the State's waiver to establish outpatient hospital reimbursement rates for the Medicare and Medicaid programs under the authority of section 601(c)(3) of the Social Security Act Amendments of 1983, Pub.L. 98-21 (42 U.S.C. §1395ww(c)(5)). Outpatient hospital services may be extended to all or to certain medically needy individuals if the federal Department of Health and Human Services directs that these services be included. However, the use of outpatient hospital services shall be limited to clinic services and to emergency room services for injuries and significant acute medical conditions.

(c) The division shall monitor the use of inpatient and outpatient hospital services by medically needy persons.

4. Section 7 of P.L. 1968, c. 413 (C. 30:4D-7) is amended to read as follows:

C. 30:4D-7 Duties of commissioner.

7. Duties of commissioner. The commissioner is authorized and empowered to issue, or to cause to be issued through the Division of Medical Assistance and Health Services, all necessary rules and regulations and administrative orders, and to do or cause to be done all other acts and things necessary to secure for the State of New Jersey the maximum federal participation that is available with respect to a program of medical assistance, consistent with fiscal responsibility and within the limits of funds available for any fiscal year, and to the extent authorized by the medical assistance program plan; to adopt fee schedules with regard to medical assistance benefits and otherwise to accomplish the purposes of this act, including specifically the following:

a. Subject to the limits imposed by this act, to submit a plan for medical assistance, as required by Title XIX of the federal Social Security Act, to the federal Department of Health and Human Services for approval pursuant to the provisions of such law; to act for the State in making negotiations relative to the submission and approval of such plan, to make such arrangements, not inconsistent with the law, as may be required by or pursuant to federal law to obtain and retain such approval and to secure for the State the benefits of the provisions of such law;

b. Subject to the limits imposed by this act, to determine the amount and scope of services to be covered, that the amounts to be paid are reasonable, and the duration of medical assistance to be furnished; provided, however, that the department shall provide medical assistance on behalf of all recipients of categorical assistance and such other related groups as are mandatory under federal laws and rules and regulations, as they now are or as they may be hereafter amended, in order to obtain federal matching funds for such purposes and, in addition, provide medical assistance for the foster children specified in section 3i.(7) of this act. The medical assistance provided for these groups shall not be less in scope, duration, or amount than is currently furnished such groups, and in addition, shall include at least the minimum services required under federal laws and rules and regulations to obtain federal matching funds for such purposes.

The commissioner is authorized and empowered, at such times as he may determine feasible, within the limits of appropriated funds for any fiscal year, to extend the scope, duration, and amount of medical assistance on behalf of these groups of categorical assistance recipients, related groups as are mandatory, and foster children authorized pursuant to section 3i.(7) of this act, so as to include, in whole or in part, the optional medical services authorized under federal laws and rules and regulations, and the commissioner shall have the authority to establish and maintain the priorities given such optional medical services; provided, however, that medical assistance shall be provided to at least such groups and in such scope, duration, and amount as are required to obtain federal matching funds.

The commissioner is further authorized and empowered, at such times as he may determine feasible, within the limits of appropriated funds for any fiscal year, to issue, or cause to be issued through the Division of Medical Assistance and Health Services, all necessary rules, regulations and administrative orders, and to do or cause to be done all other acts and things necessary to implement and administer demonstration projects pursuant to Title XI, section 1115 of the federal Social Security Act, including, but not limited to waiving compliance with specific provisions of this act, to the extent and for the period of time the commissioner deems necessary, as well as contracting with any legal entity, including but not limited to corporations organized pursuant to Title 14A, New Jersey Statutes (N.J.S. 14A:1-1 et seq.), Title 15, Revised Statutes (R.S. 15:1-1 et seq.) and Title 15A, New Jersey Statutes (N.J.S. 15A:1-1 et seq.) as well as boards, groups, agencies, persons and other public or private entities;

- c. To administer the provisions of this act;
- d. To make reports to the federal Department of Health and Human Services as from time to time may be required by such federal department and to the New Jersey Legislature as hereinafter provided;
- e. To assure that any applicant, qualified applicant or recipient shall be afforded the opportunity for a hearing should his claim for medical assistance be denied, reduced, terminated or not acted upon within a reasonable time;
- f. To assure that providers shall be afforded the opportunity for an administrative hearing within a reasonable time on any valid complaint arising out of the claim payment process;

g. To provide safeguards to restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with administration of this act;

h. To take all necessary action to recover any and all payments incorrectly made to or illegally received by a provider from such provider or his estate or from any other person, firm, corporation, partnership or entity responsible for or receiving the benefit or possession of the incorrect or illegal payments or their estates, successors or assigns, and to assess and collect such penalties as are provided for herein;

i. To take all necessary action to recover the cost of benefits incorrectly provided to or illegally obtained by a recipient, including those made after a voluntary divestiture of real or personal property or any interest or estate in property for less than adequate consideration made for the purpose of qualifying for assistance. The division shall take action to recover the cost of benefits from a recipient, legally responsible relative, representative payee, or any other party or parties whose action or inaction resulted in the incorrect or illegal payments or who received the benefit of the divestiture, or from their respective estates, as the case may be and to assess and collect the penalties as are provided for herein, except that no lien shall be imposed against property of the recipient prior to his death except in accordance with section 17 of P.L. 1968, c. 413 (C. 30:4D-17). No recovery action shall be initiated more than five years after an incorrect payment has been made to a recipient when the incorrect payment was due solely to an error on the part of the State or any agency, agent or subdivision thereof;

j. To take all necessary action or recover the cost of benefits correctly provided to a recipient from the estate of said recipient in accordance with sections 6 through 12 of this amendatory and supplementary act;

k. To take all reasonable measures to ascertain the legal or equitable liability of third parties to pay for care and services (available under the plan) arising out of injury, disease, or disability; where it is known that a third party has a liability, to treat such liability as a resource of the individual on whose behalf the care and services are made available for purposes of determining eligibility; and in any case where such a liability is found to exist after medical assistance has been made available on behalf of the individual, to seek reimbursement for such assistance to the extent of such liability;

l. To compromise, waive or settle and execute a release of any claim arising under this act including interest or other penalties, or designate another to compromise, waive or settle and execute a release of any claim arising under this act. The commissioner or his designee whose title shall be specified by regulation may compromise, settle or waive any such claim in whole or in part, either in the interest of the Medicaid program or for any other reason which the commissioner by regulation shall establish;

m. To pay or credit to a provider any net amount found by final audit as defined by regulation to be owing to the provider. Such payment, if it is not made within 45 days of the final audit, shall include interest on the amount due at the maximum legal rate in effect on the date the payment became due, except that such interest shall not be paid on any obligation for the period preceding September 15, 1976. This subsection shall not apply until federal financial participation is available for such interest payments;

n. To issue, or designate another to issue, subpoenas to compel the attendance of witnesses and the production of books, records, accounts, papers and documents of any party, whether or not that party is a provider, which directly or indirectly relate to goods or services provided under this act, for the purpose of assisting in any investigation, examination, or inspection, or in any suspension, debarment, disqualification, recovery, or other proceeding arising under this act;

o. To solicit, receive and review bids pursuant to the provisions of P.L. 1954, c. 48 (C. 52:34-6 et seq.) and all amendments and supplements thereto, by authorized insurance companies and non-profit hospital service corporations or medical service corporations, incorporated in New Jersey, and authorized to do business pursuant to P.L. 1938, c. 366 (C. 17:48-1 et seq.) or P.L. 1940, c. 74 (C. 17:48A-1 et seq.), and to make recommendations in connection therewith to the State Medicaid Commission;

p. To contract, or otherwise provide as in this act provided, for the payment of claims in the manner approved by the State Medicaid Commission;

q. Where necessary, to advance funds to the underwriter or fiscal agent to enable such underwriter or fiscal agent, in accordance with terms of its contract, to make payments to providers;

r. To enter into contracts with federal, State, or local governmen-

tal agencies, or other appropriate parties, when necessary to carry out the provisions of this act;

s. To assure that the nature and quality of the medical assistance provided for under this act shall be uniform and equitable to all recipients;

t. To provide for the reimbursement of State and county-administered skilled nursing and intermediate care facilities through the use of a governmental peer grouping system, subject to federal approval and the availability of federal reimbursement.

(1) In establishing a governmental peer grouping system, the State's financial participation is limited to an amount equal to the nonfederal share of the reimbursement which would be due each facility if the governmental peer grouping system was not established, and each county's financial participation in this reimbursement system is equal to the nonfederal share of the increase in reimbursement for its facility or facilities which results from the establishment of the governmental peer grouping system.

(2) On or before December 1 of each year, the commissioner shall estimate and certify to the Director of the Division of Local Government Services in the Department of Community Affairs the amount of increased federal reimbursement a county may receive under the governmental peer grouping system. On or before December 15 of each year, the Director of the Division of Local Government Services shall certify the increased federal reimbursement to the chief financial officer of each county. If the amount of increased federal reimbursement to a county exceeds or is less than the amount certified, the certification for the next year shall account for the actual amount of federal reimbursement that the county received during the prior calendar year.

(3) The governing body of each county entitled to receive increased federal reimbursement under the provisions of this amendatory act shall, by March 31 of each year, submit a report to the commissioner on the intended use of the savings in county expenditures which result from the increased federal reimbursement. The governing body of each county, with the advice of agencies providing social and health related services, shall use not less than 10% and not more than 50% of the savings in county expenditures which result from the increased federal reimbursement for community-based social and health related programs for elderly and disabled persons who may otherwise require nursing home care. This percentage shall

be negotiated annually between the governing body and the commissioner and shall take into account a county's social, demographic and fiscal conditions, a county's social and health related expenditures and needs, and estimates of federal revenues to support county operations in the upcoming year, particularly in the areas of social and health related services.

(4) The commissioner, subject to approval by law, may terminate the governmental peer grouping system if federal reimbursement is significantly reduced or if the Medicaid program is significantly altered or changed by the federal government subsequent to the enactment of this amendatory act. The commissioner, prior to terminating the governmental peer grouping system, shall submit to the Legislature and to the governing body of each county a report as to the reasons for terminating the governmental peer grouping system;

u. The commissioner, in consultation with the Commissioner of Health, shall:

(1) Develop criteria and standards for comprehensive maternity or pediatric care providers and determine whether a provider who requests to become a comprehensive maternity or pediatric care provider meets the department's criteria and standards;

(2) Develop a program of comprehensive maternity care services which defines the type of services to be provided, the level of services to be provided, and the frequency with which qualified applicants are to receive services pursuant to P.L. 1968, c. 413 (C. 30:4D-1 et seq.);

(3) Develop a program of comprehensive pediatric care services which defines the type of services to be provided, the level of services to be provided, and the frequency with which qualified applicants are to receive services pursuant to P.L. 1968, c. 413 (C. 30:4D-1 et seq.);

(4) Develop and implement a system for monitoring the quality and delivery of comprehensive maternity and pediatric care services and a system for evaluating the effectiveness of the services programs in meeting their objectives;

(5) Establish provider reimbursement rates for the comprehensive maternity and pediatric care services;

v. The commissioner, jointly with the Commissioner of Health, shall report to the Governor and the Legislature no later than two years following the date of enactment of P.L. 1987, c. 115 (C.

30:4D-2.1 et al.) and annually thereafter on the status of the comprehensive maternity and pediatric care services and their effectiveness in meeting the objectives set forth in section 1 of P.L. 1987, c. 115 (C. 30:4D-2.1), accompanying the report with any recommendations for changes in the law governing the services that the commissioners deem necessary.

5. Pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the commissioner shall adopt rules and regulations necessary to effectuate the purposes of this act.

6. This act shall take effect on the 270th day after enactment, except that section 2 shall take effect on April 1, 1987 or upon enactment, whichever is later.

Approved May 4, 1987.

CHAPTER 116

AN ACT revising the law concerning admission to inpatient facilities for the treatment of persons who are mentally ill, and revising parts of the statutory law and making an appropriation.

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

C. 30:4-27.1 Findings, declarations.

1. (New section) The Legislature finds and declares that:

a. The State is responsible for providing care, treatment and rehabilitation services to mentally ill persons who are disabled and cannot provide basic care for themselves or who are dangerous to themselves, to others or to property; and because some of these mentally ill persons do not seek treatment or are not able to benefit from treatment provided on an outpatient basis, it is necessary that State law provide for the voluntary admission and the involuntary commitment of these persons as well as for the public services and facilities necessary to fulfill these responsibilities.

b. Because involuntary commitment entails certain deprivations of liberty, it is necessary that State law balance the basic value of liberty with the need for safety and treatment, a balance that is difficult to effect because of the limited ability to predict behavior; and, therefore, it is necessary that State law provide clear standards

and procedural safeguards that ensure that only those persons who are dangerous to themselves, to others or to property, are involuntarily committed.

c. It is the policy of this State that persons in the public mental health system receive inpatient treatment and rehabilitation services in accordance with the highest professional standards and which will enable those hospitalized persons to return to their community as soon as it is clinically appropriate. Further, it is the policy of this State that the public mental health system shall be developed in a manner which protects individual liberty and provides advocacy and due process for persons receiving treatment and insures that treatment is provided in a manner consistent with a person's clinical condition.

d. It is the policy of this State to encourage each county or designated mental health service area to develop a screening service and a short-term care facility which will meet the needs for evaluation and acute care treatment of mentally ill persons in the county or service area. The State encourages the development of screening services as the public mental health system's entry point in order to provide accessible crisis intervention, evaluation and referral services to mentally ill persons in the community; to offer mentally ill persons clinically appropriate alternatives to inpatient care, if any; and, when necessary, to provide a means for involuntary commitment. Similarly, the State encourages the development of short-term care facilities to enable a mentally ill person to receive acute, inpatient care in a facility near the person's community. Development and use of screening services and short-term care facilities throughout the State are necessary to strengthen the Statewide community mental health system, lessen inappropriate hospitalization and reliance on psychiatric institutions and enable State and county facilities to provide the rehabilitative care needed by some mentally ill persons following their receipt of acute care.

C. 30:4-27.2 Definitions.

2. (New section) As used in this act:

a. "Chief executive officer" means the person who is the chief administrative officer of an institution or psychiatric facility.

b. "Clinical certificate" means a form prepared by the division and approved by the Administrative Office of the Courts, that is completed by the psychiatrist or other physician who has examined the person who is subject to commitment within three days of pre-

senting the person for admission to a facility for treatment, and which states that the person is in need of involuntary commitment. The form shall also state the specific facts upon which the examining physician has based his conclusion and shall be certified in accordance with the Rules of the Court. A clinical certificate may not be executed by a person who is a relative by blood or marriage to the person who is being screened.

c. "Clinical director" means the person who is designated by the director or chief executive officer to organize and supervise the clinical services provided in a screening service, short-term care or psychiatric facility. The clinical director shall be a psychiatrist, however, those persons currently serving in the capacity will not be affected by this provision. This provision shall not alter any current civil service laws designating the qualifications of such position.

d. "Commissioner" means the Commissioner of the Department of Human Services.

e. "County counsel" means the chief legal officer or advisor of the governing body of a county.

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

g. "Custody" means the right and responsibility to ensure the provision of care and supervision.

h. "Dangerous to self" means that by reason of mental illness the person has threatened or attempted suicide or serious bodily harm, or has behaved in such a manner as to indicate that the person is unable to satisfy his need for nourishment, essential medical care or shelter, so that it is probable that substantial bodily injury, serious physical debilitation or death will result within the reasonably foreseeable future; however, no person shall be deemed to be unable to satisfy his need for nourishment, essential medical care or shelter if he is able to satisfy such needs with the supervision and assistance of others who are willing and available.

i. "Dangerous to others or property" means that by reason of mental illness there is a substantial likelihood that the person will inflict serious bodily harm upon another person or cause serious property damage within the reasonably foreseeable future. This determination shall take into account a person's history, recent behavior and any recent act or threat.

j. "Department" means the Department of Human Services.

k. "Director" means the chief administrative officer of a screening service, a short-term care facility or a special psychiatric hospital.

l. "Division" means the Division of Mental Health and Hospitals in the Department of Human Services.

m. "In need of involuntary commitment" means that an adult who is mentally ill, whose mental illness causes the person to be dangerous to self or dangerous to others or property and who is unwilling to be admitted to a facility voluntarily for care, and who needs care at a short-term care, psychiatric facility or special psychiatric hospital because other services are not appropriate or available to meet the person's mental health care needs.

n. "Institution" means any State or county facility providing inpatient care, supervision and treatment for the mentally retarded; except that with respect to the maintenance provisions of Title 30 of the Revised Statutes, institution also means any psychiatric facility for the treatment of the mentally ill.

o. "Mental health agency or facility" means a legal entity which receives funds from the State, county or federal government to provide mental health services.

p. "Mental health screener" means a psychiatrist, psychologist, social worker, registered professional nurse or other individual trained to do outreach only for the purposes of psychological assessment who is employed by a screening service and possesses the license, academic training or experience, as required by the commissioner pursuant to regulation; except that a psychiatrist and a State licensed clinical psychologist who meet the requirements for mental health screener shall not have to comply with any additional requirements adopted by the commissioner.

q. "Mental hospital" means, for the purposes of the payment and maintenance provisions of Title 30 of the Revised Statutes, a psychiatric facility.

r. "Mental illness" means a current, substantial disturbance of thought, mood, perception or orientation which significantly impairs judgment, behavior or capacity to recognize reality, but does not include simple alcohol intoxication, transitory reaction to drug ingestion, organic brain syndrome or developmental disability unless it results in the severity of impairment described herein.

s. "Patient" means a person over the age of 18 who has been

admitted to, but not discharged from a short-term care or psychiatric facility.

t. "Physician" means a person who is licensed to practice medicine in any one of the United States or its territories, or the District of Columbia.

u. "Psychiatric facility" means a State psychiatric hospital listed in R.S. 30:1-7, a county psychiatric hospital, or a psychiatric unit of a county hospital.

v. "Psychiatrist" means a physician who has completed the training requirements of the American Board of Psychiatry and Neurology.

w. "Psychiatric unit of a general hospital" means an inpatient unit of a general hospital that restricts its services to the care and treatment of the mentally ill who are admitted on a voluntary basis.

x. "Psychologist" means a person who is licensed as a psychologist by the New Jersey Board of Psychological Examiners.

y. "Screening certificate" means a clinical certificate executed by a psychiatrist or other physician affiliated with a screening service.

z. "Screening service" means a public or private ambulatory care service designated by the commissioner, which provides mental health services including assessment, emergency and referral services to mentally ill persons in a specified geographic area.

aa. "Screening outreach visit" means an evaluation provided by a mental health screener wherever the person may be when clinically relevant information indicates the person may need involuntary commitment and is unable or unwilling to come to a screening service.

bb. "Short-term care facility" means an inpatient, community based mental health treatment facility which provides acute care and assessment services to a mentally ill person whose mental illness causes the person to be dangerous to self or dangerous to others or property. A short-term care facility is so designated by the commissioner and is authorized by the commissioner to serve persons from a specified geographic area. A short-term care facility may be a part of a general hospital or other appropriate health care facility and shall meet certificate of need requirements and shall be licensed and inspected by the Department of Health pursuant to P.L. 1971, c. 136 (C. 26:2H-1 et seq.) and in accordance with standards developed jointly with the Commissioner of Human Services.

cc. "Special psychiatric hospital" means a public or private hospital licensed by the Department of Health to provide voluntary and involuntary mental health services, including assessment, care, supervision, treatment and rehabilitation services to persons who are mentally ill.

dd. "Treatment team" means one or more persons, including at least one psychiatrist or physician, and may include a psychologist, social worker, nurse and other appropriate services providers. A treatment team provides mental health services to a patient of a screening service, short-term care or psychiatric facility.

ee. "Voluntary admission" means that adult who is mentally ill, whose mental illness causes the person to be dangerous to self or dangerous to others or property and is willing to be admitted to a facility voluntarily for care, needs care at a short-term care or psychiatric facility because other facilities or services are not appropriate or available to meet the person's mental health needs. A person may also be voluntarily admitted to a psychiatric facility if his mental illness presents a substantial likelihood of rapid deterioration in functioning in the near future, there are no appropriate community alternatives available and the psychiatric facility can admit the person and remain within its rated capacity.

C. 30:4-27.3 Involuntary commitment.

3. (New section) The standards and procedures in this act apply to all adults involuntarily committed to a short-term care facility, psychiatric facility or special psychiatric hospital and all adults voluntarily admitted from a screening service to a short-term care facility or psychiatric facility. The standards and procedures in this act shall not apply to adults voluntarily admitted to psychiatric units in general hospitals or special psychiatric hospitals, except as provided in section 11 or 20 of this amendatory and supplementary act.

C. 30:4-27.4 Screening service.

4. (New section) The commissioner, in consultation with the appropriate county mental health board and consistent with the approved county mental health plan, shall designate one or more mental health agencies or facilities in each county or multi-county region in the State as a screening service. The commissioner shall so designate an agency or facility only with the approval of the agency's or facility's governing body. In designating the screening services, the commissioner shall ensure that screening services are accessible to all persons in the State who need these services and that screening

service evaluation is the preferred process for entry into short-term care facilities or psychiatric facilities so that appropriate consideration is given to less restrictive treatment alternatives.

C. 30:4-27.5 Screening service procedures.

5. (New section) The commissioner shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) regarding a screening service and its staff that effectuate the following purposes and procedures:

a. A screening service shall serve as the facility in the public mental health care treatment system wherein a person believed to be in need of commitment to a short-term care, psychiatric facility or special psychiatric hospital undergoes an assessment to determine what mental health services are appropriate for the person and where those services may be most appropriately provided.

The screening service may provide emergency and consensual treatment to the person receiving the assessment and may transport the person or detain the person up to 24 hours for the purposes of providing the treatment and conducting the assessment.

b. When a person is assessed by a mental health screener and involuntary commitment seems necessary, the screener shall provide, on a screening document prescribed by the division, information regarding the person's history and available alternative facilities and services that are deemed inappropriate for the person. If a psychiatrist, in consideration of this document and in conjunction with the psychiatrist's own complete assessment, concludes that the person is in need of commitment, the psychiatrist shall complete the screening certificate. The screening certificate shall be completed by a psychiatrist except in those circumstances where the division's contract with the screening service provides that another physician may complete the certificate.

Upon completion of the screening certificate, screening service staff shall determine the appropriate facility in which the person shall be placed taking into account the person's prior history of hospitalization and treatment. If a person has been admitted three times or has been an inpatient for 60 days at a short-term care facility during the preceding 12 months, consideration shall be given to not placing the person in a short-term care facility.

The person shall be admitted to the appropriate facility as soon as possible. Screening service staff are authorized to transport the

person or arrange for transportation of the person to the appropriate facility.

c. If the mental health screener determines that the person is not in need of admission or commitment to a short-term care facility, psychiatric facility or special psychiatric hospital, the screener shall refer the person to an appropriate community mental health or social services agency or appropriate professional or inpatient care in a psychiatric unit of a general hospital.

d. A mental health screener shall make a screening outreach visit if the screener determines, based on clinically relevant information provided by an individual with personal knowledge of the person subject to screening, that the person may need involuntary commitment and the person is unwilling or unable to come to the screening service for an assessment.

e. If the mental health screener pursuant to this assessment determines that there is reasonable cause to believe that a person is in need of involuntary commitment, the screener shall so certify the need on a form prepared by the division.

C. 30:4-27.6 Custody.

6. (New section) A State or local law enforcement officer shall take custody of a person and take the person immediately and directly to a screening service if:

a. On the basis of personal observation, the law enforcement officer has reasonable cause to believe that the person is in need of involuntary commitment;

b. A mental health screener has certified on a form prescribed by the division that based on a screening outreach visit the person is in need of involuntary commitment and has requested the person be taken to the screening service for a complete assessment; or

c. The court orders that a person subject to an order of conditional discharge issued pursuant to subsection c. of section 15 of this act who has failed to follow the conditions of the discharge be taken to a screening service for an assessment.

The involvement of the law enforcement authority shall continue at the screening center as long as necessary to protect the safety of the person in custody and the safety of the community from which the person was taken.

C. 30:4-27.7 Immunity from liability.

7. (New section) A law enforcement officer, screening service or short-term care facility designated staff person or their respective employers acting in good faith pursuant to this act who takes reasonable steps to assess, take custody of, detain or transport an individual for the purposes of mental health assessment or treatment is immune from civil and criminal liability.

C. 30:4-27.8 Short-term care facilities designated.

8. (New section) The commissioner, in consultation with the Commissioner of Health, shall designate one or more mental health agencies or facilities in each county or multi-county region in the State as short-term care facilities. The commissioner shall so designate an agency or facility only with the approval of the agency's or facility's governing body.

C. 30:4-27.9 Purposes, procedures.

9. (New section) Short-term care facilities, psychiatric facilities and special psychiatric hospitals shall effectuate the following purposes and procedures:

a. The director or chief executive officer of a short-term care facility, psychiatric facility or special psychiatric hospital shall have custody of a person while that person is detained in the facility and shall notify: (1) appropriate public or private agencies to arrange for the care of any dependents and to ensure the protection of the person's property; and (2) appropriate ambulatory mental health providers for the purposes of beginning discharge planning.

If a person is admitted to a psychiatric facility, the chief executive officer of the facility shall promptly notify the county adjuster of the person's county of residence that the person has been admitted to the facility.

The facility is authorized to provide assessment, treatment and rehabilitation services and shall provide discharge planning services as required pursuant to section 18 of this act.

The facility is authorized to detain persons involuntarily committed to the facility.

b. A person shall not be involuntarily committed to a short-term care or psychiatric facility, or special psychiatric hospital unless the person is mentally ill and that mental illness causes the person to be dangerous to self or dangerous to others or property, and appropriate facilities or services are not otherwise available.

The person shall be admitted involuntarily only by referral from a screening service or temporary court order. The person may be admitted voluntarily only after the person has been advised orally and in writing of the discharge provisions established pursuant to this act and of the subsequent possibility that the facility may initiate involuntary commitment proceedings for the person.

c. A short-term care or psychiatric facility, or special psychiatric hospital may detain a person, admitted to the facility involuntarily by referral from a screening service without a temporary court order, for no more than 72 hours from the time the screening certificate was executed. During this period of time the facility shall initiate court proceedings for the involuntary commitment of the person pursuant to section 10 of this act.

C. 30:4-27.10 Court proceedings.

10. (New section) a. A short-term care or psychiatric facility or a special psychiatric hospital shall initiate court proceedings for involuntary commitment by submitting to the court a clinical certificate completed by a psychiatrist on the patient's treatment team and the screening certificate which authorized admission of the patient to the facility; provided, however, that both certificates shall not be signed by the same psychiatrist unless the psychiatrist has made a reasonable but unsuccessful attempt to have another psychiatrist conduct the evaluation and execute the certificate.

b. Court proceedings for the involuntary commitment of any person not referred by a screening service may be initiated by the submission to the court of two clinical certificates, at least one of which is prepared by a psychiatrist. The person shall not be involuntarily committed before the court issues a temporary court order.

c. Any person who is a relative by blood or marriage of the person being screened who executes a clinical certificate, or any person who signs a clinical certificate for any purpose or motive other than for purposes of care and treatment, shall be guilty of a crime of the fourth degree.

d. Upon receiving these documents the court shall immediately review them in order to determine whether there is probable cause to believe that the person is in need of involuntary commitment.

e. If the court finds that there is probable cause to believe that the person is in need of involuntary commitment, it shall issue a temporary order authorizing the admission to or retention of the person in the custody of the facility pending a final hearing.

f. In the case of a person committed to a short-term care facility or special psychiatric hospital, after the facility's treatment team conducts a mental and physical examination, administers appropriate treatment and prepares a discharge assessment, the facility may transfer the patient to a psychiatric facility prior to the final hearing; provided that: (1) the patient, his family and his attorney are given 24 hours' advance notice of the pending transfer; and (2) the transfer is accomplished in a manner which will give the receiving facility adequate time to examine the patient, become familiar with his behavior and condition, and prepare for the hearing. In no event shall the transfer be made less than five days prior to the date of the hearing unless an unexpected transfer is dictated by a change in the person's clinical condition.

C. 30:4-27.11 Patient rights.

11. (New section) A patient admitted to a short-term care or psychiatric facility or special psychiatric hospital either on a voluntary or involuntary basis has the following rights:

a. The right to have examinations and services provided in the patient's primary means of communication including, as soon as possible, the aid of an interpreter if needed because the patient is of limited English-speaking ability or suffers from a speech or hearing impairment;

b. The right to a verbal explanation of the reasons for admission, the availability of an attorney and the rights provided in this act; and

c. The right to be represented by an attorney and, if unrepresented or unable to afford an attorney, the right to be provided with an attorney paid for by the appropriate government agency. An attorney representing a patient has the right to inspect and copy the patient's clinical chart.

The clinical director shall ensure that a written statement of the rights provided in this act is provided to patients at the time of admission or as soon as possible thereafter, and to patients and their families upon request.

C. 30:4-27.12 Court hearing.

12. (New section) A patient who is involuntarily committed to a short-term care or psychiatric facility or special psychiatric hospital shall receive a court hearing with respect to the issue of continuing need for involuntary commitment within 20 days from initial inpatient admission to the facility unless the patient has been adminis-

tratively discharged from the facility pursuant to section 17 of this act.

The assigned county counsel is responsible for presenting the case for the patient's involuntary commitment to the court.

A patient subject to involuntary commitment shall have counsel present at the hearing and shall not be permitted to appear at the hearing without counsel.

C. 30:4-27.13 Notice of hearing.

13. (New section) a. At least 10 days prior to a court hearing, the county adjuster of the admitting county shall cause notice of the court hearing to be served upon the patient, the patient's guardian if any, the patient's next-of-kin, the patient's attorney, the director, chief executive officer, or other individual who has custody of the patient, the county adjuster of the county in which the patient has legal settlement and any other individual specified by the court. The notice shall contain the date, time and location of the court hearing. The patient and the patient's attorney shall also receive copies of the clinical certificates and supporting documents, the temporary court order and a statement of the patient's rights at the court hearing.

b. A psychiatrist on the patient's treatment team who has conducted a personal examination of the patient as close to the court hearing date as possible, but in no event more than five calendar days prior to the court hearing, shall testify at the hearing to the clinical basis for the need for involuntary commitment. Other members of the patient's treatment team may also testify at the hearing.

c. The patient's next-of-kin may attend and testify at the court hearing if the court so determines.

d. The court shall transcribe the court hearing and arrange for the payment of expenses related thereto in the same manner as for other court proceedings.

C. 30:4-27.14 Patient rights at hearing.

14. (New section) A person subject to involuntary commitment has the following rights at a court hearing and any subsequent review court hearing:

a. The right to be represented by counsel or, if indigent, by appointed counsel;

b. The right to be present at the court hearing unless the court determines that because of the person's conduct at the court hearing

the proceeding cannot reasonably continue while the person is present;

- c. The right to present evidence;
- d. The right to cross examine witnesses; and
- e. The right to a hearing in camera.

C. 30:4-27.15 Court findings.

15. (New section) a. If the court finds by clear and convincing evidence that the patient needs continued involuntary commitment, it shall issue an order authorizing the involuntary commitment of the patient and shall schedule a subsequent court hearing in the event the patient is not administratively discharged pursuant to section 17 of this act prior thereto.

b. If the court finds that the patient does not need continued involuntary commitment, the court shall so order and the facility shall discharge the patient within 48 hours of the court's verbal order or by the end of the next working day, whichever is longer, with a discharge plan prepared pursuant to section 18 of this act.

c. If the court finds that the patient's history indicates a high risk of rehospitalization because of the patient's failure to comply with discharge plans, the court may discharge the patient subject to conditions recommended by the facility and mental health agency staff and developed with the participation of the patient. Conditions imposed on the patient shall be specific and their duration shall not exceed 90 days.

The designated mental health agency staff person shall notify the court if the patient fails to meet the conditions of the discharge plan. The court shall determine, in conjunction with the findings of a screening service, if the patient needs to be rehospitalized and, if so, the patient shall be returned to the facility. The court shall hold a hearing within 20 days of the day the patient was returned to the facility to determine if the order of conditional discharge should be vacated.

C. 30:4-27.16 Court review hearings.

16. (New section) a. A patient committed pursuant to a court order who is not administratively discharged pursuant to section 17 of this act shall be afforded periodic court review hearings of the need for involuntary commitment. The review hearing shall be conducted in the manner provided in section 15 of this act. If the court determines at a review hearing that involuntary commitment shall be

continued, it shall execute a new order. The court shall conduct the first review hearing three months from the date of the first hearing, the next review hearing nine months from the date of the first hearing and subsequent review hearings 12 months from the date of the first hearing and annually thereafter. The court may schedule additional review hearings but, except in extraordinary circumstances, not more often than once every 30 days.

b. At a court review hearing, when the advanced age of the patient or the cause or nature of the mental illness renders it appropriate and when it would be impractical to obtain the testimony of a psychiatrist as required in section 13 of this act, the court may permit a physician on the patient's treatment team, who has personally conducted an examination of the patient as close to the hearing date as possible, but in no event more than five days prior to the hearing date, to testify at the hearing to the clinical basis for the need for involuntary commitment.

C. 30:4-27.17 Discharge determination.

17. (New section) The treatment team at a short-term care or psychiatric facility or special psychiatric hospital shall administratively discharge a patient from involuntary commitment status if the treatment team determines that the patient no longer needs involuntary commitment. If a discharge plan has not been developed pursuant to section 18 of this act, it shall be developed forthwith.

C. 30:4-27.18 Discharge plan.

18. (New section) A person discharged either by the court or administratively from a short-term care or psychiatric facility or special psychiatric hospital shall have a discharge plan prepared by the treatment team at the facility pursuant to this section. The treatment team shall give the patient an opportunity to participate in the formulation of the discharge plan. In the case of patients committed to short-term care or psychiatric facilities, a community agency designated by the commissioner shall participate in the formulation of the plan. The facility shall advise the mental health agency of the date of the patient's discharge. The mental health agency shall provide follow-up care to the patient pursuant to regulations adopted by the commissioner. This section does not preclude discharging a patient to an appropriate professional.

Psychiatric facilities shall give notice of the discharge to the county adjuster of the county in which the patient has legal settlement.

C. 30:4-27.19 Interim financial assistance.

19. (New section) The chief executive officer of a State or county

psychiatric facility, or his designee, may authorize the payment of interim financial assistance to discharged patients for living expenses, pending determination of public benefits entitlements, when this assistance is necessary and appropriate pursuant to regulations adopted by the commissioner. When public benefits entitlements are received, discharged patients shall reimburse the psychiatric facility for all interim financial assistance provided.

C. 30:4-27.20 Discharge of voluntary patients.

20. (New section) A voluntary patient at a short-term care or psychiatric facility or special psychiatric hospital shall be discharged by the treatment team at the patient's request. The treatment team shall document all requests for discharge, whether oral or written, in the patient's clinical record. The facility shall discharge the patient as soon as possible but in every case within 48 hours or at the end of the next working day from the time of the request, whichever is longer, except that if the treatment team determines that the patient needs involuntary commitment, the treatment team shall initiate court proceedings pursuant to section 10 of this act. The facility shall detain the patient beyond 48 hours or the end of the next working day from the time of the request for discharge, only if the court has issued a temporary court order.

C. 30:4-27.21 Transfer of patients.

21. (New section) a. A person involuntarily committed to a State psychiatric facility listed in R.S. 30:1-7 may be transferred to another State psychiatric facility in accordance with rules adopted by the commissioner that specify the clinical and programmatic factors and the procedures related to the transfer.

b. A person involuntarily committed to a State psychiatric facility may be transferred to a facility for psychiatric or medical care pursuant to an agreement between the department and that facility which specifies the clinical and programmatic factors and the procedures related to the transfer.

C. 30:4-27.22 Uniform detainer form.

22. (New section) a. If a person in custody awaiting trial on a criminal or disorderly persons charge is admitted or committed pursuant to this act, the law enforcement authority which transferred the person shall complete a uniform detainer form, as prescribed by the division, which shall specify the charge, law enforcement authority and other information which is clinically and administratively relevant. This form shall be submitted to the admitting facility along with the screening certificate or temporary court order directing that the person be admitted to the facility.

b. The division shall prepare the form with the approval of the Administrative Office of the Courts.

c. When the person is administratively or judicially discharged and is still under the authority of the law enforcement authority, that authority shall, within 48 hours of receiving notification of the discharge, take custody of the person.

23. R.S. 30:1-7 is amended to read as follows:

Institutions, agencies within Title 30.

30:1-7. The long-term care facilities, institutions, and psychiatric facilities of this State, within the meaning of this Title, shall include the following, and, as well, any facilities established hereafter for any similar purpose:

Trenton Psychiatric Hospital,
Greystone Park Psychiatric Hospital,
Marlboro Psychiatric Hospital,
Ancora Psychiatric Hospital,
Senator Garrett W. Hagedorn Center for Geriatrics,
The Forensic Psychiatric Hospital,
North Princeton Developmental Center,
North Jersey Developmental Center,
New Lisbon Developmental Center,
Woodbine Developmental Center,
Vineland Developmental Center,
Woodbridge Developmental Center,
Hunterdon Developmental Center,
Developmental Center at Ancora,
New Jersey Memorial Home for Disabled Soldiers at Menlo Park,
New Jersey Memorial Home for Disabled Soldiers, Sailors,
Marines and their Wives and Widows at Vineland,
Arthur Brisbane Child Center at Allaire,
The Johnstone Training and Research Center.

24. Section 11 of P.L. 1965, c. 59 (C. 30:4-24.3) is amended to read as follows:

C. 30:4-24.3 Confidentiality; exceptions.

11. All certificates, applications, records, and reports made pursuant to the provisions of this Title and directly or indirectly identifying any individual presently or formerly receiving services in a noncorrectional institution under this Title, or for whom services in a noncorrectional institution shall be sought under this act shall

be kept confidential and shall not be disclosed by any person, except insofar as:

- (1) the individual identified or his legal guardian, if any, or, if he is a minor, his parent or legal guardian, shall consent; or
- (2) disclosure may be necessary to carry out any of the provisions of this act or of article 9 of chapter 82 of Title 2A of the New Jersey Statutes; or
- (3) a court may direct, upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make such disclosure would be contrary to the public interest.

Nothing in this section shall preclude disclosure, upon proper inquiry, of information as to a patient's current medical condition to any relative or friend or to the patient's personal physician or attorney if it appears that the information is to be used directly or indirectly for the benefit of the patient.

Nothing in this section shall preclude the professional staff of a community agency under contract with the Division of Mental Health and Hospitals in the Department of Human Services, or of a screening service, short-term care or psychiatric facility as those facilities are defined in section 2 of P.L. 1987, c. 116 (C. 30:4-27.2) from disclosing information that is relevant to a patient's current treatment to the staff of another such agency.

25. Section 13 of P.L. 1965, c. 59 (C. 30:4-25.1) is amended to read as follows:

C. 30:4-25.1 Title 30 definitions.

13. a. For the purpose of Title 30 of the Revised Statutes:

(1) "Eligible mentally retarded person" means a person who has been declared eligible for admission to functional services of the department.

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

(3) "Functional services" means those services and programs in the department available to provide the mentally retarded with

education, training, rehabilitation, adjustment, treatment, care and protection.

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

(5) "Mental retardation" or "mentally retarded" means a significant subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior which are manifested during the development period.

(6) "Residential services" means observation, examination, care, training, treatment, rehabilitation and related services, including community care, provided by the department to patients who have been admitted or transferred to, but not discharged from any residential functional service for the mentally retarded.

b. Application for admission of an eligible mentally retarded person to functional services of the department may be made under any of the following classes:

Class F. Application to the commissioner by the parent, guardian or person or agency having care and custody of the person of a minor or by the guardian of the person of a mentally deficient adult;

Class G. Application to the commissioner by a mentally retarded person over 18 years of age on his own behalf;

Class H. Application to the commissioner by a juvenile court having jurisdiction over an eligible mentally retarded minor;

Class I. Application to the commissioner with an order of commitment to the custody of the commissioner issued by a court of competent jurisdiction during or following criminal process involving the eligible mentally deficient person.

Application shall be made on such forms and accompanied by such relevant information as may be specified from time to time by the commissioner.

26. Section 15 of P.L. 1979, c. 441 (C. 30:4-123.59) is amended to read as follows:

C. 30:4-123.59 Parolee supervision.

15. a. Each parolee shall at all times remain in the legal custody of the Commissioner of Corrections, except that the commissioner,

after providing notice to the Attorney General, may consent to the supervision of a parolee by the federal government pursuant to the Witness Security Reform Act, Pub.L. 98-473 (18 U.S.C. §3251 et seq.). A parolee, except those under the Witness Security Reform Act, shall remain under the supervision of the Bureau of Parole of the Department of Corrections in accordance with the rules of the board.

b. Each parolee shall agree, as evidenced by his signature to abide by specific conditions of parole established by the appropriate board panel which shall be enumerated in writing in a certificate of parole and shall be given to the parolee upon release. Such conditions shall include, among other things, a requirement that the parolee conduct himself in society in compliance with all laws and refrain from committing any crime, a requirement that the parolee obtain permission from his parole officer for any change in his residence, and a requirement that the parolee report at reasonable intervals to an assigned parole officer. In addition, based on prior history of the parolee, the member or board panel certifying parole release pursuant to section 11 may impose any other specific conditions of parole deemed reasonable in order to reduce the likelihood of recurrence of criminal behavior. Such special conditions may include, among other things, a requirement that the parolee make full or partial restitution, the amount of which restitution shall be set by the sentencing court upon request of the board.

c. The appropriate board panel may in writing relieve a parolee of any parole conditions, and may permit a parolee to reside outside the State pursuant to the provisions of the Uniform Act for Out-of-State Parolee Supervision (N.J.S. 2A:168-14 et seq.), the Interstate Compact on Juveniles, P.L. 1955, c. 55 (C. 9:23-1 et seq.), and, with the consent of the Commissioner of the Department of Corrections after providing notice to the Attorney General, the federal Witness Security Reform Act, if satisfied that such change will not result in a substantial likelihood that the parolee will commit an offense which would be a crime under the laws of this State. The appropriate board panel may revoke such permission, except in the case of a parolee under the Witness Security Reform Act, or reinstate relieved parole conditions for any period of time during which a parolee is under its jurisdiction.

d. The appropriate board panel may parole an inmate to any residential facility funded in whole or in part by the State if the inmate would not otherwise be released pursuant to section 9 without such placement. But if the residential facility provides treatment for

mental illness or mental retardation, the board panel only may parole the inmate to the facility pursuant to the laws and admissions policies that otherwise govern the admission of persons to that facility, and the facility shall have the authority to discharge the inmate according to the laws and policies that otherwise govern the discharge of persons from the facility, on 10 days' prior notice to the board panel. The board panel shall acknowledge receipt of this notice in writing prior to the discharge. Upon receipt of the notice the board panel shall resume jurisdiction over the inmate.

e. The assigned parole officer shall provide assistance to the parolee in obtaining employment, education or vocational training or in meeting other obligations.

f. The board panel on juvenile commitments and the assigned parole officer shall insure that the least restrictive available alternative is used for any juvenile parolee.

g. If the board has granted parole to any inmate from a State correctional facility and the court has imposed a fine on such inmate, the appropriate board panel shall release such inmate on condition that he make specified fine payments to the Bureau of Parole. For violation of such conditions, or for violation of a special condition requiring restitution, parole may be revoked only for refusal or failure to make a good faith effort to make such payment.

h. Upon collection of the fine the same shall be paid over by the Department of Corrections to the State Treasury.

27. R.S. 30:9-3 is amended to read as follows:

Bylaws, rules, regulations of county psychiatric facility.

30:9-3. The governing body of the county may adopt bylaws, rules and regulations for the management and government of a county psychiatric facility; the admission, support and discharge of patients; the appointment of a superintendent and other employees and officers. But, the rules and regulations governing the admission and discharge of patients shall be in compliance with the provisions of P.L. 1987, c. 116 and shall be subject to the written approval of both the commissioner and the governing body of the county.

The governing body shall also fix the compensation of officers and employees and may at any time by vote of two-thirds of its members remove an officer or employee. The expense of erecting, establishing, furnishing, maintaining and operating the psychiatric facility shall be paid by the county treasurer from funds raised by taxation as other county expenses are paid.

The governing body may also select an appropriate name by which the psychiatric facility shall thereafter be known.

28. Section 7 of P.L. 1947, c. 34 (C. 30:9-12.7) is amended to read as follows:

C. 30:9-12.7 Admission for other than mental illness.

7. The admission of any person to a county hospital for other than mental illness established under this act shall be subject to the regulations established by the board of managers and on application in writing signed by the patient or a person interested in the admission of the patient by reason of relationship or marriage, or by a person having the charge or care of such patient, or by the sheriff, or by the municipal director of welfare or person charged with the care and relief of the poor, or by any chief of police or police captain in any municipality in the county where such person may be, or by the chief executive officer of any public or private charitable institution or hospital in which the patient may be. All application forms shall be approved by the board of managers for such hospital.

29. (New section) Pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the commissioner shall adopt, modify, repeal and enforce rules and regulations necessary to effectuate the purposes of this act.

Repealer.

30. The following are repealed:

R.S. 30:4-23

R.S. 30:4-25

R.S. 30:4-26.2

R.S. 30:4-27 through R.S. 30:4-30, both inclusive

R.S. 30:4-33

R.S. 30:4-36 through R.S. 30:4-39, both inclusive

R.S. 30:4-41 and R.S. 30:4-42

R.S. 30:4-44 through R.S. 30:4-46, both inclusive

R.S. 30:4-48

R.S. 30:4-58

R.S. 30:4-59

R.S. 30:4-61 and R.S. 30:4-62

R.S. 30:4-81

R.S. 30:4-82

R.S. 30:4-83

R.S. 30:4-84

R.S. 30:4-107

R.S. 30:4-115

R.S. 30:4-120
R.S. 30:4-126.1
R.S. 30:4-161
R.S. 30:4-163
R.S. 30:4-165

P.L. 1965, c. 59, sections 21, 71 and 72 (C. 30:4-26.3, C. 30:4-84.1 and C. 30:4-84.2)

P.L. 1971, c. 450, s. 2 (C. 30:4-26.3a)

P.L. 1953, c. 418 (C. 30:4-46.1 and C. 30:4-46.2)

P.L. 1915, c. 201, p. 366 (1924 Suppl. Sec. 121-69a to 121-69g), saved from repeal by R.S. 30:4-165.

C. 30:4-27.23 Allowable costs.

31. (New section) Any costs incurred to comply with the provisions of this act will be considered allowable in establishment of rates, which are to be set in a regulatory environment.

32. There is hereby appropriated from the General Fund the sum of \$100,000.00 to the Department of Human Services to develop training procedures for law enforcement personnel and additional outreach and psychiatric services.

33. This act shall take effect 18 months from the date of enactment except that section 32 shall take effect immediately.

Approved May 7, 1987.

CHAPTER 117

AN ACT concerning certain noncontributory pensions, amending P.L. 1955, c. 263 and supplementing P.L. 1976, c. 68 (C. 40A:4-45.1 et seq.).

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

1. Section 1 of P.L. 1955, c. 263 (C. 43:8B-1) is amended to read as follows:

C. 43:8B-1 Definitions.

1. As used in this act:

(a) "Employee" means any person holding office, position, or employment in any county, municipality, or school district in the State.

(b) "Employer" means any county, municipality, or school district in the State.

(c) "Final average salary" means the average base compensation paid by the employer to the employee for the three years of his employment preceding his retirement.

(d) "Permanent and total disability." An employee is deemed to be permanently and totally disabled when it appears not only that he is physically or otherwise incapacitated for service, but that such incapacity will, in all reasonable probability, continue permanently. If an employee claims that such disability exists, the employer shall appoint a physician of skill and repute in his profession and resident of this State, who shall examine the employee. The physician shall make a report of the employee's physical condition or other disability, and if a disability exists, whether in all reasonable probability it will continue permanently, and does and will continue to prevent the employee from giving service to his employer in the performance of his duties. Any person who is retired for permanent and total disability hereunder, and who is under the age of 65 years, shall undergo an annual medical examination by a physician or physicians designated by the county, municipality or school district paying pension benefits based upon disability to such person. If upon examination it is determined that such disability no longer exists, the benefits payable hereunder for disability shall cease. If a person receiving pension benefits based upon disability refuses to submit to examination, the county, municipality or school district paying such benefits shall discontinue same until such person submits to physical examination.

(e) The Social Security system shall not be deemed a retirement system for the purposes of determining eligibility to a pension under this act.

2. This act shall take effect immediately.

Approved May 7, 1987.

CHAPTER 118

AN ACT establishing a Statewide local health planning program, supplementing Title 26 of the Revised Statutes, and making an appropriation therefor.

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

C. 26:2H-5.2 Definitions.

1. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Health.

b. "Corporation" means an independent private, nonprofit corporation which is not a health care facility, or a subsidiary thereof, or an affiliated corporation of a health care facility.

c. "Health care facility" means a health care facility as defined in section 2 of P.L. 1971, c. 136 (C. 26:2H-2).

d. "Health care service" means a health care service as defined in section 2 of P.L. 1971, c. 136 (C. 26:2H-2).

e. "Health systems agency" means a health systems agency as defined in section 2 of P.L. 1971, c. 136 (C. 26:2H-2).

f. "Local health planning" means planning by a corporation pertaining to health care facilities and services which are located in or serving a specific geographical area designated by the commissioner.

g. "Provider of health care" means a provider of health care as defined in section 2 of P.L. 1971, c. 136 (C. 26:2H-2).

C. 26:2H-5.3 Statewide local health planning program.

2. The commissioner shall establish a program to provide local health planning on a Statewide basis in a minimum of three specific geographical areas to be designated by the commissioner, each of which shall, to the extent possible, include sufficient resources to provide a comprehensive range of health care facilities and services. The commissioner shall consider the compatibility of social, economic, transportation and geographic characteristics in determining the areas to be designated.

C. 26:2H-5.4 Powers of commissioner.

3. a. The commissioner shall establish requirements for the composition of the governing body of each corporation and shall specify,

under the terms of an agreement with the corporation for the awarding of a grant pursuant to subsection c. of this section, those functions which the corporation at a minimum shall perform.

b. The commissioner shall approve a corporation within each of the geographical areas designated by the commissioner, pursuant to section 2 of this act, to provide local health planning in that geographical area.

c. The commissioner, on January 1, 1987, and annually thereafter, shall award to each corporation a grant of such monies as shall be determined by the commissioner, except that the grant shall be no less than 12 cents per capita.

d. The membership of the governing body of each corporation approved by the commissioner pursuant to subsection b. of this section shall be composed of consumers and providers of health care who reside or have their principal place of business within the geographical area designated by the commissioner, except that no less than 51% but no more than 60% of the members shall be persons who are not providers of health care.

C. 26:2H-5.5 Limited civil, criminal immunity.

4. a. Except as provided in subsection c. of this section, a corporation shall not, by reason of the performance of any duty, function or activity, required of, or authorized to be undertaken by the corporation pursuant to this act, be held civilly or criminally liable if the member of the governing body of the corporation or any employee of the corporation who acted on behalf of the corporation in the performance of that duty, function, or activity acted within the scope of his duty, function or activity as a member of the governing body, or as an employee of the corporation, exercised due care and acted without malice toward any person affected thereby.

b. Except as provided in subsection c. of this section, a member of the governing body of a corporation or an employee of the corporation shall not by reason of that person's performance on behalf of the corporation of any duty, function, or activity required of, or authorized to be undertaken by the corporation pursuant to this act, be held civilly or criminally liable if that person acted within the scope of his duty, function, or activity as a member of the governing body, or as an employee of the corporation, and with respect to the performance of that duty, function or activity, without gross negligence or malice toward any person affected thereby.

c. The provisions of subsections a. and b. of this section do not

apply with respect to a civil action for bodily injury to an individual, or to physical damage to property brought against a corporation or a member of the governing body of the corporation or employee of the corporation.

C. 26:2H-5.6 Rules, regulations.

5. The commissioner, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), shall adopt such rules and regulations as are necessary to effectuate the purposes of this act.

6. There is appropriated \$250,000.00 from the General Fund to the Department of Health to effectuate the purposes of this act.

7. This act shall take effect immediately.

Approved May 7, 1987.

CHAPTER 119

AN ACT establishing a respite care program for family caregivers of frail elderly and other functionally impaired adults.

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

C. 30:4F-7 Findings; declarations.

1. The Legislature finds that there is a clear need to establish a program of respite care to assist families in the care of their elderly and functionally impaired family members. Most functionally impaired adults prefer to be cared for in their homes by family and friends whom they trust and feel comfortable with, and where they can continue to make valuable contributions to family life. Nearly all of the care provided to functionally impaired adults is given by family members who are not compensated for their services. They provide full-time care, often with little help from other family members or the community. This family involvement is a critical element in enabling persons who otherwise might be institutionalized to remain in their own home environment. Without relief and support, however, caregivers may become unable to continue in the caregiving role. The consequence may be unavoidable and irreversible institutionalization of the dependent adult and an added burden on public funds.

The Legislature further finds that there is a compelling need to support caregivers of functionally impaired adults in their efforts to keep the family intact. Providing respite and related services is a major mechanism for this support. Respite serves to relieve some of the daily stresses of caregiving, to improve the quality of life for functionally impaired adults and their caregivers, to maintain the integrity of the family unit, to strengthen personal and social support systems and to deter institutionalization.

The Legislature, therefore, declares that it is the policy of the State to provide a structure for the establishment of respite services which will provide relief and support to family or other unpaid caregivers from the demands of daily care of frail elderly or other functionally impaired adult family members; to encourage families to provide care for functionally impaired dependents at home, and thus offer an alternative to long-term institutional placement; to expand the continuum of supportive services for the functionally impaired and their families; to ensure that respite care and related supportive services are made available on a sliding fee basis to eligible persons not covered under other programs; and to assist families in securing the respite services, including information and peer support, which are necessary for their continued care of a functionally impaired family member.

C. 30:4F-8 Definitions.

2. As used in this act:

a. "Caregiver" means a spouse, parent, child, relative or other person who is 18 years of age or older and who has the primary responsibility of providing daily care for the eligible person and who does not receive financial remuneration for the care.

b. "Commissioner" means the Commissioner of the State Department of Human Services.

c. "Co-payment" means financial participation in service costs by the eligible person according to a sliding fee schedule promulgated by the commissioner.

d. "Department" means the State Department of Human Services.

e. "Eligible person" means a functionally impaired person 18 years of age or older who would become at risk of long-term institutional placement if his regular caregiver could not continue in that role without the assistance of temporary home and community support services, including respite care.

f. "Functionally impaired" means the presence of a chronic physical or mental disease, illness, or disability as certified by the physician or a sponsor-provided assessment team, which causes physical dependence on others, and which leaves a person unable to attend to his basic daily needs without the substantial assistance or continuous supervision of a caregiver.

g. "Provider" means a person, public agency, private nonprofit agency or proprietary agency which is licensed, certified, or otherwise approved by the commissioner to supply any service or combination of services described in subsection h. of this section.

h. "Respite" or "respite care" means the provision of temporary, short-term care for, or the supervision of, an eligible person on behalf of the caregiver, in emergencies or on an intermittent basis to relieve the daily stresses and demands of caring for the functionally impaired adult. Respite may be provided hourly, daily, overnight or on week-ends, may be paid or volunteer, but may not exceed service and cost limitations as determined by the commissioner. Respite includes, but is not limited to, the following services:

- (1) companion or sitter services;
- (2) homemaker and personal care services;
- (3) adult day care;
- (4) short-term inpatient care in a facility meeting standards which the commissioner determines to be appropriate to provide the care;
- (5) emergency care; and
- (6) peer support and training for caregivers.

i. "Service plan" means a written document agreed upon by the eligible person, the caregiver and the sponsor. The service plan shall take into account other services and resources available to the eligible person and his caregiver. Services provided pursuant to this act shall not be used to duplicate or supplant existing services or resources available to the eligible person and his caregiver. The plan shall:

- (1) Document the needs of the eligible person and caregiver for respite care services, using a needs assessment procedure provided or approved by the department;
- (2) Identify the outcomes to be achieved and the specific respite

care services to be provided to the eligible person and the caregiver to meet their identified needs;

(3) Estimate the frequency and duration of the respite care services;

(4) Estimate the total cost of the plan and the co-payment an eligible person is required to contribute toward the cost of services provided under the plan.

j. "Sponsor" means the county or regional agency, either public or private nonprofit, which contracts with the department to administer the local respite program, and which is responsible for the recruitment of and payment to providers, the general supervision of the local programs, and the submission of information or reports which may be required by the commissioner. Sponsors shall be selected according to criteria established by the commissioner which shall include demonstrated support from the county government. Criteria shall also include the potential sponsor's demonstrated ability to coordinate the funds available for this program with other funding sources and to obtain matching or in kind contributions.

C. 30:4F-9 Statewide Respite Care Program.

3. The commissioner shall establish a Statewide Respite Care Program within the Department of Human Services to be administered by sponsors designated by the commissioner. Allocations of funds for respite services pursuant to this act to each county or region shall be based on its share of the targeted population according to the following formula:

$$\text{County Allocation} = \frac{C \times (A + B)}{(D + E)}$$

where, A equals the county population of persons age 75 years or older; B equals the county population of functionally impaired adults under the age of 75 according to the most recent data available to the commissioner; C equals the annual amount of funds appropriated for the purpose of this act, minus those funds retained for State administration; D equals the State population of persons age 75 years or older; and E equals the State population of functionally impaired adults under the age of 75.

C. 30:4F-10 Eligibility.

4. A sponsor shall annually determine the maximum number of eligible persons to be served in each county or region, based upon the service and cost limitations promulgated by the commissioner

and the county allocation and other funds which may be available for the purposes of this act, and shall not admit or serve more eligible persons than can be afforded with available resources. Each sponsor shall maintain a waiting list of those eligible persons awaiting receipt of respite care, according to standards promulgated by the commissioner.

C. 30:4F-11 Sources of payment.

5. If an eligible person's respite services are covered in whole or in part by another State or federal government program or insurance contract, the government program or insurance carrier shall be the primary payer and the Statewide Respite Care Program shall be the secondary payer. The sponsor shall be responsible for determining all sources of payment, for collecting all co-payments, and for determining eligibility according to standards promulgated by the commissioner.

C. 30:4F-12 Rules, regulations.

6. The commissioner shall promulgate rules and regulations in accordance with the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) necessary to effectuate the purposes of this act. The rules and regulations shall include, but not be limited to, the following:

- a. Standards for eligibility for respite care services;
- b. Target populations and situations to be given priority in receiving services;
- c. Qualifications and requirements of sponsors and providers;
- d. Provider reimbursement and payment levels for respite care services;
- e. Service and cost limitations for eligible persons;
- f. A sliding scale fee schedule for co-payments; and
- g. Procedures for reporting on implementation of the program.

C. 30:4F-13 Federal financial participation.

7. The commissioner shall take any actions which may be appropriate to maximize federal financial participation in the implementation or the expansion of respite care services under this act.

C. 30:4F-14 Annual report.

8. The commissioner shall report to the Legislature and the Governor within two years of the effective date of this act and annually

thereafter on the effectiveness of the Statewide Respite Care Program.

C. 30:4F-15 Administrative cost limitation.

9. Not more than 10% of the amounts available for the Statewide Respite Care Program shall be used for administrative and staff costs. The cost of recruiting, training, and supervising volunteer companions shall not be construed as administrative costs for the purposes of this act.

10. This act shall take effect on the 120th day following enactment.

Approved May 14, 1987.

CHAPTER 120

AN ACT concerning the justifiable use of force and deadly force under certain circumstances and amending N.J.S. 2C:3-4, N.J.S. 2C:3-6 and N.J.S. 2C:3-11.

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

1. N.J.S. 2C:3-4 is amended to read as follows:

Use of force in self-protection.

2C:3-4. Use of force in self-protection. a. Use of force justifiable for protection of the person. Subject to the provisions of this section and of section 2C:3-9, the use of force upon or toward another person is justifiable when the actor reasonably believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

b. Limitations on justifying necessity for use of force.

(1) The use of force is not justifiable under this section:

(a) To resist an arrest which the actor knows is being made by a peace officer in the performance of his duties, although the arrest is unlawful, unless the peace officer employs unlawful force to effect such arrest; or

(b) To resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the

person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

(i) The actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;

(ii) The actor has been unlawfully dispossessed of the property and is making a reentry or recaption justified by section 2C:3-6; or

(iii) The actor reasonably believes that such force is necessary to protect himself against death or serious bodily harm.

(2) The use of deadly force is not justifiable under this section unless the actor reasonably believes that such force is necessary to protect himself against death or serious bodily harm; nor is it justifiable if:

(a) The actor, with the purpose of causing death or serious bodily harm, provoked the use of force against himself in the same encounter; or

(b) The actor knows that he can avoid the necessity of using such force with complete safety by retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take, except that:

(i) The actor is not obliged to retreat from his dwelling, unless he was the initial aggressor or is assailed in his dwelling by another person whose dwelling the actor knows it to be; and

(ii) A public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

(3) Except as required by paragraphs (1) and (2) of this subsection, a person employing protective force may estimate the necessity of using force when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

c. (1) Notwithstanding the provisions of N.J.S. 2C:3-5, N.J.S. 2C:3-9, or this section, the use of force or deadly force upon or toward

an intruder who is unlawfully in a dwelling is justifiable when the actor reasonably believes that the force is immediately necessary for the purpose of protecting himself or other persons in the dwelling against the use of unlawful force by the intruder on the present occasion.

(2) A reasonable belief exists when the actor, to protect himself or a third person, was in his own dwelling at the time of the offense or was privileged to be thereon and the encounter between the actor and intruder was sudden and unexpected, compelling the actor to act instantly and:

(a) The actor reasonably believed that the intruder would inflict personal injury upon the actor or others in the dwelling; or

(b) The actor demanded that the intruder disarm, surrender or withdraw, and the intruder refused to do so.

(3) An actor employing protective force may estimate the necessity of using force when the force is used, without retreating, surrendering possession, withdrawing or doing any other act which he has no legal duty to do or abstaining from any lawful action.

2. N.J.S. 2C:3-6 is amended to read as follows:

Use of force in defense of premises or personal property.

2C:3-6. Use of force in defense of premises or personal property.

a. Use of force in defense of premises. Subject to the provisions of this section and of section 2C:3-9, the use of force upon or toward the person of another is justifiable when the actor is in possession or control of premises or is licensed or privileged to be thereon and he reasonably believes such force necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission of a criminal trespass by such other person in or upon such premises.

b. Limitations on justifiable use of force in defense of premises.

(1) Request to desist. The use of force is justifiable under this section only if the actor first requests the person against whom such force is used to desist from his interference with the property, unless the actor reasonably believes that:

(a) Such request would be useless;

(b) It would be dangerous to himself or another person to make the request; or

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(c) Substantial harm will be done to the physical condition of the property which is sought to be protected before the request can effectively be made.

(2) Exclusion of trespasser. The use of force is not justifiable under this section if the actor knows that the exclusion of the trespasser will expose him to substantial danger of serious bodily harm.

(3) Use of deadly force. The use of deadly force is not justifiable under subsection a. of this section unless the actor reasonably believes that:

(a) The person against whom the force is used is attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or

(b) The person against whom the force is used is attempting to commit or consummate arson, burglary, robbery or other criminal theft or property destruction; except that

(c) Deadly force does not become justifiable under subparagraphs (a) and (b) of this subsection unless the actor reasonably believes that:

(i) The person against whom it is employed has employed or threatened deadly force against or in the presence of the actor; or

(ii) The use of force other than deadly force to terminate or prevent the commission or the consummation of the crime would expose the actor or another in his presence to substantial danger of bodily harm. An actor within a dwelling shall be presumed to have a reasonable belief in the existence of the danger. The State must rebut this presumption by proof beyond a reasonable doubt.

c. Use of force in defense of personal property. Subject to the provisions of subsection d. of this section and of section 2C:3-9, the use of force upon or toward the person of another is justifiable when the actor reasonably believes it necessary to prevent what he reasonably believes to be an attempt by such other person to commit theft, criminal mischief or other criminal interference with personal property in his possession or in the possession of another for whose protection he acts.

d. Limitations on justifiable use of force in defense of personal property.

(1) Request to desist and exclusion of trespasser. The limitations

of subsection b. (1) and (2) of this section apply to subsection c. of this section.

(2) Use of deadly force. The use of deadly force in defense of personal property is not justified unless justified under another provision of this chapter.

3. N.J.S. 2C:3-11 is amended to read as follows:

Definitions.

2C:3-11. Definitions. In this chapter, unless a different meaning plainly is required: a. "Unlawful force" means force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort or would constitute such offense or tort except for a defense (such as the absence of intent, negligence, or mental capacity; duress, youth, or diplomatic status) not amounting to a privilege to use the force. Assent constitutes consent, within the meaning of this section, whether or not it otherwise is legally effective, except assent to the infliction of death or serious bodily harm.

b. "Deadly force" means force which the actor uses with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily harm. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be constitutes deadly force. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the actor's purpose is limited to creating an apprehension that he will use deadly force if necessary, does not constitute deadly force.

c. "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is for the time being the actor's home or place of lodging except that, as used in 2C:3-7, the building or structure need not be the actor's own home or place of lodging.

d. "Serious bodily harm" means bodily harm which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ or which results from aggravated sexual assault or sexual assault.

e. "Bodily harm" means physical pain, or temporary disfigurement, or impairment of physical condition.

4. This act shall take effect immediately.

Approved May 15, 1987.

CHAPTER 121

AN ACT to amend the "Radiologic Technologist Act," approved October 9, 1981 (P.L. 1981, c. 295).

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

1. Section 5 of P.L. 1981, c. 295 (C. 26:2D-28) is amended to read as follows:

C. 26:2D-28 Radiologic Technology Board of Examiners.

5. a. There is created a Radiologic Technology Board of Examiners which shall be an agency of the Commission on Radiation Protection in the Department of Environmental Protection and which shall report to the commission. The board shall consist of two commission members appointed annually to the membership of the board by the chairman of the commission, and 13 additional members appointed by the Governor with the advice and consent of the Senate. Of the members appointed by the Governor, two shall be radiologists who have practiced not less than five years; one shall be a licensed physician who has actively engaged in the practice of medicine not less than five years; one shall be a licensed dentist who has actively engaged in the practice of dentistry for not less than five years; one shall be a licensed podiatrist who has actively engaged in the practice of podiatry for not less than five years; one shall be an administrator of a general hospital with at least five years' experience; one shall be a health physicist who has practiced not less than five years; three shall be practicing radiologic technologists with at least five years of experience in the practice of radiologic technology and holders of current certificates issued pursuant to this act; two shall be members of the general public; and one shall be a representative of the department designated by the Governor pursuant to subsection c. of section 2 of P.L. 1971, c. 60 (C. 45:1-2.2); provided, however, that for the remainder of their prescribed terms the members of the x-ray technicians board created by section 4 of P.L. 1968, c. 291 (C. 45:25-4) shall constitute the membership of the board created by this section.

b. The terms of office of the members appointed by the Governor shall be three years. Vacancies shall be filled for an unexpired term only in the manner provided for the original appointment.

c. Members of the board shall serve without compensation but shall be reimbursed for their reasonable and necessary traveling and other expenses incurred in the performance of their official duties.

d. The commissioner shall designate an officer or employee of the department to act as secretary of the board who shall not be a member of the board.

e. The board, for the purpose of transacting its business, shall meet at least once every four months at times and places fixed by the board. At its first meeting each year it shall organize and elect from its members a chairman. Special meetings also may be held at times as the board may fix, or at the call of the chairman or the commissioner. A written and timely notice of the time, place and purpose of any special meeting shall be mailed by the secretary to all members of the board.

f. A majority of the members of the board shall constitute a quorum for the transaction of business at any meeting.

2. This act shall take effect immediately.

Approved May 20, 1987.

CHAPTER 122

AN ACT concerning first aid, rescue, and ambulance squads, and supplementing P.L. 1971, c. 351 (C. 27:5F-1 et seq.).

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

C. 27:5F-13.1 Medical aid.

1. The life saving medical services provided by first aid, rescue or ambulance squad members and by licensed physicians and surgeons have proven to be vitally important to the health, safety, and welfare of injured persons in this State.

A law enforcement officer shall permit any first aid, rescue or ambulance squad member, or any physician or surgeon licensed to practice medicine or surgery under chapter 9 of Title 45 of the Revised Statutes, to provide medical aid that the member, physician or surgeon considers appropriate to an injured person, unless in the judgment of the law enforcement officer in charge, considerations of the public health, safety and welfare are of overriding concern in a particular situation.

Law enforcement officers shall recognize and implement the public policy set forth in this section.

2. This act shall take effect immediately.

Approved May 20, 1987.

CHAPTER 123

AN ACT concerning salary schedules for full-time teaching staff members and amending N.J.S. 18A:29-4.1.

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

1. N.J.S. 18A:29-4.1 is amended to read as follows:

Salary policy, schedules.

18A:29-4.1. A board of education of any district may adopt a one, two or three year salary policy, including salary schedules for all full-time teaching staff members which shall not be less than those required by law. Such policy and schedules shall be binding upon the adopting board and upon all future boards in the same district for a period of one, two or three years from the effective date of such policy but shall not prohibit the payment of salaries higher than those required by such policy or schedules nor the subsequent adoption of policies or schedules providing for higher salaries, increments or adjustments. Every school budget adopted, certified or approved by the board, the voters of the district, the board of school estimate, the governing body of the municipality or municipalities, or the commissioner, as the case may be, shall contain such amounts as may be necessary to fully implement such policy and schedules for that budget year.

2. This act shall take effect immediately and shall apply retroactively so that any three year salary policy or schedule adopted or negotiated prior to the effective date of this act shall be deemed valid pursuant to this act.

Approved May 20, 1987.

CHAPTER 124

AN ACT to amend the title of "An act to provide the precautions to be taken in the proximity of high-voltage lines for the prevention of accidents; to make provisions for the administration and enforcement thereof by the Commissioner of Labor and Industry, and to prescribe penalties for violations thereof," approved July 21, 1948 (P.L. 1948, c. 249), as said title was amended by P.L. 1966, c. 261, so that the same shall read "An act to provide the precautions to be taken in the proximity of high-voltage lines for the prevention of accidents; to make provisions for the administration and enforcement thereof by the Commissioner of Labor, and to prescribe penalties for violations thereof," to amend the body of said act, and to amend P.L. 1966, c. 261.

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

Title amended.

1. The title of P.L. 1948, c. 249, as said title was amended by P.L. 1966, c. 261, is amended to read as follows:

An act to provide the precautions to be taken in the proximity of high-voltage lines for the prevention of accidents; to make provisions for the administration and enforcement thereof by the Commissioner of Labor, and to prescribe penalties for violations thereof.

2. Section 1 of P.L. 1948, c. 249 (C. 34:6-47.1) is amended to read as follows:

C. 34:6-47.1 Definitions.

1. As used in this act:

a. "Commissioner" means the Commissioner of Labor or any of his authorized representatives.

b. "High-voltage lines" means electrical conductors installed above ground and having a voltage differential in excess of 750 volts between any pair of conductors or between any conductor and ground. In the case of alternating current, the voltage shall be measured in R.M.S. value. This definition shall not include approved armored cable used to supply power to portable equipment and insulated power cables enclosed in approved metallic raceways.

3. Section 6 of P.L. 1966, c. 261 (C. 34:6-47.7a) is amended to read as follows:

C. 34:6-47.7a Penalties.

6. Any person violating any of the provisions of P.L. 1948, c. 249 (C. 34:6-47.1 et seq.) shall be liable to a penalty of not less than \$500.00 nor more than \$5,000.00 to be collected in a civil action by a summary proceeding under "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.). Any violation of P.L. 1948, c. 249 (C. 34:6-47.1 et seq.) by an officer, agent or employee shall also be a violation of P.L. 1948, c. 249 (C. 34:6-47.1 et seq.) by his employer if such employer had knowledge of and actual control over the cause of such violation. Where the violation is of a continuing nature each day during which it continues, shall constitute an additional, separate and distinct offense.

The commissioner 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 commissioner as may appear appropriate and equitable under all of the circumstances.

4. This act shall take effect immediately.

Approved May 20, 1987.

CHAPTER 125

AN ACT concerning the employment of minors 15 years of age or older at certain recreational or amusement establishments and amending P.L. 1940, c. 153.

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

1. Section 1 of P.L. 1940, c. 153 (C. 34:2-21.1) is amended to read as follows:

C. 34:2-21.1 Definitions.

(a) "Employment certificate" means a certificate granted by the issuing officer authorizing the employment of a child as permitted under this act.

(b) "Age certificate" means a certificate issued for a person between the ages of 18 and 21 years.

(c) "Issuing officer" means any superintendent of schools, supervising principal, or teacher in a school district who is designated by

the board of education in the district to issue certificates or permits in accordance with the provisions of this act.

(d) "School district" means any geographical area having authority over the public schools within that area.

(e) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in subsection (g) of section 15 of the Agricultural Marketing Act, 46 Stat. 11 (12 U.S.C. §141 et seq.), as amended), the planting, transplanting and care of trees and shrubs and plants, the raising of livestock, bees, fur-bearing animals or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market, provided that such practices shall be performed in connection with the handling of agricultural or horticultural commodities the major portion of which have been produced upon the premises of an owning or leasing employer.

(f) "Newspaper carrier" means any minor between 12 and 18 years of age who engages in the occupation of delivering, soliciting, selling and collecting for, newspapers outside of school hours on residential routes.

(g) "Restaurant" means any establishment or business primarily engaged in the preparation and serving of meals or refreshments, both food and drink, and shall include but not be limited to the following: dining establishments, catering establishments, industrial caterers, and drive-in restaurants.

(h) "Theatrical production" means and includes stage, motion picture and television performances and rehearsals therefor.

(i) "Seasonal amusement" means any exclusively recreational or amusement establishment or business which does not operate more than seven months in any calendar year or which has received during any consecutive six months of the preceding calendar year average receipts equal to or less than $33\frac{1}{3}\%$ percent of its average receipts for the other six months of that year. "Seasonal amusement" includes but is not limited to amusement rides and amusement device ticket sales, and operations of games. However, "seasonal amusement" does not include retail, eating or drinking concessions, camps, beach and

swimming facilities, movie theatres, theatrical productions, athletic events, professional entertainment, pool and billiard parlors, circuses and outdoor shows, sports activities or centers, country club athletic facilities, bowling alleys, race tracks and like facilities which are not part of a diversified amusement enterprise.

2. Section 7 of P.L. 1940, c. 153 (C. 34:2-21.7) is amended to read as follows:

C. 34:2-21.7 Employment certificates for minors.

7.(a) Except as permitted under section 15 of this act, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, unless and until the person employing such minor shall procure and keep on file an employment certificate or special permit for such minor, issued by the issuing officer of the school district in which the child resides, or of the district in which the child has obtained a promise of employment if the child is a nonresident of the State; provided, that:

(1) No certificate or special permit shall be required for any child 16 years of age or over employed in agricultural pursuits;

(2) No certificate or special permit shall be required for any child 14 years of age or over employed at such times as the schools of his district are not in session, at any agricultural fair, horse, dog, or farm show the duration of which does not exceed 10 days; and

(3) No vacation certificate shall be required in the first 14 days of employment for any minor 15 years of age or over employed in seasonal amusement, food service, restaurant or retail occupations, at such times as the schools of his district are not in session, provided that no minor under 16 years of age shall be permitted to operate, or service, or to work in, about, or in connection with power-driven machinery.

(b) The employment covered under this section shall not require or involve work in, about, or in connection with employments prohibited by P.L. 1970, c. 115 (C. 34:2-21.15) and P.L. 1973, c. 204 (C. 34:2-21.17) of the child labor laws.

(c) Such certificate or special permit shall be issued in triplicate in such form and in accordance with such instructions as may be prescribed by the Commissioner of Education. The Commissioner of Education shall supply to the issuing officers all blank forms to be used in connection with the issuance of such certificates, and special permits as provided for in section 15 of this act.

(d) Employment certificates shall be of two kinds, regular certificates permitting employment during school hours, and vacation certificates permitting employment during the school vacation and during the school term at such times as the public schools are not in session.

(e) The original copy of the employment certificate shall be mailed by the issuing officer to the prospective employer of the minor for whom it is issued; a duplicate copy shall be mailed to the Department of Labor in Trenton as provided in section 12 of this act, and a triplicate copy shall be kept in the files of the issuing officer. The issuing officer may refuse to grant a certificate, if in his judgment, the best interests of the minor would be served by such refusal and he shall keep a record of such refusals, and the reasons therefor.

3. This act shall take effect immediately.

Approved May 22, 1987.

CHAPTER 126

AN ACT concerning the payment of interest under certain circumstances and amending N.J.S. 3B:23-11 and R.S. 34:15-28.

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

1. N.J.S. 3B:23-11 is amended to read as follows:

Interest on general pecuniary devise.

3B:23-11. Interest on general pecuniary devise. General pecuniary devises shall bear interest beginning one year after the first appointment of a personal representative until payment, unless a contrary intent is indicated by the will or unless the court, for good cause, waives the imposition of interest. The annual rate of interest on general pecuniary devises shall equal the average rate of return, to the nearest whole or one-half percent, for the corresponding preceding fiscal year terminating on June 30, of the State of New Jersey Cash Management Fund (State accounts) as reported by the Division of Investment in the Department of the Treasury.

2. R.S. 34:15-28 is amended to read as follows:

Interest on payments withheld.

34:15-28. Interest on payments withheld. Whenever lawful compensation shall have been withheld from an injured employee or

dependents for a term of three months or more following entry of a judgment, simple interest on each weekly payment for the period of delay of each payment may, at the discretion of the division, be added to the amount due at the time of settlement. The annual rate of interest on payments withheld shall equal the average rate of return, to the nearest whole or one-half percent, for the corresponding preceding fiscal year terminating on June 30, of the State of New Jersey Cash Management Fund (State accounts) as reported by the Division of Investment in the Department of the Treasury.

3. This act shall take effect on the 90th day after enactment.

Approved May 26, 1987.

CHAPTER 127

AN ACT concerning operators engaged in the removal of motor vehicles, amending P.L. 1964, c. 81 and amending and supplementing P.L. 1979, c. 101.

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

1. (New section) The Legislature finds and declares that:

a. Certain municipalities are faced with exorbitant storage fees for storage following the removal of abandoned and unclaimed motor vehicles.

b. Storage fees have been permitted to accumulate far in excess of the value of any of these vehicles.

c. Certain contracts concerning storage of these abandoned motor vehicles have been entered into by private persons and public agencies which failed to provide for a limitation on the accumulation of these storage fees.

d. It is imperative that a reasonable limitation be imposed on these storage fees for the important public purpose of sustaining local fiscal soundness.

e. In view of the foregoing, it is reasonable and necessary for the State to set limitations on these contracts for storage fees now that this important public interest has come to light.

2. Section 1 of P.L. 1979, c. 101 (C. 40:48-2.49) is amended to read as follows:

C. 40:48-2.49 Operators engaged in removal of motor vehicles; regulation by municipalities.

1. Notwithstanding the provisions of section 1 of P.L. 1973, c. 137 (C. 39:4-56.6) or any other law, a municipality may regulate, by ordinance, the removal of motor vehicles from private or public property by operators engaged in such practice, including, but not limited to, the fees charged for storage following removal in accordance with section 3 of P.L. 1987, c. 127 (C. 40:48-2.50), fees charged for such removal, notice requirements therefor, and the mercantile licensing of such operators.

C. 40:48-2.50 Fee limits.

3. (New section) All fees to be paid to an operator by a municipality for the storage of removed motor vehicles shall not exceed the following:

(1) A limit of \$3.00 per day for the first 30 days of storage per vehicle; and

(2) A limit of \$2.00 per day for the 31st day of storage and any day thereafter; and

(3) A limit of \$400.00 per vehicle stored regardless of the duration of the storage, except that a waiver may be granted for good cause upon the request of a municipality by the Division of Local Government Services in the Department of Community Affairs.

C. 40:48-2.51 Penalty for violation of fee limits.

4. (New section) An operator engaged in the removal of motor vehicles, or any employee, officer or agent thereof, who engages in a pattern or practice of knowingly violating the fee limits set in section 3 of P.L. 1987, c. 127 (C. 40:48-2.50) may be liable to the municipality for a civil penalty of not less than \$25.00 or more than \$50.00 for each motor vehicle stored with the operator.

5. Section 1 of P.L. 1964, c. 81 (C. 39:10A-1) is amended to read as follows:

C. 39:10A-1 Public auction of motor vehicles.

1. a. When the State or any county, county park commission, municipality or any authority created by any thereof, hereinafter referred to as a "public agency," shall have taken possession of a motor vehicle found abandoned, such taking of possession shall be reported immediately to the Director of the Division of Motor Vehicles on a form prescribed by him, for verification of ownership.

b. When such motor vehicle which has been ascertained not to be stolen and which can be certified for a junk title certificate under section 3 of P.L. 1964, c. 81 (C. 39:10A-3) shall have remained unclaimed by the owner or other person having a legal right thereto for a period of 15 business days, even if at that time the owner has not been identified as a result of efforts to make identification by the public agency or the Division of Motor Vehicles, the same may be sold at auction in a public place. If the certified motor vehicle is sold at auction prior to identification of the owner, the public agency shall document the condition of the motor vehicle in writing and with photographs prior to the sale; document the amount obtained from the sale of the motor vehicle; and notify the owner, if his name and address are identified after the sale, of the actions taken by the public agency to dispose of the motor vehicle.

c. When a motor vehicle which cannot be certified for a junk title certificate under section 3 of P.L. 1964, c. 81 (C. 39:10A-3) remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the motor vehicle may be sold at auction in a public place, but shall be sold no later than 90 business days after the public agency takes possession of the vehicle, except that a waiver of the 90-day limit may be obtained for good cause from the Division of Local Government Services in the Department of Community Affairs.

d. The public agency shall give notice of a sale conducted pursuant to subsection b. or c. of this section, by certified mail, to the owner, if his name and address be known and to the holder of any security interest filed with the director, and by publication in a form to be prescribed by the director by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which such motor vehicle is held.

6. This act shall take effect immediately but shall not affect any fees set by a contract between a municipality and an operator which is in existence on the effective date.

Approved May 26, 1987.

CHAPTER 128

AN ACT concerning the pensions of widows and widowers of members of and retirants from the Consolidated Police and Firemen's Pension Fund and the pensions of certain widows and widowers of members of the Police and Firemen's Retirement System, amending R.S. 43:16-3, R.S. 43:16-4 and P.L. 1944, c. 255 and supplementing P.L. 1958, c. 143 (C. 43:3B-1 et seq.).

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

1. R.S. 43:16-3 is amended to read as follows:

Pensions to survivors.

43:16-3. (a) Upon the receipt of proper proofs of the death of a member who shall not have died while on duty, there shall be paid to the member's surviving spouse a pension of 50% of the member's average salary, for the use of herself or himself, to continue during her or his widowhood, plus 15% of such salary payable to one surviving child or plus 25% of such salary to two or more surviving children; if there is no surviving spouse or in case the surviving spouse dies or remarries, 20% of the member's average salary will be payable to one surviving child, 35% of such salary to two surviving children in equal shares and if there be three or more children, 50% of such salary will be payable to such children in equal shares; if there is no surviving spouse or child, 25% of the member's average salary will be payable to one surviving dependent parent or 40% of such salary will be payable to two surviving dependent parents in equal shares.

(b) Upon the receipt of proper proofs of the death after retirement of a former member of the pension fund, there shall be paid to the member's surviving spouse a pension of 50% of the member's average salary for the use of herself or himself, to continue during her or his widowhood, plus 15% of such salary payable to one surviving child or plus 25% of such salary to two or more surviving children; if there is no surviving spouse or in case the surviving spouse dies or remarries, 20% of the member's average salary will be payable to one surviving child, 35% of such salary to two surviving children in equal shares and if there be three or more children, 50% of such salary will be payable to such children in equal shares.

(c) The changes in benefits provided by subsections (a) and (b) of this section shall apply only to pensions granted after April 1, 1967; provided, however, that any pension in an amount less than \$4,500.00

per annum presently being paid or to be paid in the future, pursuant to R.S. 43:16-3, to a surviving spouse of a police officer or firefighter who did not die while on duty or who died following retirement, shall be increased to \$4,500.00 per annum.

(d) The State shall pay the additional costs arising from the increase from 25% to 50% in the proportion of a member's average salary payable as a pension to that member's surviving spouse pursuant to the provisions of this 1987 amendatory and supplementary act.

2. R.S. 43:16-4 is amended to read as follows:

Benefits for loss of life while on duty.

43:16-4. (a) Upon the receipt of proper proofs of the death of a member who shall have lost his life while on duty, there shall be paid to his widow or dependent widower a pension of 70% of the member's average salary, for the use of herself or himself and the children of the deceased member, to continue during her or his widowhood; if there is no surviving widow or dependent widower or in case the widow or dependent widower dies or remarries, 20% of the member's average salary will be payable to one surviving child, 35% of such salary to two surviving children in equal shares and if there be three or more children, one-half of such salary will be payable to such children in equal shares; if there is no surviving widow, dependent widower, or child, 25% of the member's average salary will be payable to one surviving dependent parent or 40% of such salary will be payable to two surviving dependent parents in equal shares.

(b) The changes in benefits provided by subsection (a) of this section shall apply only to pensions granted after April 1, 1967; provided, however, that any pension in an amount less than \$4,500.00 per annum presently being paid or to be paid in the future, pursuant to R.S. 43:16-4, to a widow of a policeman or fireman who lost his life while on duty, shall be increased to \$4,500.00 per annum.

(c) The State shall pay the additional pension costs arising from the increase from one-half to 70% in the proportion of a member's average salary payable as a pension to that member's surviving spouse pursuant to the provisions of this section of this 1987 amendatory and supplementary act.

3. Section 10 of P.L. 1944, c. 255 (C. 43:16A-10) is amended to read as follows:

C. 43:16A-10 Accidental death benefits.

10. (1) Upon the death of a member in active service as a result of an accident met in the actual performance of duty at some definite time and place, and such death was not the result of the member's willful negligence, an accidental death benefit shall be payable if a report of the accident is filed in the office of the retirement system within 60 days next following the accident, but the board of trustees may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action. No such application shall be valid or acted upon unless it is filed in the office of the retirement system within five years of the date of such death.

(2) Upon the receipt of proper proofs of the death of a member on account of which an accidental death benefit is payable, there shall be paid to his widow or dependent widower a pension of 70% of the compensation, upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, for the use of herself or himself and the children of the deceased member, to continue during her or his widowhood; if there is no surviving widow or dependent widower or in case the widow or dependent widower dies or remarries, 20% of such compensation will be payable to one surviving child, 35% of such compensation to two surviving children in equal shares and if there be three or more children, 50% of such compensation will be payable to such children in equal shares.

If there is no surviving widow, dependent widower or child, 25% of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, will be payable to one surviving dependent parent or 40% of such compensation will be payable to two surviving parents in equal shares.

In the event of accidental death occurring in the first year of creditable service, the benefits, payable pursuant to this subsection, shall be computed at the annual rate of compensation.

(3) If there is no surviving widow, dependent widower, child or dependent parent, there shall be paid to any other beneficiary of the deceased member, his aggregate contributions at the time of death.

(4) In no case shall the death benefit provided in subsection (2) be less than that provided under subsection (3).

(5) In addition to the foregoing benefits payable under subsection

(2) or (3), there shall also be paid in one sum to such beneficiary, if living, as the member shall have nominated by written designation duly executed and filed with the retirement system, otherwise to the executor or administrator of the member's estate, an amount equal to three and one-half times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

C. 43:3B-8.2 Cost of living adjustment.

4. (New section) The provisions of section 7 of P.L. 1969, c. 169 (C. 43:3B-8) shall not apply to R.S. 43:16-3, R.S. 43:16-4 and section 10 of P.L. 1944, c. 255 (C. 43:16A-10) as amended by this 1987 amendatory and supplementary act, and the annual cost of living adjustment received by surviving spouses under P.L. 1958, c. 143 (C. 43:3B-1 et seq.) as amended and supplemented by P.L. 1969, c. 169 shall be calculated as of the date of retirement of the member of the retirement system.

5. This act shall take effect immediately, except that section 3 shall be retroactive to December 20, 1985.

Approved May 28, 1987.

CHAPTER 129

AN ACT providing for municipal development agreements and amending and supplementing P.L. 1975, c. 291.

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

1. Section 3.1 of P.L. 1975, c. 291 (C. 40:55D-4) is amended to read as follows:

C. 40:55D-4 Definitions.

3.1. "Days" means calendar days.

"Density" means the permitted number of dwelling units per gross area of land to be developed.

"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 alterations, 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.

“Drainage” means the removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the 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 preliminarily 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.

“Floor area ratio” means the sum of the area of all floors of buildings or structures compared to the total area of the site.

“General development plan” means a comprehensive plan for the development of a planned development, as provided in section 4 of this amendatory and supplementary act (P.L. 1987, c. 129; C. 40:55D-45.2).

“Governing body” means the chief legislative body of the municipality. In municipalities having a board of public works, “governing body” means such board.

“Historic district” means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

“Historic site” means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been formally designated in the master plan as being of historical, archeological, cultural, scenic or architectural significance.

“Interested party” means: (a) in a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and (b) in the case of a civil proceeding in any court or in an administrative 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.

2. Section 29.1 of P.L. 1975, c. 291 (C. 40:55D-39) is amended to read as follows:

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) Authorizing the planning board to grant general development plan 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 and setting forth any variations from the ordinary standards for preliminary and final 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-45.1 General development plan.

3. (New section) a. The general development plan shall set forth the permitted number of dwelling units, the amount of nonresidential floor space, the residential density, and the nonresidential floor area ratio for the planned development, in its entirety, according to a schedule which sets forth the timing of the various sections of the development.

The planned development shall be developed in accordance with the general development plan approved by the planning board notwithstanding any provision of P.L. 1975, c. 291 (C. 40:55D-1 et seq.), or an ordinance or regulation adopted pursuant thereto after the effective date of the approval.

b. The term of the effect of the general development plan approval shall be determined by the planning board using the guidelines set forth in subsection c. of this section, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer receives final approval of the first section of the planned development pursuant to P.L. 1975, c. 291 (C. 40:55D-1 et seq.).

c. In making its determination regarding the duration of the effect of approval of the development plan, the planning board shall consider: the number of dwelling units or amount of nonresidential floor area to be constructed, prevailing economic conditions, the timing schedule to be followed in completing the development and the likelihood of its fulfillment, the developer's capability of completing the proposed development, and the contents of the general development plan and any conditions which the planning board attaches to the approval thereof.

C. 40:55D-45.2 Contents of general development plan.

4. (New section) A general development plan may include, but not be limited to, the following:

a. A general land use plan at a scale specified by ordinance indicating the tract area and general locations of the land uses to be included in the planned development. The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be devoted to residential and nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth, and a residential density and a nonresidential floor area ratio shall be provided;

b. A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access, within the planned development and any proposed improvements to the existing transportation system outside the planned development;

c. An open space plan showing the proposed land area and general location of parks and any other land area to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks and recreational lands;

d. A utility plan indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal, and a plan for the operation and maintenance of proposed utilities;

e. A storm water management plan setting forth the proposed method of controlling and managing storm water on the site;

f. An environmental inventory including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site;

g. A community facility plan indicating the scope and type of supporting community facilities which may include, but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses, and police stations;

h. A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to P.L. 1985, c. 222 (C. 52:27D-301 et al.) will be fulfilled by the development;

i. A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal;

j. A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by municipalities or school districts as a result of the completion of the planned development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided under subsection k. of this section, and following the completion of the planned development in its entirety;

k. A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety; and

l. A municipal development agreement, which shall mean a written agreement between a municipality and a developer relating to the planned development.

C. 40:55D-45.3 Submission of general development plan.

5. (New section) a. Any developer of a parcel of land greater than 100 acres in size for which the developer is seeking approval of a planned development pursuant to P.L. 1975, c. 291 (C. 40:55D-1 et seq.) may submit a general development plan to the planning board prior to the granting of preliminary approval of that development by the planning board pursuant to section 34 of P.L. 1975, c. 291 (C. 40:55D-46) or section 36 of P.L. 1975, c. 291 (C. 40:55D-48).

b. The planning board shall grant or deny general development plan approval within 95 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 general development plan approval of the planned development.

C. 40:55D-45.4 Modification of timing schedule.

6. (New section) In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the planning board. The planning board shall, in deciding whether or not to grant approval of the modification, take into con-

sideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the municipality and the region, and the availability and capacity of public facilities to accommodate the proposed development.

C. 40:55D-45.5 Variation approval.

7. (New section) a. Except as provided hereunder, the developer shall be required to gain the prior approval of the planning board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or to increase the density of residential development or the floor area ratio of nonresidential development in any section of the planned development.

b. Any variation in the location of land uses or increase in density or floor area ratio proposed in reaction to a negative decision of, or condition of development approval imposed by, the Pinelands Commission pursuant to P.L. 1979, c. 111 (C. 13:18A-1 et seq.) or the Department of Environmental Protection pursuant to P.L. 1973, c. 185 (C. 13:19-1 et seq.) shall be approved by the planning board if the developer can demonstrate, to the satisfaction of the planning board, that the variation being proposed is a direct result of such determination by the Pinelands Commission or the Department of Environmental Protection, as the case may be.

C. 40:55D-45.6 Revision of general development plan.

8. (New section) a. Except as provided hereunder, once a general development plan has been approved by the planning board, it may be amended or revised only upon application by the developer approved by the planning board.

b. A developer, without violating the terms of the approval pursuant to this act, may, in undertaking any section of the planned development, reduce the number of residential units or amount of nonresidential floor space by no more than 15% or reduce the residential density or nonresidential floor area ratio by no more than 15%; provided, however, that a developer may not reduce the number of residential units to be provided pursuant to P.L. 1985, c. 222 (C. 52:27D-301 et al.), without prior municipal approval.

C. 40:55D-45.7 Notification of completion of each section.

9. (New section) a. Upon the completion of each section of the development as set forth in the approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purposes of this section, "completion" of any

section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan and pursuant to section 15 of P.L. 1975, c. 217 (C. 52:27D-133). If the municipality does not receive such notification at the completion of any section of the development, the municipality shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.

If a developer does not complete any section of the development within eight months of the date provided for in the approved plan, or if at any time the municipality has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the municipality shall notify the developer, by certified mail, and the developer shall have 10 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The municipality thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the municipality finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.

b. In the event that a developer who has general development plan approval does not apply for preliminary approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the planning board, the municipality shall have cause to terminate the approval.

C. 40:55D-45.8 Approval terminated upon completion.

10. (New section) In the event that a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential or nonresidential structure in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.

11. This act shall take effect immediately, but shall not apply to any developer who has received final approval of a site plan or

subdivision for any section of a planned development prior to the effective date of this act.

Approved May 28, 1987.

CHAPTER 130

AN ACT creating a Study Commission on Regulatory Efficiency in State Government and making an appropriation.

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

1. The Legislature finds and declares that certain State Government regulations are necessary and proper for the efficient enforcement of the regulatory affairs of the State, particularly those which help reduce pollution, improve health, and ensure product safety, but that government rules and regulations can often create a costly financial burden on business and individuals. Analysts have estimated an average business cost of \$19,000.00 associated with compliance with federal regulations and \$5,000.00 associated with compliance with state regulations in a typical state. Also, that whenever excessive regulation occurs, it causes a profoundly inefficient allocation of resources that often runs counter to the social ends the regulatory process is designed to achieve; that it should be the goal of State Government to lessen the burdens of regulation without sacrificing the important public policy goals that State agencies were formed to serve, and that the procedures employed by State agencies in establishing rules and regulations should be examined to ensure that administrative rules and regulations are necessary, straightforward, nonduplicative, minimize the costs of compliance, and adequately protect the public interest.

2. There is created a commission, to be known as the Study Commission on Regulatory Efficiency, with a membership of 33 members. The commission shall consist of:

a. The Attorney General, the State Treasurer, the Commissioner of Health, the Commissioner of Commerce and Economic Development, the Commissioner of Environmental Protection, the Commissioner of Community Affairs, the Commissioner of Insurance, the Commissioner of Labor, the Director of the Office of Administrative Law, the Public Advocate, and the Director of the Division of Con-

sumer Affairs, or their designated representatives, who shall be ex officio members;

b. Two members of the Senate to be appointed by the President of the Senate, not more than one of whom shall be of the same political party; and two members of the General Assembly to be appointed by the Speaker of the General Assembly, not more than one of whom shall be of the same political party;

c. Seventeen public members to be appointed by the Governor, of whom 13 shall be comprised of one representative from each of the following organizations: the National Federation of Independent Business/New Jersey, the New Jersey AFL-CIO, the New Jersey Business and Industry Association, the New Jersey State Chamber of Commerce, the New Jersey Builders Association, the Society for Environmental Economic Development, the North Jersey Commerce and Industry Association, the Alliance for Action, the Council of Private Schools for Children with Special Needs, the New Jersey Association of Non-Profit Homes for the Aging, the New Jersey Hospital Association, the New Jersey Food Council, the New Jersey Utilities Association; and

d. A chairman to be appointed by the Governor.

All appointments shall be made within 30 days after the effective date of this act. Each member shall serve for the duration of the commission. Vacancies in the membership shall be filled in the same manner as the original appointments were made. Members of the commission shall serve without compensation, but shall be entitled to reimbursement for actual expenses necessarily incurred in carrying out their duties as members of the commission.

3. The commission shall organize as soon as may be after the appointment of its members and shall select a vice-chairman from among its members and a secretary, who need not be a member of the commission. All actions of the commission shall be authorized by a majority vote of the total membership.

4. The commission shall review the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) and shall make recommendations for its revision.

5. The commission shall study the regulatory process of State agencies and propose guidelines and make recommendations for economic improvements and greater efficiency in rule-making

procedures. The commission shall include a review of the following in its study:

a. The State's system of processing the paper work of the regulatory functions of each agency to estimate duplication, promote efficiency, and increase speed in the processing of paper work, with consideration given to the feasibility of a centralized interagency procedure for the acquisition of permits and licenses of various types;

b. Rule-making procedures of other states for possible application to this State;

c. The intra-agency procedures and criteria which lead to the adoption of rules and regulations in an effort to establish standards or a set of guidelines for rulemakers to measure the advisability of proposed rules and regulations with the goals of:

(1) Eliminating conflicting provisions and unnecessary duplication of costs and procedures;

(2) Evaluating the cost versus the benefit of the rules and regulations;

(3) Ensuring that the factual conclusions, upon which a proposed regulation is based, are substantially supported in the agency's record viewed as a whole with full attention given to public comments in general and the comments of persons directly affected in particular;

(4) Easing the business cost of compliance and filings required by regulations; and

(5) Insuring the adequate protection of the public interest; and

d. The need for a regulatory oversight agency in the Department of Commerce and Economic Development to review selected regulations that affect business activity and ensure the periodic review of all existing substantive regulations.

The commission shall report its findings, conclusions and recommendations to the Governor and the Legislature not later than one year after the organizational meeting of the commission, accompanying them with any legislative bills which it may desire to recommend for adoption by the Legislature. The commission shall expire 30 days after the issuance of its report.

6. The commission shall be entitled to call to its assistance and avail itself of the services and assistance of such officials and employees of the State and its political subdivisions and their depart-

ments, boards, bureaus, commissions, and agencies as it may require and as may be available to it for its purposes 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 may expend any funds as may be appropriated or otherwise made available to it for the purposes of its study.

7. The commission may conduct public hearings in furtherance of its general purposes at the 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 interest groups and the general public.

8. There is appropriated \$90,000.00 to the commission from the General Fund to effectuate the purposes of this act.

9. This act shall take effect immediately and shall expire on the 30th day after the issuance of the commission's report.

Approved June 1, 1987.

CHAPTER 131

AN ACT establishing a Literacy in the Arts Task Force and making an appropriation.

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

1. There is established a Literacy in the Arts Task Force to consist of the following 25 members: 16 public members to be appointed by the Governor with the advice and consent of the Senate, of whom no more than eight shall be of the same political party; the Secretary of State, ex officio, or his duly authorized representative; the Commissioner of Education, ex officio, or his duly authorized representative; the Chancellor of Higher Education, ex officio, or his duly authorized representative; the President of the New Jersey School Boards Association, ex officio, or his duly authorized representative; the President of the New Jersey Education Association, ex officio, or his duly authorized representative; the President of the New Jersey Federation of Teachers, ex officio, or his duly authorized representative; the President of the Alliance for Arts Education, ex officio, or

his duly authorized representative; and two members of the New Jersey State Council on the Arts. In the selection of public members a strong effort shall be made to appoint persons who have experience in providing young people with exposure to the performing or visual arts or who have a background in the arts in education.

Members of the task force shall serve without compensation but may be reimbursed for all reasonable expenses incurred in the performance of their duties. A vacancy in the membership of the task force shall be filled in the same manner as the original appointment.

2. The Governor shall designate one of the public members as the chairman of the task force. The chairman shall convene an organizational meeting of the task force as soon as possible after the appointment of its members. The task force shall select a vice-chairman from among its members and may appoint a secretary and an executive director who shall be members of the unclassified Civil Service.

3. It shall be the duty of the task force to create a comprehensive plan for the appropriate development of arts in education in the elementary and secondary schools of the State. In fulfilling its responsibilities, the task force shall define performing and visual arts to include drama and poetry. In particular, the task force shall:

a. Develop a model curriculum for grades kindergarten through 12, including learning objectives in terms of understanding or skills, or both understanding and skills in the performing and visual arts;

b. Study the factors involved in providing arts instruction in a sequential manner from grades kindergarten through 12;

c. Evaluate the effects of experience in the arts on the educational development of students;

d. Explore the development of financial resources, including State program grants, for the development and support of arts programs in the public schools;

e. Conduct a survey of all ongoing arts programs within our State's educational system and other available resource programs for exceptional students, including gifted and talented students, and individuals with special needs, and establish procedures through which the results of this survey shall be made available to all school districts; and

f. Study certification requirements for teachers of the visual and performing arts and make recommendations through existing

procedures regarding any suggested changes to the State Board of Education.

4. 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 its purposes; to hire such consultants as may be necessary; to avail itself of the services and assistance of individuals, businesses and other public and non-public institutions; and 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 its purposes.

5. The task force shall meet and hold hearings at such place or places as it shall designate and shall report its findings and recommendations to the Governor and Legislature within 18 months after its organizational meeting. The report shall include any legislative bills or proposals which the task force may desire to recommend for adoption.

6. There is appropriated from the General Fund \$60,000.00 to effectuate the purposes of this act.

7. This act shall take effect immediately and shall expire 18 months following the organization of the task force.

Approved June 2, 1987.

CHAPTER 132

AN ACT concerning sales of crafts and works of fine art on consignment 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:2-329 Short title.

1. This act shall be known and may be cited as the "Artworks Consignment Act."

C. 12A:2-330 Definitions.

2. As used in this act:

(1) "Art dealer" means a person engaged in the business of selling crafts and works of fine art, other than a person exclusively engaged in the business of selling goods at public auction.

(2) "Artist" means an individual who is the creator of a craft or work of fine art.

(3) "Commission" means a fee, compensation or percentage of the actual selling price of a craft or work of fine art, which has been agreed upon by the artist and an art dealer, and to which the art dealer is entitled after completion of the sale of the craft or work of fine art to a third party.

(4) "Consignee" means a person who accepts a craft or work of fine art delivered to the person on consignment.

(5) "Consignor" means a person who delivers, or causes the delivery of, a craft or work of fine art to an art dealer on consignment.

(6) "Craft" means an artistic rendition created using any medium, including, but not limited to, a collage and other works consisting of any combination of painting, drawing, sculpture, photography and manual creation in clay, textile, fiber, wood, metal, plastic, glass, stone, leather or similar materials.

(7) "Fine art" means an original work of visual or graphic art created using any medium, including but not limited to, a painting, drawing or sculpture.

(8) "On consignment" means delivered into the possession and control of a person in whom title to the delivered object does not vest but who, by agreement with the consignor, is authorized to convey the consignor's right, title and interest in the object to a third person.

C. 12A:2-331 Terms of consignment.

3. When an artist or an artist's representative delivers or causes the delivery of a craft or work of fine art to an art dealer to be sold by the art dealer for a commission, the transfer to and acceptance by the art dealer of the craft or work of fine art shall be on consignment.

C. 12A:2-332 Protection of consignor from creditors of consignee.

4. (1) Notwithstanding the provision of N.J.S. 12A:2-326, the consignor may be protected against the creditors of the consignee where:

(a) the consignee or consignor places a sign on the craft or work of fine art which states that the item is on consignment; or

(b) the consignor establishes that the consignee is generally known by his creditors to be substantially engaged in selling the goods of others; or

(c) the consignor complies with the filing provisions of chapter 9 of this title (Uniform Commercial Code—Secured Transactions), thereby perfecting a security interest in the craft or work of fine art.

(2) At the time the craft or work of fine art is placed on consignment, the consignee shall provide the consignor with a written statement of consignor's rights as set forth in subsection (1) of this section. A consignee who fails to give such notice shall be a petty disorderly person and shall be subject, upon conviction, to the penalties set forth in N.J.S. 2C:43-3.

(3) A craft or work of fine art initially received on consignment shall remain the property of the consignor upon compliance with the provisions of subsection (1) of this section, notwithstanding the subsequent purchase of the craft or work of fine art by the consignee, directly or indirectly, for the consignee's own account, until the terms of the purchase are completed.

C. 12A:2-333 Consignments not subject to claims of creditors.

5. Crafts or works of fine art placed on consignment in compliance with the provisions of subsection (1) of section 4 are not subject to the claims, liens or security interests of the creditors of the consignee or art dealer.

C. 12A:2-334 Consignment agreement.

6. An art dealer shall not accept a craft or work of fine art for a commission on consignment unless, before the time of acceptance, the art dealer conveys to the consignor a written receipt describing the craft or work of fine art delivered to the art dealer and setting out the terms of the consignment agreement.

C. 12A:2-335 Civil liability of consignee.

7. An art dealer who accepts a craft or work of fine art on consignment shall be liable in a civil action brought by the consignor for the loss of or damages to the craft or work of fine art.

C. 12A:2-336 Waiver of rights of consignor.

8. A consignor may not waive his rights under this act unless the waiver is clear, conspicuous and in writing.

9. This act shall take effect immediately.

Approved June 3, 1987.

CHAPTER 133

AN ACT establishing a Home Delivered Meals Expansion Program and making an appropriation therefor.

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

C. 52:27D-29.17 Definitions.

1. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Community Affairs.

b. "Department" means the Department of Community Affairs.

c. "Eligible participant" means a resident of this State who is 60 years of age or older and homebound by reason of illness, incapacitating disability or is otherwise isolated.

d. "Home delivered nutrition services" means home delivered meals as defined by the "Older Americans Act of 1965," Pub.L. 89-73 (42 U.S.C. §3001 et seq.).

e. "Program" means the Home Delivered Meals Expansion Program in the Division on Aging, in the Department of Community Affairs.

C. 52:27D-29.18 Home Delivered Meals Expansion Program.

2. The commissioner shall establish a Home Delivered Meals Expansion Program in the Division of Aging, in the Department of Community Affairs, to provide home delivered nutrition services to eligible participants on weekends and holidays.

C. 52:27D-29.19 Guidelines.

3. The commissioner shall prepare guidelines under which the county offices on aging, established pursuant to P.L. 1970, c. 248 (C. 40:23-6.38 et seq.), shall implement the Home Delivered Meals Expansion Program. The guidelines shall require:

a. The county offices on aging to solicit proposals from existing home delivered meals providers interested in participating in the Home Delivered Meals Expansion Program; and

b. The county offices on aging to review the proposals and approve and fund, within the limits of moneys allocated to them, proposals which best meet the objectives of the program.

C. 52:27D-29.20 Confidential donation.

4. An eligible participant shall be asked for a confidential donation for services under this program in an amount determined by the commissioner, however, services shall not be denied if a person cannot pay.

C. 52:27D-29.21 Rules, regulations.

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

C. 52:27D-29.22 95% to county offices.

6. a. There is appropriated \$1,000,000.00 from the Casino Revenue Fund to the Department of Community Affairs to effectuate the purposes of this act.

b. The department shall allocate not less than 95% of the funds appropriated for the purposes of this act to the county offices on aging, and these funds shall be disbursed to the county offices on aging according to the formula used to disburse funds for the home delivered nutrition services provided under Title III of the "Older Americans Act of 1965," Pub.L. 89-73 (42 U.S.C. §3001 et seq.).

c. The county shall match the State funds allocated to a county office on aging for this program with an amount equal to 20% of the State funds. The county share may be cash or in kind.

7. This act shall take effect immediately.

Approved June 3, 1987.

CHAPTER 134

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the amounts appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
DEPARTMENT OF HUMAN SERVICES
33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired
11 Habilitation and Rehabilitation

11-7560 Habilitation and
Rehabilitation \$250,000
Special Purpose:
Implementation of State Use Law
and Private Industry Marketing Program
by Rehabilitation Facilities (\$250,000)
2. This act shall take effect immediately.
Approved June 3, 1987.

CHAPTER 135

AN ACT concerning the filing of certain applications by enterprise
zone businesses and amending P.L. 1983, c. 303.

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

1. Section 21 of P.L. 1983, c. 303 (C. 52:27H-80) is amended to
read as follows:

C. 52:27H-80 50% sales tax exemption.

21. Receipts of retail sales, except retail sales of motor vehicles
and of manufacturing machinery, equipment or apparatus, made by
a certified vendor from a place of business owned or leased and
regularly operated by the vendor for the purpose of making retail
sales, and located in a designated enterprise zone established
pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.
1983, c. 303 (C. 52:27H-60 et seq.), are exempt to the extent of 50%
of the tax imposed under the "Sales and Use Tax Act," P.L. 1966,
c. 30 (C. 54:32B-1 et seq.).

Any vendor, which is a qualified business having a place of business
located in a designated enterprise zone, may apply, on or before
October 1 of the pretax year or on or before April 1 of the tax year,
to the Director of the Division of Taxation in the Department of the
Treasury for certification pursuant to this section. The director shall

certify a vendor if he shall find that the vendor owns or leases and regularly operates a place of business located in the designated enterprise zone for the purpose of making retail sales, that items are regularly exhibited and offered for retail sale at that location, and that the place of business is not utilized primarily for the purpose of catalogue or mail order sales. Any certification issued for an application received on or before October 1 shall be for a one year period beginning the following January 1 and any certification issued for an application received on or before April 1 shall be for a six month period beginning July 1 of that same year. Any certification may be renewed annually by the director upon reapplication of the vendor. The director may at any time revoke a certification granted pursuant to this section if he shall determine that the vendor no longer complies with the provisions of this section.

Notwithstanding the provisions of this act to the contrary, this section shall apply to two of the first five enterprise zones designated under the provisions of this act, and to no more than four of all zones so designated. Notwithstanding any other provisions of law to the contrary, all revenues received from the taxation of retail sales made by certified vendors from business locations in designated enterprise zones to which this exemption shall apply, shall be deposited immediately upon collection by the Department of the Treasury, as follows:

- a. In the first five year period of the enterprise zone designation, all such revenues shall be deposited in the enterprise zone assistance fund created pursuant to section 29 of this act;
- b. In the second five year period of the enterprise zone designation, $66\frac{2}{3}\%$ of all those revenues shall be deposited in the enterprise zone assistance fund, and $33\frac{1}{3}\%$ shall be deposited in the General Fund;
- c. In the third five year period of the enterprise zone designation, $33\frac{1}{3}\%$ of all those revenues shall be deposited in the enterprise zone assistance fund, and $66\frac{2}{3}\%$ shall be deposited in the General Fund;
- d. In the final five year period of the enterprise zone designation, all those revenues shall be deposited in the General Fund.

The revenues required to be deposited in the enterprise zone assistance fund under this section shall be used for the purposes of that fund and for the uses prescribed in section 29 of this act, subject to annual appropriations being made for those purposes and uses.

2. This act shall take effect immediately.

Approved June 3, 1987.

CHAPTER 136

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
45 Recreational Resource Management—State Aid

12-4875 Parks Management \$30,000

State Aid:

Cadmus House restoration (\$30,000)

2. This act shall take effect immediately.

Approved June 3, 1987.

CHAPTER 137

AN ACT concerning affirmative action contracts in the casino industry, amending P.L. 1985, c. 539 and amending and supplementing P.L. 1977, c. 110.

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

1. Section 2 of P.L. 1985, c. 539 (C. 5:12-185) is amended to read as follows:

C. 5:12-185 Definitions.**2. As used in this act:**

a. "Casino licensee" means any entity which holds or is an applicant for a casino license pursuant to section 87 of P.L. 1977, c. 110 (C. 5:12-87).

b. "Minority business enterprise" means a business that is:

(1) A sole proprietorship, owned and controlled by a minority;

(2) A partnership or joint venture owned and controlled by minorities in which at least 51% of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or

(3) A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it, and which is at least 51% owned by one or more minorities, or if stock is issued, at least 51% of the stock is owned by one or more minorities.

c. "Minority" means a person who is:

(1) Black, which is a person having origins in any of the black racial groups in Africa; or

(2) Hispanic, which is a person of Spanish or Portuguese culture, with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race; or

(3) Asian American, which is a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, Hawaii, or the Pacific Islands; or

(4) American Indian or Alaskan native, which is a person having origins in any of the original peoples of North America.

d. "Women's business enterprise" means a business that is:

(1) A sole proprietorship owned and controlled by a woman; or

(2) A partnership or joint venture owned and controlled by women in which at least 51% of the ownership is held by women and the management and daily business operations of which are controlled by one or more women who own it; or

(3) A corporation or other entity whose management and daily business operations are controlled by one or more women who own

it, and which is at least 51% owned by women, or if stock is issued, at least 51% of the stock is owned by one or more women.

2. Section 63 of P.L. 1977, c. 110 (C. 5:12-63) is amended to read as follows:

C. 5:12-63 Duties of the commission.

63. Duties of the commission. The Casino Control Commission shall have general responsibility for the implementation of this act, as hereinafter provided, including, without limitation, the responsibility:

a. To hear and decide promptly and in reasonable order all license, registration, certificate, and permit applications and causes affecting the granting, suspension, revocation, or renewal thereof;

b. To conduct all hearings pertaining to civil violations of this act or regulations promulgated hereunder;

c. To promulgate such regulations as in its judgment may be necessary to fulfill the policies of this act;

d. To collect all license and registration fees and taxes imposed by this act and the regulations issued pursuant hereto;

e. To levy and collect penalties for the violation of provisions of this act and the regulations promulgated hereunder;

f. To be present through its inspectors and agents at all times during the operation of any casino for the purpose of certifying the revenue thereof, receiving complaints from the public, and conducting such other investigations into the conduct of the games and the maintenance of the equipment as from time to time the commission may deem necessary and proper; and

g. To review and rule upon any complaint by a casino licensee regarding any investigative procedures of the division which are unnecessarily disruptive of casino operations. The need to inspect and investigate shall be presumed at all times. The disruption of a licensee's operations shall be proved by clear and convincing evidence, and establish that: (1) the procedures had no reasonable law enforcement purpose, and (2) the procedures were so disruptive as to inhibit unreasonably casino operations.

3. Section 4 of P.L. 1985, c. 539 (C. 5:12-186) is amended to read as follows:

C. 5:12-186 Minority, women's business contracts.

4. a. Notwithstanding the provisions of any law, rule or regulation to the contrary, every casino licensee shall establish goals of expending at least 5% of the dollar value of its contracts for goods and services with minority and women's business enterprises by the end of the third year following the operative date of this 1985 amendatory and supplementary act or by the end of third year following the receipt of a casino license, whichever is later, and 10% of the dollar value of its contracts for goods and services with minority and women's business enterprises by the end of the sixth year following the operative date of this 1985 amendatory and supplementary act or by the end of the sixth year following the receipt of a casino license, whichever is later; and each such licensee shall have a goal of expending 15% of the dollar value of its contracts for goods and services with minority and women's business enterprises by the end of the 10th year following that operative date or by the end of the 10th year following the receipt of a casino license, whichever is later. Each casino licensee shall be required to demonstrate annually to the commission that the requirements of this act have been met by submitting a report which shall include the total dollar value of contracts awarded for goods or services and the percentage thereof awarded to minority and women's business enterprises.

As used in this section, "goods and services" shall not include (1) utilities and taxes; (2) financing costs, such as mortgages, loans or any other type of debt; (3) medical insurance; (4) dues and fees to the Atlantic City Casino Association; (5) fees and payments to a parent or affiliated company of the casino licensee other than those that represent fees and payments for goods and services supplied by non-affiliated persons through an affiliated company for the use or benefit of the casino licensee; and (6) rents paid for real property and any payments constituting the price of an interest in real property as a result of a real estate transaction.

b. A casino licensee shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the commission that such an effort was made.

c. A casino licensee may fulfill no more than 70% of its obligation or part of it under this act by requiring a vendor to set aside a portion of his contract for minority or women's business enterprises. Upon request, the licensee shall provide the commission with proof of the amount of the set-aside.

4. Section 5 of P.L. 1985, c. 539 (C. 5:12-187) is amended to read as follows:

C. 5:12-187 Bus business set aside.

5. a. Every casino licensee shall establish goals of expending at least 5% of the dollar value of its bus business with minority and women's business enterprises by the end of the third year following the operative date of this 1985 amendatory and supplementary act or by the end of the third year following the receipt of a casino license, whichever is later and 10% of the dollar value of its bus business with minority and women's business enterprises by the end of the sixth year following the operative date of this 1985 amendatory and supplementary act or by the end of the sixth year following the receipt of a casino license, whichever is later; and each such licensee shall have a goal of expending 15% of the dollar value of its bus business with minority and women's business enterprises by the end of the 10th year following that operative date or by the end of the 10th year following the receipt of a casino license, whichever is later. Each casino licensee shall be required to demonstrate annually to the commission that the requirements of this act have been met by submitting a report which shall include the total bus business expended and the percentage thereof awarded to minority and women's business enterprises.

b. A casino licensee shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the commission that such an effort was made.

5. Section 6 of P.L. 1985, c. 539 (C. 5:12-188) is amended to read as follows:

C. 5:12-188 Determining qualifications.

6. The Division of Development for Small Businesses and Women's and Minority Businesses in the Department of Commerce and Economic Development created pursuant to P.L. 1987, c. 55 (C. 52:27H-21.7 et seq.) shall establish and administer a unified certification procedure for minority and women's business enterprises that do business with casino licensees on contracts for goods and services or contracts for bus business.

6. Section 7 of P.L. 1985, c. 539 (C. 5:12-189) is amended to read as follows:

C. 5:12-189 List of qualified enterprises.

7. The Division of Development for Small Businesses and Women's and Minority Businesses shall supply casino licensees with

a list of those minority and women's business enterprises which it has certified. The division shall review the list annually to determine which of those minority and women's business enterprises shall continue to be certified. The division shall establish a procedure whereby the designation of a certified minority and women's business enterprise may be challenged. The procedure shall include proper notice and a hearing for all parties concerned.

C. 5:12-187.1 Penalties for violations.

7. (New section) If the commission determines that the provisions of sections 4 and 5 of P.L. 1985, c. 539 (C. 5:12-186 and C. 5:12-187) relating to expenditures and assignments to minority and women's business enterprises have not been met by a licensee, the commission may suspend or revoke the casino license, or fine or impose appropriate conditions on the licensee, to ensure that the goals for expenditures and assignments to minority and women's business enterprises are met; except that if a determination is made that a casino licensee has failed to demonstrate compliance with the provisions of sections 4 and 5 of P.L. 1985, c. 539 (C. 5:12-186 and C. 5:12-187), a casino licensee will have 90 days from the date of the determination of noncompliance within which to comply with the provisions of those sections.

8. This act shall take effect immediately but shall remain inoperative until the 90th day following the day of adoption of rules and regulations by the Division of Development for Small Businesses and Women's and Minority Businesses pursuant to section 5 of this act.

Approved June 3, 1987.

CHAPTER 138

AN ACT concerning certificates of ownership for marine equipment,
amending P.L. 1984, c. 152 and repealing section 20 thereof.

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

1. Section 2 of P.L. 1984, c. 152 (C. 12:7A-2) is amended to read as follows:

C. 12:7A-2 Policy declaration.

2. The Legislature declares it to be a public policy of this State that certain vessels and hulls shall be titled.

2. Section 3 of P.L. 1984, c. 152 (C. 12:7A-3) is amended to read as follows:

C. 12:7A-3 Definitions.

3. As used in this act:

a. "Abstract" means a duplicate copy of the original certificate of ownership recording any encumbrance or upon which the existence of a security interest is noted.

b. "Buyer" includes purchaser, debtor, lessee, bailee, transferee, and any person buying or attempting to buy marine equipment, or any person acquiring marine equipment subject to a security interest, lease, bailment or transfer agreement, and their legal successors in interest.

c. "Certificate of number" means the paper or papers issued in conformance with chapter 7 of Title 12 of the Revised Statutes certifying registration of the numbers assigned to the vessel.

d. "Certificate of origin" means the original written instrument or document required to be executed and delivered by the manufacturer to his agent or a dealer, or a person purchasing directly from the manufacturer, certifying the origin of the marine equipment.

e. "Certificate of ownership" means the paper or papers issued in conformance with this act, certifying ownership of marine equipment, other than a manufacturer's or importer's certificate of origin.

f. "Dealer" means any person who engages wholly or in part in the business of buying, selling or exchanging new or used marine equipment.

g. "Debtor" means the person who owes payment or other performance of the obligation secured by a security interest in marine equipment.

h. "Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

i. "Documentation papers" means those papers issued to a documented vessel by the United States Coast Guard or any federal agency successor thereto.

j. "Documented vessel" means a vessel which has valid documentation papers issued by the United States Coast Guard or any federal agency successor thereto.

k. "Hull" means a vessel, exclusive of all means of propulsion.

l. "Inboard vessel" means a hull with an inboard engine including an inboard/outboard or stern drive installed as a primary or auxiliary means of propulsion.

m. "Manufacturer" means any person engaged in the business of manufacturing new marine equipment for the purpose of sale or trade.

n. "Manufacturer's number" means a hull identification number affixed by the manufacturer pursuant to federal regulation or assigned by the director pursuant to regulation.

o. "Marine equipment" means vessels or hulls greater than 12 feet in length.

p. "New marine equipment" means a newly manufactured vessel or hull greater than 12 feet in length.

q. (Deleted by amendment, P.L. 1987, c. 138.)

r. (Deleted by amendment, P.L. 1987, c. 138.)

s. "Principal use within this State" means marine equipment that has been within this State for a period in excess of 180 consecutive days, unless the equipment is in this State for the purpose of wet or dry storage, or for repairs, in which case the actual time for this storage or repairs shall not be counted as included within the 180 day period.

t. "Purchaser" means a person who takes possession of marine equipment by transfer of ownership, either for use or resale, except a dealer when he takes possession through a certificate of origin.

u. "Secured party" means a lender, seller or other person in whose favor there is a security interest.

v. "Security agreement" means an agreement which creates or provides for a security interest in marine equipment.

w. "Security interest" means an interest in marine equipment which secures payment or other performance of an obligation.

x. "Sell" or "sale" or "purchase" and any form thereof include absolute or voluntary sales and purchases, agreements to sell and

purchase, bailments, leases, security agreements whereby any marine equipment is sold and purchased, or agreed to be sold and purchased, involuntary, statutory and judicial sales, inheritance, devise, or bequest, gift or any other form or manner of sale or agreement of sale thereof, or the giving or transferring of possession of a piece of marine equipment to a person for a permanent use, where there is continued possession for 60 days or more.

y. "Seller" means manufacturer, dealer, lessor, bailor, transferor with or without a security interest, and any other person selling, attempting to sell, or delivering marine equipment and their legal successors in interest.

z. "Title papers" means any instrument or document that is evidence of ownership of a vessel or hull greater than 12 feet in length.

aa. "Used marine equipment" means a vessel or hull greater than 12 feet in length, title to, or possession of, which has been first transferred from the person who first acquired it from the manufacturer or dealer, and so used as to become what is commonly known as "pre-owned" within the ordinary meaning thereof, and every vessel or hull greater than 12 feet in length other than a new vessel or hull greater than 12 feet in length.

bb. "Vessel" means a boat or watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

cc. "Length" means the measurement of a vessel or hull, in feet and inches, from end to end over the deck and parallel to the centerline, excluding sheer, bowsprits, bumpkin rudders, outboard motors, brackets and other equipment or appendages.

dd. "Owner" means a person, other than a lienholder, having the property of, or title to, a vessel or hull. The term includes a person entitled to the use or possession of the vessel subject to the interest of another person, which interest is reserved or created by agreement and secures the payment or performance of an obligation, and excludes a lessee under a lease that is not intended as security for the vessel or hull.

ee. "Power vessel" means a vessel which is greater than 12 feet in length and is temporarily or permanently equipped with machinery for propulsion, excluding a vessel propelled wholly by sails or by muscular power.

ff. "Sailboat" means any boat whose sole source of propulsion is a natural element, such as the wind.

3. Section 5 of P.L. 1984, c. 152 (C. 12:7A-5) is amended to read as follows:

C. 12:7A-5 Applications for certificates of ownership.

5. a. Except as provided in section 6 of this act, for each piece of marine equipment principally used in this State, the owner shall make application to the director for a certificate of ownership.

b. Except as may be otherwise provided in this act, the Department of Law and Public Safety shall not number or renew the certificate of number of a vessel, which is required to be numbered in this State pursuant to the "New Jersey Boat Act of 1962," P.L. 1962, c. 73 (C. 12:7-34.36 et seq.) and is defined as "marine equipment" under section 3 of P.L. 1984, c. 152 (C. 12:7A-3), unless a certificate of ownership has been issued by the director to the owner pursuant to this act.

4. Section 6 of P.L. 1984, c. 152 (C. 12:7A-6) is amended to read as follows:

C. 12:7A-6 Renewals, exemptions.

6. a. Any person, who prior to the effective date of this act, owned any marine equipment shall, at the time its certificate of number is due to be renewed, file an application for a certificate of ownership for the marine equipment as required in section 5, and shall file a financing statement as required in section 12 of this act.

b. A certificate of ownership shall not be required under this act for any marine equipment that is:

- (1) a ship's lifeboat;
- (2) a non-motorized, inflatable surfboard, racing shell, rowing scull, tender for direct transportation between a vessel and the shore and for no other purpose (dinghy), or vessel of 12 feet or less in length;
- (3) a canoe or kayak;
- (4) a public vessel of the United States or any state, or any subdivision or agency thereof;
- (5) any vessel used exclusively for racing while actually competing in or tuning up for an authorized race held under the auspices of a duly incorporated yacht club or racing association, in accordance with the rules and regulations prescribed by the Division of Motor

Vehicles in the Department of Law and Public Safety and pursuant to a permit duly issued thereby; or

(6) a sailboat of 12 feet or less in length.

5. Section 7 of P.L. 1984, c. 152 (C. 12:7A-7) is amended to read as follows:

C. 12:7A-7 Possession, exhibit of certificate of ownership.

7. a. A person who possesses or has custody of a piece of marine equipment shall exhibit the certificate of ownership therefor, after a request by the director, the State Marine Police Force, or any other law enforcement officer, in accordance with the regulations adopted by the director. These regulations shall set forth the time, manner and place in which the certificate of ownership shall be exhibited.

b. The director shall prescribe, by regulation, the forms for certificates of ownership and certified copies.

c. Whenever marine equipment is in the possession of a marina operator, dealer, or service facility, production by the marina operator, dealer, or service facility of a writing, signed by the person delivering possession of the marine equipment which states that the person delivering possession is the owner or entitled to possession of the marine equipment and that the person has title papers or a certificate of number or other evidence of ownership, shall satisfy the requirements of this section. However, the director, the State Marine Police Force, or any law enforcement officer may seize and take into possession anywhere in this State any marine equipment for which the manufacturer's number is not readable. The marine equipment shall be disposed of as provided in this act.

d. If any marine equipment, including documented vessels, is titled or exhibits registration numbers or other identifying marks issued by another state or the United States Coast Guard and is being used, operated or stored in this State, a person in possession of, or using or operating the marine equipment or documented vessel shall be entitled to ownership or possession in accordance with federal regulations or the laws of the state where the marine equipment or documented vessel is titled or registered. However, the person in possession shall produce for the director, the State Marine Police Force, or any law enforcement officer anywhere in this State, documents showing title to, or right of possession in, the marine equipment or documented vessel in the person or in the person who is authorized to possess or use, or to use and operate, the marine equipment or documented vessel, which documents shall evidence

the valid documentation, titling or registering of the marine equipment or documented vessel pursuant to federal regulation or requirements of the particular state.

e. If there is a failure to produce a valid certificate of number as required by section 4 of P.L. 1962, c. 73 (C. 12:7-34.39), a valid certificate of ownership as required in regulations prescribed by the director, or valid documentation papers, the director, the State Marine Police Force or any law enforcement officer may, if necessary, seize and take possession, either constructive or actual, anywhere in this State of the marine equipment or documented vessel and dispose of it as provided in this act; provided that, if a person charged with a violation of this section can exhibit the certificate of number, certificate of ownership, or documentation papers that were valid on the day he was charged to the judge of the court before whom he is summoned to answer to the charge, the judge may dismiss the charge and may impose court costs.

6. Section 12 of P.L. 1984, c. 152 (C. 12:7A-12) is amended to read as follows:

C. 12:7A-12 Issuance of certificate of ownership.

12. a. The purchaser of any marine equipment for which a certificate of ownership is required 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, with proper assignment and certification of the seller, a record of the transaction shall be made and filed. A certificate of ownership 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 for the issuance and filing thereof.

b. In the case of a sale subject to a security interest, the original 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 nonnegotiable copy thereof shall be delivered to the buyer. The director shall collect a fee for his services in issuing a certificate and a copy thereof, and for making and filing a record of the transaction pursuant to this subsection.

c. Except as otherwise provided in this section, whenever a security interest is created in any marine equipment, 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 11 and 12 of this act, there shall be filed with the director the certificate of ownership of the marine equipment 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 owner. The director shall collect a fee for his services in issuing a certificate and copy thereof and for making and filing a record of the transaction pursuant to this subsection.

d. The financing statement required to be filed pursuant to subsection c. of this section shall be signed only by the owner, 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 marine equipment affected, the date of the security agreement, and the names and addresses of the parties thereto. The security agreement or a copy thereof, or any proof of execution thereof other than that contained in the financing statement, need not be presented to the director. When the owner 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 owner, 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 a security interest in marine equipment which constitutes inventory held for sale, but the interest shall be subject to chapter 9 of Title 12A of the New Jersey Statutes.

f. In addition to the fees elsewhere in this section provided for, there shall be paid to the director a fee for notice of satisfaction of the lien or encumbrance of the record or abstract, or of the termination of the security interest where the marine equipment is subject to a lien or encumbrance or a security interest.

g. Notwithstanding any other provision of this section to the contrary, when any dealer is the purchaser of any marine equipment 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 the purchaser, and the director shall collect a fee for the issuing and filing thereof. A purchaser of any marine equipment who fails to comply with the provisions of this subsection shall pay the director a penalty plus the issuing and filing fee.

h. The failure of a person to comply with the requirements of this section shall constitute a violation within the provisions of section 25 of this act, but the failure shall not affect the validity of any instrument creating or reserving a security interest in any marine equipment as between the parties to the instrument.

i. 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 9 and 10 of this act, and the presentation to the director of the certificate of origin or certificate of ownership so noted, in the compliance with the security interest filing requirements of this act, 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 the security interest in the marine equipment, and the rights and remedies of the debtors and the secured parties in respect to the security interest shall, except as otherwise expressly provided in this act, be subject to and governed by chapter 9 of Title 12A of the New Jersey Statutes.

j. Any security interest perfected pursuant to chapter 9 of Title 12A of the New Jersey Statutes not later than 30 days after either the effective date of this 1987 amendatory act or June 15, 1987, whichever date is later, shall remain perfected pursuant to that Title 12A until perfected as required under P.L. 1984, c. 152 (C. 12:7A-1 et seq.). For this category of security interest, perfection in accordance with P.L. 1984, c. 152 shall occur not later than one year after either the effective date of this 1987 amendatory act or June 15, 1987, whichever date is later. For this category of security interest, the subsequent perfection under P.L. 1984, c. 152 shall be deemed to be a continuation of the initial perfection pursuant to chapter 9 of Title 12A of the New Jersey Statutes.

7. Section 16 of P.L. 1984, c. 152 (C. 12:7A-16) is amended to read as follows:

C. 12:7A-16 Seizure of vessels.

16. a. If any marine equipment, numbered vessel, or documented vessel is seized, levied upon, or attached and taken into possession, actually or constructively, by virtue of judicial process issued by a

court of competent jurisdiction in this State, or by virtue of a State or federal statute, the person from whom possession of the marine equipment, numbered vessel, or documented vessel was taken, and without prejudice to his rights in the premises, shall surrender the title papers or certificate of ownership, certificate of number or other marine documents to the director upon written notice or demand from the director. The officer or person so seizing and taking possession of such marine equipment, numbered vessel, or documented vessel shall file with the director a notice in writing giving a full description of such items as prescribed by regulation, and the name and address of the person from whom taken, and shall attach a copy of the process or statutory or other authority to the notice. If the marine equipment, numbered vessel, or documented vessel is sold in pursuance thereof, the officer so selling it shall execute and deliver to the purchaser at the sale an application for certificate of ownership, if this certificate is required under P.L. 1984, c. 152 (C. 12:7A-1 et seq.), in the same form and manner as provided in this act, which shall also contain the name and address of the person from whom the marine equipment, numbered vessel, or documented vessel was taken. A copy of the process or statutory or other authority under which the marine equipment, numbered vessel, or documented vessel is sold and a copy of the notice of sale, which notice of sale shall contain a description of the marine equipment, numbered vessel, or documented vessel as required by this act, shall be attached thereto. If the sale is held by a bailiff or attorney in fact for a lienor, the lienor shall also execute the application for certificate of ownership, if this certificate is required under P.L. 1984, c. 152. The director, upon new application to him by the purchaser at the sale, shall file and record the purchase of the marine equipment as provided in this act.

b. The director shall provide by regulation for procedures regarding marine equipment or documented vessels forfeited to the State.

8. Section 17 of P.L. 1984, c. 152 (C. 12:7A-17) is amended to read as follows:

C. 12:7A-17 Failure to produce evidence of ownership.

17. a. Any marine equipment or vessel seized by the director, the State Marine Police Force or any law enforcement officer for failure to provide evidence of ownership as required by law or regulation, shall be held by the director, the State Marine Police Force or law enforcement agency, as the case may be, not longer than 90 days until the certificate of number, or certificate of ownership, or documenta-

tion papers have been produced to the satisfaction of the officer or person so seizing and taking possession of the marine equipment or vessel. If the documents have not been produced after seizure, the director, the State Marine Police Force or law enforcement agency, as the case may be, may collect any transportation fees or recover the expenses that were incurred in storage of the marine equipment or vessel. The director may prescribe a schedule of storage fees where the storage, including necessary liability coverage, is performed by a State facility. After 90 days, the marine equipment or vessel shall be sold at public auction, and the proceeds deposited in a special fund as hereinafter provided.

b. Except for marine equipment missing a manufacturer's serial number, the director may prescribe by regulation a time period before the marine equipment is seized. The director may also prescribe procedures permitting constructive seizure of marine equipment.

c. Whenever any marine equipment alleged to be stolen comes into the custody of the director, the State Marine Police Force or any law enforcement agency, as the case may be, the officer or person so seizing and taking possession of the marine equipment shall proceed as provided in chapter 65 of Title 2C of the New Jersey Statutes.

d. Neither the director, the State Marine Police Force, nor any law enforcement officer or agency shall be liable for any action taken pursuant to this act regarding the seizure of vessels. Neither the director, the State Marine Police Force, nor any law enforcement officer or agency shall be liable for any remaining lien or security interest held in the marine equipment. The remaining lien or security interest shall be the sole obligation of the person who obtained the lien or interest.

9. Section 19 of P.L. 1984, c. 152 (C. 12:7A-19) is amended to read as follows:

C. 12:7A-19 Title papers required.

19. The director may refuse to issue a certificate of number for any vessel required to have the certificate, unless there is furnished to the director or his agent title papers or a certificate of ownership, if required for the vessel, in conformity to this act. The director may provide by regulation for the issuance of title papers to marine equipment in possession as of the effective date of this act or marine equipment purchased in a jurisdiction that does not require or issue title papers.

10. Section 22 of P.L. 1984, c. 152 (C. 12:7A-22) is amended to read as follows:

C. 12:7A-22 Forms; seizure.

22. The director shall prepare and prescribe forms necessary for the proper administration of this act. The director or a member of the State Marine Police Force may seize and take possession of any certificate of ownership or title papers or other marine documents to which the director may be entitled, and which a person is under duty to return to the director, from any person or place in this State, with all the rights, privileges and immunities conferred by law on an officer executing a writ of replevin.

11. Section 23 of P.L. 1984, c. 152 (C. 12:7A-23) is amended to read as follows:

C. 12:7A-23 Surrender of certificate.

23. Whenever marine equipment is scrapped, dismantled, destroyed, lost, changed in any manner so that it loses its character as a vessel or hull greater than 12 feet in length, or changed in any manner so that it is not the marine equipment described in the certificate of ownership, or a person permanently relinquishes possession other than by sale, the owner named in the last certificate of ownership shall immediately surrender and deliver the certificate to the director, who shall issue a receipt to the person surrendering the certificate of ownership. Whenever marine equipment is sold to be scrapped, junked or destroyed, assignment shall be made to the purchaser in accordance with the provisions of this act. The purchaser shall, within five days, deliver the certificate of ownership to the director, who shall issue a receipt to the person surrendering it.

The director may require an affidavit, in form that he may prescribe, that the marine equipment was so lost, destroyed, dismantled or altered, scrapped or junked, or if practicable and feasible, the director may require that his agent or designee make inspection or investigation of the facts surrounding the circumstances.

12. Section 25 of P.L. 1984, c. 152 (C. 12:7A-25) is amended to read as follows:

C. 12:7A-25 Injunctive relief; penalties.

25. a. If any person violates any of the provisions of this act or any rule, regulation or order adopted or issued pursuant to the provisions of this act, the director may institute a civil action in a court of competent jurisdiction for injunctive relief to enforce said

provisions and to prohibit and prevent that violation and the court may proceed in the action in a summary manner. Any person who violates the provisions of this act or any rule, regulation or order adopted or issued pursuant to this act shall be liable to a civil administrative penalty of not more than \$5,000.00 for each offense, to be imposed by the director pursuant to standards adopted in regulations; or a civil penalty of not more than \$5,000.00 for each offense, to be collected in a civil action by a summary proceeding under "the penalty enforcement law," N.J.S. 2A:58-1 et seq., or in any case before a court of competent jurisdiction wherein injunctive relief has been requested.

b. The Superior Court and the municipal courts shall have the jurisdiction to enforce the provisions of this act. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. The director is authorized to compromise and settle any claim for a penalty under this section in such amount in the discretion of the director as may appear appropriate and equitable under all of the circumstances.

c. (Deleted by amendment, P.L. 1987, c. 138.)

Repealer.

13. Section 20 of P.L. 1984, c. 152 (C. 12:7A-20) is repealed.

14. This act shall take effect immediately.

Approved June 9, 1987.

CHAPTER 139

AN ACT concerning the possession of weapons by certain persons amending N.J.S. 2C:39-6.

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

1. N.J.S. 2C:39-6 is amended to read as follows:

Exemptions.

2C:39-6. Exemptions. a. Provided a person complies with the requirements of subsection j. of this section, N.J.S. 2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the

National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police and, under conditions prescribed by the superintendent, members of the Marine Law Enforcement Bureau of the Division of State Police;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspectors of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry such weapons by the Superintendent of State Police, State park ranger, or State conservation officer;

(5) A prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess the weapon by his superior officer, or a correction officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties;

(7) (a) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey;

(b) A special law enforcement officer authorized to carry a weapon as provided in subsection b. of section 7 of P.L. 1985, c. 439 (C. 40A:14-146.14);

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in subsection b. of this section, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons; or

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P.L. 1981, c. 409 (C. 40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons. Prior to being permitted to carry a firearm, such a member shall take and successfully complete a firearms training course administered by the Police Training Commission pursuant to P.L. 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

b. Subsections a., b. and c. of N.J.S. 2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed dealer in firearms and his registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g. of this section.

c. Provided a person complies with the requirements of subsection j. of this section, subsections b. and c. of N.J.S. 2C:39-5 do not apply to:

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry, while in the actual performance of his official duties and while

going to or from his place of duty, or any other police officer, while in the actual performance of his official duties;

(2) A State deputy conservation officer or a full-time employee of the Division of Parks and Forestry having the power of arrest and authorized to carry weapons, while in the actual performance of his official duties;

(3) (Deleted by amendment, P.L. 1986, c. 150.)

(4) A court attendant serving as such under appointment by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of his official duties;

(5) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(7) An officer of the Society for the Prevention of Cruelty to Animals, while in the actual performance of his duties;

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives;

(9) A railway policeman, at all times while in the State of New Jersey, provided that he has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations; or

(10) A campus police officer appointed under P.L. 1970, c. 211 (C. 18A:6-4.2 et seq.), while going to and from his place of duty and while in the course of performing official duties or while in the course of an official investigation within the State. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L. 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

d. (1) Subsections c. and d. of N.J.S. 2C:39-5 do not apply to antique firearms, provided that such antique firearms are unloaded

or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N.J.S. 2C:58-3.

(3) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Nor do those subsections apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

e. Nothing in subsections b., c. and d. of N.J.S. 2C:39-5 shall be construed to prevent a person keeping or carrying about his place

of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of N.J.S. 2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement

agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel for the purpose of installation or repair a visual distress signaling device approved by the United States Coast Guard.

g. All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and in the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of N.J.S. 2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S. 48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. Nothing in subsection d. of N.J.S. 2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has

not been convicted of a felony, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.00.

j. A person shall qualify for an exemption from the provisions of N.J.S. 2C:39-5, as specified under subsections a. and c. of this section, if the person has satisfactorily completed a firearms training course approved by the Police Training Commission. Such exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon. For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission. The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P.L. 1961, c. 56 (C. 52:17B-71). A person who is specified in paragraph (1), (2), (3) or (6) of subsection a. of this section shall be exempt from the requirements of this subsection.

k. Nothing in subsection d. of N.J.S. 2C:39-5 shall be construed to prevent any financial institution, or any duly authorized personnel of the institution, from possessing, carrying or using for the protection of money or property, any device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or temporary identification.

2. This act shall take effect immediately.

Approved June 9, 1987.

CHAPTER 140

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the amounts appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

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

02-4220 Local and Community Health	
Services	\$86,500
Special Purpose:	
Immunization education program	(\$86,500)

2. Funds hereinabove appropriated are for the purpose of funding the immunization education program operated by the New Jersey Hospital Association.

3. This act shall take effect immediately.

Approved June 9, 1987.

CHAPTER 141

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

CAPITAL CONSTRUCTION

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

Capital Project:

Repair and restoration of Union Lake Dam	\$12,500,000
Major Maintenance, Fish, Game and Wildlife	129,856

45 Recreational Resource Management

Capital Project:

Major Maintenance and improvement program ..	<u>1,370,144</u>

Total Appropriation, Department of Environmental Protection	\$14,000,000

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

74 General Government Services

Contingency Reserve—Union Lake Dam repair and restoration	<u>\$ 1,000,000</u>

Total Appropriation, Department of the Treasury	\$ 1,000,000

The amount hereinabove appropriated for Contingency Reserve—Union Lake Dam repair and restoration shall be available for transfer to the Department of Environmental Protection subject to approval by the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer, notwithstanding the provisions of section 9 of P.L. 1986, c. 41.

2. a. The Attorney General shall investigate the facts and conditions of the purchase of Union Lake and report, within six months of the effective date of this act, to the Governor and the Legislature regarding the findings of the investigation and whether or not any litigation is warranted based on that investigation.

b. Any moneys received by the State as a result of any litigation regarding the purchase of Union Lake shall be paid to the General Fund.

3. The Commissioner of the Department of Environmental Protection shall report to the Legislature on the first day of the sixth month following enactment and every sixth month thereafter, regard-

ing the date, reason, and amount of each expenditure of moneys from the sums appropriated by this act.

4. This act shall take effect immediately.

Approved June 11, 1987.

CHAPTER 142

A SUPPLEMENT to "An act making appropriations to the support of the State government and the several public purposes for the fiscal year ending June 30, 1987 and regulating disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. The Legislature finds that, as a result of binding arbitration, \$6,411,751.00 was awarded for overtime, bonuses and retroactive salary costs for State Police troopers. The funds appropriated by the Legislature for fiscal year 1987 are insufficient to meet this excess cost. The Department of Law and Public Safety has funding sources available to compensate for \$3,400,000.00 of the excess cost, leaving a deficit of \$3,000,000.00 in the department's budget due to the arbitration award.

2. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated from the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement

06-1200 Patrol Activities and	
Crime Control	\$3,000,000
Special Purpose:	
Arbitration award—salary, bonuses,	
overtime	(\$3,000,000)

3. This act shall take effect immediately and be retroactive to July 1, 1986.

Approved June 15, 1987.

CHAPTER 143

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditure listed below are available, the following sums are appropriated:

FEDERAL FUNDS

54 DEPARTMENT OF HUMAN SERVICES

50 Economic Planning, Development and Security

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/

Case Management	\$1,669,000
17-7570 Substitute Care	161,200
18-7570 General Social Services	109,500
99-7570 Management and Administrative Services	<u>515,300</u>
Total Appropriation, Division of Youth and Family Services	<u>\$2,455,000</u>
Materials and Supplies	(\$324,076)
Services Other Than Personal	(1,472,260)
Maintenance and Fixed Charges	(431,291)
Additions, Improvements and Equipment	(227,373)

53 Economic Assistance and Security

7550 Division of Public Welfare

15-7550 Income Maintenance	<u>\$ 976,000</u>
Total Appropriation, Division of Public Welfare	<u>\$ 976,000</u>

Special Purpose:

SSBG/County Administration and Community Programs	(\$976,000)

70 Government Direction, Management and Control
 76 Management and Administration
 7550 Division of Management and Budget

99-7500 Management and Administrative	
Services	\$ 55,000
Total Appropriation, Division of Management and Budget	\$ 55,000
Services Other Than Personal	(\$55,000)
Total Appropriation, Department of Human Services	\$3,486,000

22 DEPARTMENT OF COMMUNITY AFFAIRS
 50 Economic Planning, Development and Security
 55 Related Social Services Programs

05-8050 Community Resources	\$ 65,000
Total Appropriation, Related Social Services Programs	\$ 65,000
Special Purpose:	
Purchase of legal services	(\$65,000)
Total Appropriation, Department of Community Affairs	\$ 65,000

26 DEPARTMENT OF CORRECTIONS
 10 Public Safety and Criminal Justice
 16 Detention and Rehabilitation
 7025 System-Wide Program Support

13-7025 Institutional Program Support	\$ 9,000
Total Appropriation, System-Wide Program Support	\$ 9,000
Personal Services:	
Salaries and wages	(\$9,000)
Total Appropriation, Department of Corrections	\$ 9,000

46 DEPARTMENT OF HEALTH
 20 Physical and Mental Health
 21 Health Services

02-4220 Local and Community Health Services	\$ 75,000
05-4250 Alcoholism Control	29,000

Total Appropriation,		
Health Services		\$ 104,000
Personal Services:		
Salaries and wages	(\$1,297)	
Special Purpose:		
Indirect cost	(697)	
State Aid and Grants:		
Public health services contracts	(102,006)	
Total Appropriation, Department of Health		<u>\$ 104,000</u>

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

54 Manpower and Employment Services

09-4545 Employment Services		<u>\$ 20,000</u>
Total Appropriation, Manpower and Employment Services		\$ 20,000
Special Purpose:		
Work activity centers	(\$20,000)	
Total Appropriation, Department of Labor		<u>\$ 20,000</u>
Total Appropriation, Federal Funds		<u><u>\$3,684,000</u></u>

2. This act shall take effect immediately.

Approved June 15, 1987.

CHAPTER 144

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:*

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby

ratified, validated and confirmed, notwithstanding that one elections clerk was not present at the election and did not sign the statement of results for such election as required by the provisions of N.J.S. 18A:14-57 and N.J.S. 18A:14-61; and notwithstanding that the notices of such election were not posted for the time required by the provisions of N.J.S. 18A:14-19; provided that all other election officers attended the election and signed the statement of results for the election as required by N.J.S. 18A:14-57 and N.J.S. 18A:14-61; and provided further, that notices of such election were published as required by N.J.S. 18A:14-19; and provided further, that no action, suit or other proceeding has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved June 16, 1987.

CHAPTER 145

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*:

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that only one clerk of elections was appointed to serve at each polling district within the school district and not two, in accordance with the requirements of N.J.S. 18A:14-6, for the purposes of that election: provided however, that no action, suit or other proceeding has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when

such time has not heretofore expired, is instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved June 17, 1987.

CHAPTER 146

AN ACT to amend "An act creating the Vietnam Memorial Committee, creating the Vietnam Veteran's Memorial Fund and supplementing Title 52 of the Revised Statutes," approved January 21, 1986 (P.L. 1985, c. 494) and making an appropriation.

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

1. Section 3 of P.L. 1985, c. 494 is amended to read as follows:

3. The committee shall select a suitable location for the construction of a Vietnam Veterans' Memorial honoring New Jersey veterans of the Vietnam conflict, shall determine the appropriate methods of financing the construction and maintenance of the memorial, and shall develop and administer a competition for the design of the memorial. The committee may initiate fund raising measures and may receive monetary donations for the memorial. Any moneys received for these purposes by the committee shall be deposited into the fund created under section 4 of this act. Not later than six months after the effective date of this act, the committee shall report its findings and recommendations to the Legislature.

2. Section 5 of P.L. 1985, c. 494 is amended to read as follows:

5. This act shall take effect immediately, and shall expire on July 1, 1988; except for section 4 hereof, which shall remain in effect.

3. (New section) There is appropriated from the General Fund to the committee \$25,000.00 for the purposes stated in section 3 of P.L. 1985, c. 494, as amended by this 1987 amendatory act.

4. This act shall take effect immediately.

Approved June 17, 1987.

CHAPTER 147

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

CAPITAL CONSTRUCTION
50 DEPARTMENT OF HIGHER EDUCATION
30 Education, Cultural and Intellectual Development
36 Higher Educational Services
5540 Montclair State College

Capital Project:

Repair of Sewage Disposal System, New Jersey State School of Conservation	(\$150,000)
Total Appropriation, Department of Higher Education	\$150,000

2. This act shall take effect immediately.

Approved June 17, 1987.

 CHAPTER 148

AN ACT concerning the expediting of criminal matters involving children and supplementing Title 2A of the New Jersey Statutes.

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

C. 2A:163-4 Definitions.

1. As used in this act:

a. "Child" means a person 13 years of age or younger at the time a crime was committed against the child.

b. "Victim" means a child who suffers personal, physical, or psychological injury as a result of a crime committed against that child.

C. 2A:163-5 Speedy trials.

2. In all criminal cases involving a child victim, the court shall take appropriate action to ensure a speedy trial in order to minimize the length of time the child must endure the stress of involvement in the proceedings. In ruling on any motion or other request for a delay or continuance of proceedings, the court shall consider and give weight to any adverse impact the delay or continuance may have on the well-being of a child victim.

3. This act shall take effect immediately.

Approved June 24, 1987.

CHAPTER 149

AN ACT concerning the collection and disposal of solid waste and amending the "Solid Waste Utility Control Act of 1970," approved May 6, 1970 (P.L. 1970, c. 40; C. 48:13A-1 et seq.).

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

1. Section 13 of P.L. 1970, c. 40 (C. 48:13A-12) is amended to read as follows:

C. 48:13A-12 Violations; penalties.

13. a. Any person or any officer or agent thereof who shall knowingly violate any of the provisions of this act or aid or advise in such violation, or who, as principal, manager, director, agent, servant or employee knowingly does any act comprising a part of such violation, is guilty of a misdemeanor and shall be punished by imprisonment for not more than three years or by a fine of not more than \$50,000.00, or both; and if a corporation by a fine of not more than \$100,000.00.

b. Any person who shall violate any provision of this act or any rule, regulation or administrative order promulgated hereunder, or under any applicable provision of Title 48 of the Revised Statutes, or who shall engage in the solid waste collection business or solid waste disposal business without having been issued a certificate of public convenience and necessity, shall be liable to a penalty of not

more than \$1,000.00 for a first offense, not more than \$5,000.00 for a second offense and not more than \$10,000.00 for a third and every subsequent offense. The penalties herein provided shall be enforced by summary proceedings instituted by the board under "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.). The Superior Court and the municipal courts shall all have jurisdiction to enforce "the penalty enforcement law" in connection with this act.

c. Whenever it shall appear to the board that any person has violated, intends to violate, or will violate any provision of this act or any rule, regulation or administrative order duly promulgated hereunder, or under any applicable provision of Title 48 of the Revised Statutes, the board may institute a civil action in the Superior Court for injunctive relief and for such other relief as may be appropriate in the circumstances, and the said court may proceed in any such action in a summary manner.

2. This act shall take effect immediately.

Approved June 24, 1987.

CHAPTER 150

AN ACT concerning construction union fringe benefits and supplementing Title 2A of the New Jersey Statutes.

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

C. 34:11A-1 Short title.

1. This act shall be known and may be cited as the "Construction Workers' Fringe Benefit Security Act."

C. 34:11A-2 Definitions.

2. As used in this act:

a. "Construction employer" means a person in the business of building, constructing, altering or repairing any building, road, bridge or structure in this State;

b. "Construction fund" means all moneys in the custody of the owner of a project, which moneys are designated for the construction, alteration or repair of any private or public project;

c. "Fringe benefits" means any benefits agreed to be paid by a construction employer to a fringe benefit fund;

d. "Fringe benefit fund" means any fund established pursuant to the terms of a collective bargaining agreement entered into between a construction employer and a representative labor organization, or pursuant to the terms of a fringe benefit trust indenture entered into between the trustees of a fund and the construction employer, for the collection, investment and payment of fringe benefits;

e. "Prime contractor" means a construction employer who has a direct contract with the owner of a public or private project;

f. "Private project" means the construction, repair or alteration of any building, road, bridge or structure or any other improvements to real property for any person other than this State, any agency, commission or department thereof, or any county, municipality or school district or any agency or instrumentality thereof;

g. "Public project" means the construction, alteration or repair of any building, road, bridge or structure or any other improvements to real property for this State, any agency, commission or department thereof, or any county, municipality or school district or any agency or instrumentality thereof;

h. "Public project owner" means the head of the public agency with jurisdiction over the public project;

i. "Subcontractor" means a construction employer who has a contract with a prime contractor or with the subcontractor of the prime contractor; and

j. "Worker" means any person engaged in a skilled or unskilled construction trade or craft in this State.

C. 34:11A-3 Affected fringe benefit funds.

3. The provisions of this act shall apply only to fringe benefit funds which are a. located within and established for the benefit of workers in this State or b. located outside of the State but which cover workers employed by any construction employer in the construction, repair or alteration of any private project or public project within this State.

C. 34:11A-4 Delinquency of contractors.

4. a. (1) If a subcontractor is at least four weeks delinquent in the payment of fringe benefits, as certified by the trustees of the

specific fringe benefit fund or by their designated representative, the fringe benefit fund shall be entitled to the relief provided pursuant to section 5 of this act; provided that the fringe benefit fund shall have given written notice within 45 days of the date of the existence of a delinquency by certified mail, return receipt requested, to the prime contractor and the subcontractor advising them of the delinquency.

(2) If the delinquency is not rectified within 30 days after receipt of notice by the prime contractor, the fringe benefit fund shall give written notice, by certified mail, return receipt requested, to the subcontractor, prime contractor and private or public project owner of the fringe benefit funds claimed for payment of fringe benefits from the construction fund.

b. If a prime contractor is at least four weeks delinquent in the payment of fringe benefits, as certified by the trustees of the specific fringe benefit fund or by their designated representative, the fringe benefit fund shall be entitled to the relief provided pursuant to section 5 of this act; provided that the fringe benefit fund shall have given written notice within 45 days of the date of the existence of a delinquency by certified mail, return receipt requested, to the prime contractor and the private or public project owner, advising them of the delinquency.

c. The written notices required under this section shall not be filed with any county clerk or in any public registry. If the notices cannot be delivered by certified mail, they may be sent by personal service.

d. The remedies provided herein are effective as against the construction fund. No rights against the real property upon which the project is constructed, altered or repaired shall be created by this act.

C. 34:11A-5 Withholding of sums due fund.

5. a. Upon receipt of the notice required by paragraph (2) of subsection a. of section 4 of this act or subsection b. of section 4 of this act, a private or public project owner shall withhold from the sums otherwise due the prime contractor, a sum equal to the amount claimed due by the fringe benefit fund and any further sums subsequently demanded by the fringe benefit fund arising out of work performed at the private or public project, which sums shall be segregated from the construction fund and held in trust by the private or public project owner or deposited with the clerk of the Superior Court and paid to the fringe benefit fund claiming the delinquency.

b. The amount withheld or deposited by the private or public project owner shall not exceed the amount due and owing from that owner to the prime contractor at the time notice is received by the owner.

c. The extent to which notice for a subcontractor delinquency shall create liability upon the owner shall be limited to the amount due and owing, at the time notice is received, by the owner to the prime contractor, or by the prime contractor to the delinquent subcontractor or by the subcontractor who is in privity with the delinquent subcontractor, whichever is less.

d. Payment by the private or public project owner to the fringe benefit fund shall be made within 45 days of such demand, unless and only to the extent that the subcontractor or prime contractor against whom such delinquency claim has been asserted notifies the owner and the fringe benefit fund in writing by certified mail, return receipt requested, prior to the expiration of the 45 day period that it contests the claim of the fringe benefit fund. Whenever a notice of contest has been sent by the claimed delinquent construction employer, the private or public project owner shall hold a sum in the amount claimed due by the fringe benefit fund as trustee and payment therefrom shall be made upon the entry of a final judgment of a court of competent jurisdiction or upon receipt of the consent of all of the parties.

C. 34:11A-6 Release from obligation.

6. Any private or public project owner, prime contractor or subcontractor who makes a proper payment to a fringe benefit fund or deposits the payment with the clerk of the Superior Court, in accordance with section 5 of this act, shall be released of any obligation to any party in privity with that private or public project owner, prime contractor or subcontractor, to the extent of the payment or deposit made.

C. 34:11A-7 Owner not party to action.

7. With regard to actions commenced by a fringe benefit fund in the courts of this State, the private or public project owner shall not be named a party in such action if the total delinquent sum demanded by the fringe benefit fund is deposited with the clerk of the Superior Court prior to the commencement of an action.

C. 34:11A-8 Entitlement to remedies.

8. Fringe benefit funds entitled to the remedies against a private or public project owner provided pursuant to sections 4 and 5 of this

act are entitled only to those fringe benefits earned by workers on the particular project constructed for the owner.

C. 34:11A-9 Same priority as wages.

9. If a construction employer files for insolvency or makes an assignment of rights pursuant to the laws of this State, any delinquent fringe benefits shall be entitled to the same priority as delinquent wages in such proceedings.

C. 34:11A-10 Responsibility for damages.

10. If a notice filed pursuant to section 4 of this act is willfully or knowingly in excess of the amounts due the fringe benefit fund, the fund shall be responsible for any damages incurred.

C. 34:11A-11 Responsibility for costs, fees.

11. All costs and fees arising out of the procedures established in section 5 of this act shall be the responsibility of the delinquent party. Where no delinquency is determined, the costs, fees, and damages arising out of the procedures established in section 5 of this act shall be the responsibility of the fringe benefit fund.

C. 34:11A-12 Additional remedies.

12. The remedies provided pursuant to the act shall be in addition and not in lieu of any other remedies provided under the laws of this State.

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

Approved June 25, 1987.

CHAPTER 151

AN ACT concerning the compensation of members of the district boards of elections, amending R.S. 19:45-2, R.S. 19:45-6 and R.S. 19:50-1 and making an appropriation.

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

1. R.S. 19:45-2 is amended to read as follows:

Expenses responsibility of State.

19:45-2. All costs, charges and expenses incurred by the State Board of Canvassers, Secretary of State or any other officer or official

of the State government in carrying out any provisions of this Title shall be paid by the State.

2. R.S. 19:45-6 is amended to read as follows:

Compensation of members of district boards.

19:45-6. The compensation of each member of the district boards for all services performed by them under the provisions of this Title shall be as follows:

In all counties, for all services rendered including the counting of the votes, and in counties wherein voting machines are used, the tabulation of the votes registered on the voting machines, and the delivery of the returns, registry binders, ballot boxes and keys for the voting machines to the proper election officials, \$75.00 each time the primary election, the general election or any special election is held under this Title; provided, however, that:

a. (1) The member of the board charged with the duty of obtaining and signing for the signature copy registers shall receive an additional \$12.50 per election, such remuneration being limited to only one board member per election, or \$6.25 to each of two board members if they share such responsibility for the signature copy registers, and (2) the member of the board charged with the duty of returning the signature copy registers shall receive an additional \$12.50 per election, such remuneration being limited to only one board member per election, or \$6.25 to each of two board members if they share such responsibility for the signature copy registers;

b. In the case of any member of the board who is required under R.S. 19:50-1 to attend in a given year a training program for district board members, but who fails to attend such a training program in that year, that compensation shall be \$50.00 for each of those elections; and

c. In counties wherein voting machines are used no compensation shall be paid for any services rendered at any special election held at the same time as any primary or general election. Such compensation shall be in lieu of all other fees and payments.

Compensation due each member shall be paid within 30 days but not within 20 days after each election; provided, however, that no compensation shall be paid to any member of any such district board who may have been removed from office or application for the removal of whom is pending under the provisions of R.S. 19:6-4.

3. R.S. 19:50-1 is amended to read as follows:

Instructional sessions.

19:50-1. Not less than 10 nor more than 21 days before each election, the county board of elections shall cause new members of the district boards who are to serve in election districts to be instructed in the conduct of elections, and in their duties in connection therewith. All district board members shall be required to attend said instructional sessions for each election at least once every two years. The county board of elections shall cause to be given to each member of each district board who has received such instruction and is fully qualified to properly conduct the election, a certificate to that effect. For the purpose of giving such instruction the county board of elections shall call such meeting or meetings of the district boards as shall be necessary. The content of said meeting or meetings shall be limited solely to the instruction of district board members; lobbying or the advancement of political ends shall be prohibited. The members of the district board of each election district shall attend such meeting or meetings as shall be called for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conduct of the election. No member of any district board shall serve in any election unless he shall have received such instruction as herein provided and is fully qualified to perform the duties in connection with the election, and has received a certificate to that effect from the county board of elections; but this shall not prevent the appointment of a person as a member of the district board to fill a vacancy in an emergency, as now provided by law.

4. This act shall take effect immediately.

Approved June 25, 1987.

CHAPTER 152

AN ACT concerning the civil liability of licensed alcoholic beverage servers and supplementing Title 2A of the New Jersey Statutes.

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

C. 2A:22A-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Licensed Alcoholic Beverage Server Fair Liability Act."

C. 2A:22A-2 Findings, declarations.

2. The Legislature finds and declares that licensed alcoholic beverage servers face great difficulty in obtaining liability insurance coverage. Even when insurance coverage is available, drastic increases in the cost of that insurance have recently taken place, and many licensed alcoholic beverage servers are no longer able to afford liability insurance coverage.

This lack of insurance adversely affects not only the licensed alcoholic beverage servers themselves, but also patrons and third persons who suffer personal injury and property damage as a result of the negligent service of alcoholic beverages by a licensed alcoholic beverage server.

In order to make it economically feasible for insurance companies to provide coverage, the incidence of liability should be more predictable. That predictability may be achieved by defining the limits of the civil liability of licensed alcoholic beverage servers in order to encourage the development and implementation of risk reduction techniques.

This act has been designed to protect the rights of persons who suffer loss as a result of the negligent service of alcoholic beverages by a licensed alcoholic beverage server while at the same time providing a balanced and reasonable procedure for allocating responsibility for such losses. It is anticipated that this act may result in the improvement of the alcoholic beverage liability insurance market in this State.

C. 2A:22A-3 Definitions.

3. As used in this act:

“Alcoholic beverage” means a fluid, or a solid capable of being converted into a fluid, suitable for human consumption and having an alcohol content of more than one-half of 1% by volume. The term shall include alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes, or any mixture of them;

“Licensed alcoholic beverage server” or “server” means a person who is licensed to sell alcoholic beverages pursuant to R.S. 33:1-1 et seq. or who has been issued a permit to sell alcoholic beverages by the Division of Alcoholic Beverage Control in the Department of Law and Public Safety;

“Minor” means a person under the legal age to purchase and consume alcoholic beverages according to P.L. 1972, c. 81 (C. 9:17B-1 et seq.);

“Person” means a natural person, the estate of a natural person, an association of natural persons, or an association, trust company, partnership, corporation, organization, or the manager, agent, servant, officer or employee of any of them;

“Visibly intoxicated” means a state of intoxication accompanied by a perceptible act or series of acts which present clear signs of intoxication.

C. 2A:22A-4 Exclusive civil remedy.

4. This act shall be the exclusive civil remedy for personal injury or property damage resulting from the negligent service of alcoholic beverages by a licensed alcoholic beverage server. Nothing contained herein shall be deemed to limit the criminal, quasi-criminal, or regulatory penalties which may be imposed upon a licensed alcoholic beverage server by any other statute, rule or regulation.

C. 2A:22A-5 Conditions for recovery of damages.

5. a. A person who sustains personal injury or property damage as a result of the negligent service of alcoholic beverages by a licensed alcoholic beverage server may recover damages from a licensed alcoholic beverage server only if:

(1) The server is deemed negligent pursuant to subsection b. of this section; and

(2) The injury or damage was proximately caused by the negligent service of alcoholic beverages; and

(3) The injury or damage was a foreseeable consequence of the negligent service of alcoholic beverages.

b. A licensed alcoholic beverage server shall be deemed to have been negligent only when the server served a visibly intoxicated person, or served a minor, under circumstances where the server knew, or reasonably should have known, that the person served was a minor.

C. 2A:22A-6 Limitations on recovery of damages.

6. Damages may be awarded in a civil action under P.L. 1987, c. 152 (C. 2A:22A-1 et seq.) subject to the limitations set forth in this section.

a. The provisions of sections 1 and 2 of P.L. 1973, c. 146 (C. 2A:15-5.1 and C. 2A:15-5.2) shall apply in all civil actions instituted pursuant to the provisions of this act.

b. Notwithstanding the provisions of P.L. 1952, c. 335 (C. 2A:53A-1 et seq.), section 3 of P.L. 1973, c. 146 (C. 2A:15-5.3) or any other law to the contrary, in any case where a licensed alcoholic beverage server or any other party to a suit instituted pursuant to the provisions of this act is determined to be a joint tortfeasor, the licensed alcoholic beverage server or other party shall be responsible for no more than that percentage share of the damages which is equal to the percentage of negligence attributable to the server or other party.

C. 2A:22A-7 Monitoring of alcoholic beverage liability insurance market.

7. The Department of Insurance shall monitor the alcoholic beverage liability insurance market in the State following the effective date of this act. The department shall gather information and statistics on the number of insurers including surplus lines insurers, issuing alcoholic beverage insurance policies, the number of policies issued, the premiums for such policies, the number of civil actions filed in accordance with the provisions of this act, the amounts of damages awarded in civil actions or the amounts of settlements, and any other information deemed necessary in order to determine the effect of this act on the alcoholic beverage liability insurance market. The department shall issue an initial report on the information obtained to the Governor and the Legislature and make appropriate recommendations within two years following the effective date of this act and a final report within three years following the effective date of this act. The Commissioner of the Department of Insurance shall promulgate any rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), necessary in order to fulfill the requirements of this section.

8. This act shall take effect on the 90th day after enactment and shall apply only to personal injury or property damage which occurs after the effective date.

Approved June 25, 1987.

CHAPTER 153

AN ACT concerning municipal rent control and rent leveling ordinances and supplementing Title 40 of the Revised Statutes.

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

C. 2A:42-84.1 Definitions.

1. As used in this act:

a. "Completion of construction" means issuance of a certificate of occupancy pursuant to section 15 of the "State Uniform Construction Code Act," P.L. 1975, c. 217 (C. 52:27D-133);

b. "Constructed" means constructed, erected or converted but excludes rehabilitation of premises rented previously for residential purposes without an intervening use for other purposes for a period of at least two years prior to conversion. Mere vacancy shall not be considered an intervening use for the purposes of this subsection;

c. "Constructed after the effective date of this act" means constructed pursuant to a construction permit issued on or after the effective date of this act;

d. "Constructed for senior citizens" means constructed under a governmental program restricting occupancy of at least 90% of the dwelling units to senior citizens and any members of their immediate households or their occupant surviving spouses, or constructed as a retirement subdivision or retirement community as defined in the "Retirement Community Full Disclosure Act," P.L. 1969, c. 215 (C. 45:22A-1 et seq.);

e. "Multiple dwelling" means any building or structure and land appurtenant thereto containing four or more dwelling units, other than dwelling units constructed for occupation by senior citizens, rented or offered for rent to four or more tenants or family units;

f. "Period of amortization" means the time during which the principal amount of the mortgage loan and interest thereon would be paid entirely through periodic payments, whether or not the term of the mortgage loan is for a shorter period concluding with a balloon payment; and

g. "Senior citizens" means persons 62 years of age or older.

C. 2A:42-84.2 Rent control exemption for new dwellings.

2. In any municipality which has enacted or which hereafter

enacts a rent control or rent leveling ordinance, other than under the authority of P.L. 1966, c. 168 (C. 2A:42-74 et seq.), those provisions of the ordinance which limit the periodic or regular increases in base rentals of dwelling units shall not apply to multiple dwellings constructed after the effective date of this act, for a period of time not to exceed the period of amortization of any initial mortgage loan obtained for the multiple dwelling, or for 30 years following completion of construction, whichever is less.

C. 2A:42-84.3 Notice to tenants.

3. The owner of any multiple dwelling exempted from a rent control or rent leveling ordinance pursuant to this act, shall, prior to entering into any lease with a person for tenancy of any premises located in the multiple dwelling, furnish the prospective tenant with a written statement that the multiple dwelling in which the premises is located is exempt from rent control or rent leveling for such time as may remain in the exemption period. Each lease offered to a prospective tenant for any dwelling unit therein during the period the multiple dwelling is so exempted shall contain a provision notifying the tenant of the exemption.

C. 2A:42-84.4 Filing of owner's claim of exemption.

4. The owner of any multiple dwelling claiming an exemption from a rent control or rent leveling ordinance pursuant to this act shall file with the municipal construction official, at least 30 days prior to the issuance of a certificate of occupancy for the newly constructed multiple dwelling, a written statement of the owner's claim of exemption from an ordinance under this act, including therein a statement of the date upon which the exemption period so claimed shall commence, such information as may be necessary to effectively locate and identify the multiple dwelling for which the exemption is claimed, and a statement of the number of rental dwelling units in the multiple dwelling for which the exemption is claimed. The owner shall, at least 30 days prior to the date of the termination of the exemption period afforded pursuant to this act, file with the municipal construction official a notice of the date of termination of the exemption period for the affected multiple dwelling.

C. 2A:42-84.5 Exemption applicable to all forms of rent control.

5. It is the intent of this act, that the exemption from rent control or rent leveling ordinances afforded under this act shall apply to any form of rent control, rent leveling or rent stabilization, whether adopted now or in the future, and by whatever name or title adopted, which would limit in any manner the periodic or regular increases

in base rentals of dwelling units of multiple dwellings constructed after the effective date of this act. No municipality, county or other political subdivision of the State, or agency or instrumentality thereof, shall adopt any ordinance, resolution, or rule or regulation, or take any other action, to limit, diminish, alter or impair any exemption afforded pursuant to this act.

C. 2A:42-84.6 Public policy declaration.

6. It is the intent of this act to establish an experimental program whereby the construction of multiple dwellings in this State shall be encouraged, and the marketability of those multiple dwellings shall be maintained, to the greatest extent economically possible, through the exemption by law of newly constructed multiple dwellings from rent control, rent leveling and rent stabilization ordinances. The Legislature, therefore, declares it to be public policy of this State that, within the limitations imposed by this act, the exemptions granted under this act shall not be limited, diminished, altered, or impaired during the period of exemption afforded, in order to maintain in this respect a predictable environment within which the financing, construction and marketing of new multiple dwellings can occur, and to permit the Legislature to evaluate the results of the experimental program after a specified period of time during which the program shall have been given a fair opportunity for success, and during which the coherence of the statutory scheme establishing the program has been preserved.

7. This act shall take effect immediately, and shall expire five years following enactment, but the expiration of this act shall not affect any multiple dwelling for which an exemption from a rent control or rent leveling ordinance was afforded prior to the expiration date, but the period of exemption so afforded shall continue for the full period afforded under this act.

Approved June 25, 1987.

CHAPTER 154

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1988 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR
THE FISCAL YEAR 1987-88
GENERAL FUND

Undesignated fund balance, July 1, 1987 \$ 346,147,215

Major Taxes

Sales	\$3,080,000,000
Corporation business	1,106,000,000
Corporation windfall profits	98,000,000
Motor fuels	330,000,000
Motor vehicle fees	360,000,000
Cigarette	210,000,000
Transfer inheritance	140,000,000
Public utility excise	112,000,000
Insurance premiums	150,000,000
Alcoholic beverage wholesale sales	87,000,000
Alcoholic beverage excise	57,000,000
Corporation business—Banks and financial institutions	61,000,000
Business personal property	25,000,000
Realty transfer	70,000,000
Motor fuel use—Motor carrier	25,000,000
Pari-mutuel	6,000,000
Savings institutions	24,000,000
Tax amnesty program	<u>50,000,000</u>
Total—Major Taxes	<u>\$5,991,000,000</u>

Miscellaneous Taxes, Fees, Revenues

Executive Branch—

Department of Agriculture:

Animal health—laboratory test fees	\$ 50,000
Other animal, plant disease and pest control fees	8,000
Seed certification programs	5,000
Milk control licenses and fees	395,000
Fertilizer inspection fees	147,000

Department of Banking:	
Bank assessments	1,718,000
Examination fees	1,700,000
Licenses and other fees	877,000
New Jersey Cemetery Board	87,000
Department of Community Affairs:	
Affordable housing and neighborhood preservation—Fair housing	20,000,000
Boarding home fees	665,000
Construction fees	1,500,000
Fire safety	5,610,000
Housing inspection fees	2,350,000
Local government services	15,000
Planned real estate development fees	945,000
Truth in renting	33,000
Department of Education:	
Katzenbach School for the Deaf—Tuition	2,736,000
Licensing fees—Miscellaneous	350,000
Non-public schools textbook recoveries	225,000
Department of Energy:	
Assessments—Cable TV	1,400,000
Assessments—Public Utility	17,000,000
Fees, fines and penalties	125,000
Department of Environmental Protection:	
Air pollution fees	525,000
Environmental Services Fund	750,000
Examination licensing fees	17,000
Forest management sales	3,000
Hazardous waste	1,037,000
Hunters' and Anglers' License Fund	7,508,000
Marina rentals	400,000*
Marine lands management—Delineation and title determination	946,000
Morris Canal Fund	48,000
New Jersey Pilot Commissioners	73,000
Parks management	3,256,000
Radiation protection	433,000
Pesticide control	148,000
New Jersey Water Supply Authority	
debt service repayments	1,291,000
Sanitary landfill closure fund,	
administration	210,000
Sea clam fees	63,000

Shellfisheries leases	256,000
Solid waste management fees	690,000
Spill fund administration	1,579,000
State recycling fund	848,000
Water pollution fees	506,000
Department of Health:	
Animal control act	939,000
Hospital rate setting	2,270,000
Licenses, permits and fees	1,000,000
Rabies control	603,000
Department of Higher Education:	
Bond interest recoveries	358,000
Higher Education Assistance Authority	3,100,000
Department of Human Services:	
Adoption law fees	150,000
Marriage license fees	400,000
Patients' and residents' cost recoveries:	
Developmental centers	74,758,000
Psychiatric hospitals	70,431,645
Soldiers' homes	7,177,000
Special residential services	16,200,000
Department of Insurance:	
Actuarial services	1,175,000
Licensing and enforcement	5,999,000
Real Estate Commission	3,756,000
Department of Labor:	
Licenses, permits and fines	760,000
Special Compensation Fund	1,124,000
Worker and community right to know	3,442,000
Department of Law and Public Safety:	
Amusement games control fees	200,000
Athletic control board fees	207,000
Beverage licenses	3,739,000
Bus excise tax	369,000
Drunk driving fines	1,022,000
Racing commission fees	165,000
Violent crime board administration	1,370,000
Division of Consumer Affairs:	
General revenues	1,554,000
Professional examining board fees	6,938,000
Division of State Police:	
Fingerprint fees	1,114,000
Private detective licenses	550,000

Other licenses	250,000
Motor Vehicle Security-Responsibility	
Law administration	5,135,000
Motor vehicle surcharge program	7,800,000
Pleasure boat licenses	1,400,000
Other boating fees	787,000
Reimbursement for Division of Law services	3,960,000
Department of the Public Advocate:	
Rate counsel	4,000,000
Department of State:	
Office of Administrative Law—Fees	1,868,000
Commissions	630,000
General revenue—Fees	10,538,000
Uniform Commercial Code—Fees	2,289,000
Department of Transportation:	
Air Safety Fund	1,000,000
Applications and highway permits	600,000
Outdoor advertising	245,000
Autonomous transportation authorities	25,000,000
Department of the Treasury:	
Clean Communities Act	650,000
Coin-operated telephones	120,000
Escheats, Personal Property (14-year law)	200,000
Interest on deposits	1,200,000
Investment earnings	30,000,000
Municipal Purposes Tax Assistance Fund	70,000,000
Nuclear emergency response assessment	3,069,000
Public Utility Gross Receipts and	
Franchise Taxes (combined)	105,000,000
Public Utility Tax—Administration	250,000
Railroad Tax:	
Class II	100,000
Franchise	35,000
Vending machine commission	150,000
Reimbursement for DBC services	1,000,000
Miscellaneous Executive Commissions:	
Delaware River Joint Toll Bridge	
Commission Pennsylvania share	1,101,000
Other Sources:	
Miscellaneous revenue	1,100,000
Inter-Departmental Accounts:	
Administration and investment of pension	
and social security funds	22,000,000

Deferred compensation cost reimbursement ..	360,000
Employee maintenance deductions	1,650,000
Health benefits contribution reimbursement from special funds	20,000,000
Indirect cost recovery—Federal	8,000,000
Other fringe benefit reimbursement from special funds	1,800,000
Pension contribution reimbursement from special funds	29,000,000
Public employers' contribution reimbursement	14,000,000
Reimbursement from Rutgers—Employer's share of employee benefits	3,700,000
Rent of State building space	1,700,000
Social security contribution from special funds	20,000,000
Judicial Branch:	
Court fees	16,356,000
Violent Crimes Compensation Act	3,486,000
Total—Miscellaneous Taxes, Fees, Revenues	<u>\$ 711,527,645*</u>

Interfund Transfers

Beaches and Harbor Fund	\$ 150,000
Clean Waters Fund	550,000
Community Development Bond Fund	500,000
Correctional Facilities Construction Fund	1,500,000
Emergency Flood Control Fund	300,000
Energy Conservation Fund	350,000
Farmland Preservation Fund	450,000
Fund for Support of Free Public Schools	4,100,000
Hazardous Discharge Site Cleanup	100,000
Higher Education Buildings Construction Fund (Act of 1971)	25,000
Housing Assistance Fund	20,000
Human Services Facilities Construction Fund ..	600,000
Institutional Construction Fund (1978)	60,000
Institutions Construction Fund	50,000
Jobs, Science and Technology Fund	500,000
Medical Education Facilities Fund	20,000
Mortgage Assistance Fund	50,000
Motor Vehicle Security-Responsibility Fund	14,000
Natural Resources Fund	1,200,000
New Jersey Bridge Rehabilitation and Improvement Fund	700,000

1983 New Jersey Green Acres Fund	600,000
Outstanding Checks Account	460,000
Outstanding Checks (6 years and over)	1,150,000
Public Building Construction Fund	10,000
Public Purpose Buildings Construction Fund ...	2,000,000
Shore Protection Fund	600,000
State Disability Benefits Fund	14,519,000
State Land Acquisition and Development Fund	500,000
State Lottery Fund	502,679,000
State of New Jersey Cash Management Fund .	500,000
State Recreation and Conservation Land Acquisition and Development Fund (Act of 1974)	700,000
State Recreation and Conservation Land Acquisition Fund (Act of 1971)	100,000
State Transportation Fund	400,000
State Water Development Fund	10,000
Transportation Rehabilitation and Improvement Fund of 1979	3,000,000
Unclaimed Bank Deposits Escheat Reserve Fund	1,901,000
Unclaimed Domestic Life Insurance Escheat Reserve Fund	733,000
Unclaimed Personal Property Trust Fund	7,572,000
Unemployment Compensation Auxiliary Fund .	20,000,000*
Unsatisfied Claim and Judgment Fund	1,020,140
Water Conservation Fund	300,000
Water Supply Fund	1,700,000
Worker and Community Right to Know Fund .	25,000
Total—Interfund Transfers	<u>\$ 551,718,140*</u>

Federal Revenue

Executive Branch:

Office of the Chief Executive:

Drug-free schools and communities \$ 1,380,000

Department of Agriculture:

Bridgeton clerical assistance 5,000
 Brucellosis eradication 33,000
 Cooperative gypsy moth suppression 600,000
 Cooperative inspection service 44,000
 Food distribution administrative expense fund 50,000
 Jobs bill 1,300,000
 Plant pest survey and detection program 28,000

Department of Commerce and Economic Development:	
Energy extension service	135,000
Institutional conservation program—schools and hospitals	1,126,000
State energy conservation program	435,000
Oil overcharge fund—State 2—Amoco motor gasolines and middle distillates	464,000
Department of Community Affairs:	
Community services block grant	10,018,000
Energy Conservation and Production Act of 1976	5,136,000
Food Distribution Act—Title VII—USDA	3,600,000
Housing Act of 1937—Section VIII	37,475,000
Older Americans Act of 1965—Title III	24,080,000
Section 8 voucher certificate program	30,000
Small cities block grant	9,450,000
Department of Corrections:	
Chapter II block grant	17,000
Correction training and technical assistance ..	30,000
DOC corps Middlesex county day program ...	45,000
Project HELP developmental disabilities grant	71,000
Department of Defense:	
Army facilities—Service contract	1,402,000
Air National Guard security agreements— Atlantic City and McGuire A.F.B.	402,000
Atlantic City air base—Service contract	870,000
Facilities management	252,000
Fire fighter/crash rescue service agreement—Atlantic City	511,000
McGuire Air Force Base—Service contract ...	1,020,000
National Guard communications services	180,000
Training and equipment pool sites	853,000
Department of Education:	
Adult basic education program	3,165,000
Byrd scholarship program	480,000
Child care	13,000,000
Child nutrition	64,820,000
Consumer and useful homemaking education	889,000
Drug-free schools and communities	3,248,000
Early intervention	2,000,000
Education block grant Chapter II	16,474,000
Education Consolidation and Improvement Act—Title I—administration	1,282,000

Education Consolidation and Improvement Act—Title I—delinquent	1,464,000
Education Consolidation and Improvement Act—Title I—disadvantaged	115,841,000
Education Consolidation and Improvement Act—Title I—handicapped ...	3,969,000
Education for Economic Security Act	1,843,000
Elementary and Secondary Education Act—Title VI—handicapped	52,924,000
Emergency immigration education assistance	1,015,000
Library Services and Construction Act—Title I	2,208,000
Library Services and Construction Act—Title II	706,000
Library Services and Construction Act—Title III	530,000
Libraries, literacy and urban communities program	25,000
Migrant education programs	2,294,000
National origin desegregation	254,000
Preschool incentive grant	6,040,000
Race desegregation	281,000
Removal of architectural barriers	1,524,000
School breakfast and milk	6,000,000
Sex desegregation	215,000
Services to deaf/blind children	525,000
State planning grant	19,000
Summer nutrition programs	4,500,000
Vocational education—Basic grants	5,836,000
Vocational education—Special programs for the disadvantaged	15,328,000
Miscellaneous federal programs	852,000
Department of Energy:	
Natural gas pipeline safety program	114,000
Department of Environmental Protection:	
Air pollution maintenance program	3,536,000
Coastal zone management 4th year implementation	2,150,000
Consolidated forest management	39,000
Construction grants program	5,000,000
Hazardous waste—Resource Conservation Recovery Act	5,000,000
Hazardous waste site inventory	10,000,000

Land and Water Conservation Fund	15,600,000
Hunters' and Anglers' Fund	1,600,000
Safe Drinking Water Act	620,000
Superfund grants	82,000,000
Water pollution control program	1,700,000
Rural community fire protection program	30,000
Survey and planning operational	830,000
Cooperative pesticide enforcement	187,000
Pesticide technology	25,000
Anadromous herring run restoration	25,000
Northeast Hazardous Waste Coordination Committee	300,000
Hunter safety training	500,000
Environmental monitoring program	42,000
Routine compliance testing for diagnostic x-ray system	10,000
Monitoring and planning—205J	1,000,000
Forest resource management—Cooperative forest fire control	116,000
Northeast regional biomass program	24,000
Marine fisheries enforcement	15,000
Marine fisheries coordination	20,000
Marine fisheries investigation and management F-1 5-R-22	300,000
Endangered species E-1-6	25,000
Trapper education program	18,000
Shellfish research and inventory	63,000
Fisheries management council	30,000
Underground injection control	100,000
Inventory of NJ coastal waters	122,000
Underground storage tanks notification	250,000
Historic preservation	420,000
Lake Hopatcong restoration project	300,000
Groundwater program	150,000
Clean lakes program	10,000,000
Non-point source control	900,000
Wellhead protection	110,000
Underground storage tanks trust	8,500,000
Department of Health:	
Alcohol, drug abuse and mental health block grant	21,289,000
Anti-drug abuse	5,000,000

Certification for Titles XVIII and XIX	
eligibility	1,371,000
Family planning Title X	2,135,000
Immunization project	550,000
Maternal and child health block grant	10,058,000
Preventive health services block grant	2,735,000
Supplemental food program—W.I.C.	36,500,000
Sexually-transmitted disease training	
center program	255,000
Capacity building—Occupational safety	
and health	60,000
Venereal disease project	1,400,000
Microfilming of health statistics	3,000
Vital statistics component	170,000
Genetic counseling and testing	201,000
Effects of exposure to toxic waste sites	
on reproductive outcomes	320,000
Diabetes control and research	325,000
Toxic shock syndrome	99,000
AIDS studies	250,000
Counseling and testing sites	474,000
Automation of IDRC data base	260,000
Asbestos assessment protocol	73,000
Herbicide worker study	193,000
National death index	43,000
Homemaker—Home health aide training	85,000
SEER project	680,000
Longitudinal study of HIV infection on	
drug abusers	2,000,000
Health education/risk education,	
testing and counseling	1,800,000
Community-based AIDS outreach and	
intervention	3,000,000
Community-based AIDS programs	3,000,000
Patterns of IV use among street users	334,000
Food inspection program	100,000
Tuberculosis control program	132,000
Health program for Indo-Chinese refugees	140,000
Tumors among blacks	375,000
AIDS surveillance	250,000
Migrant dental program	272,000
Department of Higher Education:	
Bankhead-Jones Fund	50,000

Congressional teacher scholarship program ...	525,000
Education for Economic Security Act—Title II	790,000
State student incentive grant program	2,000,000
State loan administrative cost deduction and allowance	10,570,000
Veterans' program	186,000
Department of Human Services:	
AFDC teenage parent program	1,442,000
AFDC—Homemaker home health aide— Title XIX	53,000
Automated child support enforcement system (ACSES)	6,502,000
Child support and paternity—Title IV-D	35,054,000
Child welfare—Title IV-B	5,298,000
Community care waiver ICF/MR	18,351,000
Dependent children assistance—Title IV-A ...	291,110,000
Developmental disabilities	897,000
Family assistance management information system	3,070,000
Food stamp program	33,439,000
Foster care—Title IV-E	16,280,000
Foster grandparents program	725,000
Grant diversion project	207,000
Intermediate care facilities—Mental Retardation—Title XIX	113,769,000
Low income energy assistance block grant	70,832,000
Medical assistance—Title XIX	777,440,000
Refugee resettlement program	5,771,000
Rehabilitation of the blind—Section 120	10,218,000
Social services block grant	85,233,000
Supplemental security income	8,000,000
Title IV—A Job search	2,500,000
Work incentive program—Title IV-C	4,001,000
Miscellaneous federal grants	1,055,000
Department of Labor:	
Job Training Partnership Act—administration	3,318,000
Job Training Partnership Act—Title IIA (Basic)	41,505,000
Job Training Partnership Act— Title IIB (Summer Youth)	20,418,000
Job Training Partnership Act—Title III (Dislocated Workers)	3,500,000
Job Training Partnership Act—Title IVC	210,000
Occupational Safety and Health Act	1,378,000

Miscellaneous Occupational Safety and	
Health Act programs	148,000
Vocational Rehabilitation Act of 1973	26,381,000
Miscellaneous vocational rehabilitation programs	694,000
Social Security Act—Titles II and XVI	27,000,000
Unemployment insurance	39,838,000
Planning and research—Social Security Act .	1,585,000
Management and administration—Social	
Security Act	25,089,000
Employment service—Social Security Act	22,975,000
Disabled veterans' outreach program	2,675,000
Department of Law and Public Safety:	
Emergency management assistance program .	1,425,000
Federal highway safety programs	5,462,000
FEMA State assistance program	77,000
New charge resolution project	388,000
Juvenile justice administration and grants	1,600,000
Nuclear civil protection planning	170,000
Emergency management training and education	102,000
Radiological defense officer project	127,000
State of New Jersey Improvement grant	25,000
Medicaid fraud unit	1,900,000
National shelter survey	45,000
Northeast Hazardous Waste Coordination	
Committee	300,000
Recreational boating safety financial assistance	756,000
SLEPA—anti-drug act grants	5,194,000
SLEPA—planning and grants	1,269,000
Age discrimination project	85,000
Fair housing assistance program	57,000
Victim assistance grants	4,450,000
Department of the Public Advocate:	
Advocacy for the developmentally disabled ...	376,000
Clients' assistance project	248,000
Mental health protection and advocacy	255,000
Department of State:	
Arts in school	160,000
Basic block grant	423,000
IMS general support	75,000
NEA arts expansion	100,000
NEA art in public places	76,000
NEA local test	50,000
NEA arts: Basic to education	20,000

NEH Black migration project	50,000
NEH papers of William Livingston	38,000
NEH historical exhibition	100,000
Papers of William Livingston—NHPRC	20,000
Department of Transportation:	
Interstate projects	140,000,000
Interstate transfer program	50,000,000
Urban system highway projects	29,000,000
Consolidated primary highway projects	55,000,000
Demonstration projects	11,550,000
Rural secondary projects	6,000,000
Bridge replacement projects	65,000,000
Hazard elimination projects	6,000,000
Rail highway crossings	3,600,000
Rail freight lines	5,000,000
Airport Fund	17,000,000
Highway planning and research program	747,000
Metropolitan planning programs	4,000,000
NJ Statewide public transportation planning grant	1,800,000
Research and demonstration projects	1,500,000
Planning and research payroll	4,753,000
Supportive services highway construction training programs	750,000
The Judiciary:	
CASAS—Work with citizens' review board ...	50,000
Total—Federal Revenue	<u>\$2,827,551,000</u>
Total Revenues, General Fund	<u>\$7,274,645,785*</u>
Total Resources, General Fund	<u><u>\$7,620,793,000*</u></u>

Property Tax Relief Fund

Undesignated fund balance, July 1, 1987	\$154,776,000
Gross Income Tax	2,580,000,000
Total Resources, Property Tax Relief Fund	<u><u>\$2,734,776,000</u></u>

Gubernatorial Elections Fund

Undesignated fund balance, July 1, 1987	(\$1,413,681)
Taxpayers' Designations	1,600,000
Total Resources, Gubernatorial Elections Fund	<u><u>\$186,319</u></u>

New Jersey State Library

Casino Control Fund

License Fees	\$58,133,000
Total Resources, Casino Control Fund	<u>\$58,133,000</u>

Casino Revenue Fund

Undesignated fund balance, July 1, 1987	\$140,222,000
Gross Revenue Tax	199,000,000
Investment Income	6,000,000
Total Resources, Casino Revenue Fund	<u>\$345,222,000</u>
Grand Total, Resources, All Funds	<u>\$10,759,110,319*</u>

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1988. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by contracts on file as of June 30, 1988 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1988 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the director by July 31, 1988. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any contract made under any appropriation contained in any appropriation act of the previous year or years. On or before December 1, 1987, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L. 1944, c. 112 (C. 52:27B-46), shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending June 30, 1987, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1987.

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

*01 Legislature**70 Government Direction, Management and Control**71 Legislative Activities**0001 Senate*

01-0001 Senate		<u>\$5,903,000</u>
Total Appropriation,		
Senate		<u>\$5,903,000</u>
Personal Services:		
Senators (40)	(\$1,009,000)	
Salaries and wages	(2,238,000)	
Members' staff services	(1,800,000)	
Materials and Supplies	(154,000)	
Services Other Than Personal .	(649,000)	
Maintenance and Fixed Charges	(13,000)	
Special Purpose:		
Compensation awards	(20,000)	
Additions, Improvements and		
Equipment	(20,000)	

The unexpended balance as of June 30, 1987 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly		<u>\$10,089,000</u>
Total Appropriation,		
General Assembly		<u>\$10,089,000</u>
Personal Services:		
Members (80)	(\$2,009,000)	
Salaries and wages	(2,863,000)	
Members' staff services	(3,600,000)	
Materials and Supplies	(192,000)	
Services Other Than Personal .	(1,329,000)	
Maintenance and Fixed Charges	(21,000)	
Special Purpose:		
Compensation awards	(50,000)	
Additions, Improvements		
and Equipment	(25,000)	

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation, Legislature	<u>\$15,992,000</u>

0003 Office of Legislative Services

03-0003 Legislative Support	
Services	<u>\$17,824,000</u>
Total Appropriation, Office of Legislative Services	<u>\$17,824,000</u>
Personal Services:	
State Auditor	(\$65,000)
Salaries and wages	(10,720,000)
New positions	(134,000)
Materials and Supplies	(2,657,000)
Services Other Than Personal .	(2,361,000)
Maintenance and Fixed Charges	(1,542,000)
Special Purpose:	
Compensation awards	(35,000)
Affirmative action and equal employment opportunity program	(19,000)
Additions, Improvements and Equipment	(291,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

The sums appropriated for the continuation and expansion of data processing systems shall be available for the Legislature in order to plan, acquire and install a comprehensive electronic data processing system, including software acquisition and training in connection with the system, as the Legislative Services Commission shall determine. No funds shall be expended or otherwise made available except upon the approval of the Legislative Services Commission. The Legislative Services Commission may authorize the expenditure of funds for such capital alterations as may be required to permit the installation of data processing equipment into the State House or State House Annex, including electrical service, climate control, and facility utilization.

09 Legislative Commissions
0010 Intergovernmental Relations Commission

09-0010 Intergovernmental		
Relations Commission		<u>\$543,000</u>
Total Appropriation,		
Intergovernmental Relations		
Commission		<u>\$543,000</u>
Special Purpose:		
Expenses of Commission	(\$10,000)	
The Council of State		
Governments	(86,000)	
Atlantic States Marine		
Fisheries Commission	(14,000)	
National Conference of Commissioners		
on Uniform State Laws	(18,000)	
Education Commission of		
the States	(65,000)	
National Governors'		
Association	(127,000)	
Advisory Commission on		
Intergovernmental Relations	(7,000)	
National Conference of		
State Legislatures	(102,000)	
Governmental Accounting		
Standards Board	(31,000)	
Northeast-Midwest Research		
Institute	(33,000)	
Coalition of Northeastern		
Governors	(45,000)	
Northeast Directors of		
Employee Relations	(5,000)	

The unexpended balance as of June 30, 1987 in this account is appropriated.

0014 Joint Committee on the Public Schools

The unexpended balance as of June 30, 1987 in this account is appropriated.

0018 State Commission of Investigation

09-0018 State Commission of Investigation	<u>\$2,579,000</u>
Total Appropriation, State Commission of Investigation	<u>\$2,579,000</u>
Special Purpose:	
Expenses of Commission	(\$2,579,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study Sex Discrimination in the Statutes	<u>\$145,000</u>
Total Appropriation, Commission to Study Sex Discrimination in the Statutes	<u>\$145,000</u>
Special Purpose:	
Expenses of Commission	(\$145,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

09-0026 Commission on Business Efficiency in the Public Schools	<u>\$55,000</u>
Total Appropriation, Commission on Business Efficiency in the Public Schools	<u>\$55,000</u>
Special Purpose:	
Expenses of Commission	(\$55,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

0037 Emergency Response System Study Commission

The unexpended balance as of June 30, 1987 in this account is appropriated.

0039 County and Municipal Government Study Commission

09-0039 County and Municipal Government	
Study Commission	<u>\$221,000</u>
Total Appropriation, County and	
Municipal Government Study	
Commission	<u>\$221,000</u>
Special Purpose:	
Expenses of Commission	(\$221,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

0042 New Jersey Monorail Legislative Commission

09-0042 New Jersey Monorail	
Legislative Commission	<u>\$50,000</u>
Total Appropriation, New Jersey	
Monorail Legislative	
Commission	<u>\$50,000</u>
Special Purpose:	
Expenses of Commission	(\$50,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

0049 Christopher Columbus Quincentennial Observance Commission

The unexpended balance as of June 30, 1987 in this account is appropriated.

0052 Commission on Legal and Ethical Problems in the Delivery of Health Care

09-0052 Commission on Legal and	
Ethical Problems in the	
Delivery of Health Care	<u>\$495,000</u>
Total Appropriation, Commission on	
Legal and Ethical Problems in the	
Delivery of Health Care	<u>\$495,000</u>
Special Purpose:	
Expenses of Commission	(\$495,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

0053 New Jersey Law Revision Commission

09-0053 New Jersey Law	
Revision Commission	<u>\$400,000</u>
Total Appropriation, New Jersey	
Law Revision Commission .	<u>\$400,000</u>
Special Purpose:	
Expenses of Commission	(\$400,000)
Total Appropriation,	
Legislative Commissions	<u>\$4,488,000</u>
Total Appropriation,	
Legislative Branch	<u>\$38,304,000</u>

EXECUTIVE BRANCH

06 OFFICE OF THE CHIEF EXECUTIVE

*07 Government Direction, Management and Control**76 Management and Administration**0300 Chief Executive's Office*

01-0300 Executive Management	<u>\$4,666,000</u>
Total Appropriation, Chief	
Executive's Office	<u>\$4,666,000</u>
Personal Services:	
Salaries and wages	(\$3,654,000)
Materials and Supplies	(214,000)
Services Other Than Personal .	(565,000)
Maintenance and Fixed Charges	(123,000)
Special Purpose:	
Allowance to the Governor	
of funds not otherwise	
appropriated, for official	
reception on behalf of	
the State, operation of	
an official residence	
and other expenses	(75,000)
Additions, Improvements and	
Equipment	(35,000)

The unexpended balances as of June 30, 1987 in the accounts herein-
above are appropriated.

10 DEPARTMENT OF AGRICULTURE
 40 *Community Development and Environmental Management*
 42 *Natural Resource Management*

01-3310 Animal Disease	
Control	\$911,000
02-3320 Plant Pest and	
Disease Control	1,952,000
03-3330 Resource Development	
Services	<u>1,456,000*</u>
Total Appropriation, Natural	
Resource Management	<u>\$4,319,000*</u>
Personal Services:	
Salaries and wages	(\$2,795,000)
Materials and Supplies	(169,000)
Services Other Than Personal .	(204,000)
Maintenance and Fixed Charges	(182,000)
Special Purpose:	
Indemnities—cattle, swine and	
fowl diseases	(11,000)
Gypsy moth control	(75,000)
Biological pest control	(120,000)
Grants to soil conservation	
districts	(481,000)*
Agricultural water use	
certification	(50,000)
Fish and seafood development	
and promotion	(150,000)
Future farmers' youth	
development	(40,000)
Additions, Improvements and	
Equipment	(42,000)

The unexpended balance as of June 30, 1987 in the Gypsy moth control account is appropriated for the same purpose.

Receipts from laboratory test fees in excess of \$50,000 are appropriated to support the animal health laboratory program.

The unexpended balance as of June 30, 1987 in the Cattle, swine and fowl indemnities account is appropriated for the same purpose.

Receipts in excess of \$5,000 from the seed laboratory testing and certification programs are appropriated for program costs.

Receipts from the sale of beneficial insects are appropriated to support the biological control laboratory.

50 Economic Planning, Development and Security
51 Economic Planning and Development

06-3360 Marketing Services		<u>\$1,993,000</u>
Total Appropriation, Economic Planning and Development		<u>\$1,993,000</u>
Personal Services:		
Salaries and wages	(\$524,000)	
Material and Supplies	(11,000)	
Services Other Than Personal .	(46,000)	
Maintenance and Fixed Charges	(35,000)	
Special Purpose:		
Promotion/market development	(1,275,000)	
Agricultural fairs	(60,000)	
Wine promotion program	(40,000)	
Additions, Improvements and Equipment	(2,000)	

Receipts for the Poultry Products Promotion Council, P.L. 1957, c. 47 (C. 54:47A-1 et seq.), White Potato Industry Promotion Council, P.L. 1957, c. 169 (C. 54:47B-1 et seq.), Asparagus Industry Promotion Council, P.L. 1959, c. 18 (C. 54:47C-1 et seq.), Apple Industry Promotion Council, P.L. 1959, c. 80 (C. 54:47D-1 et seq.), Sweet Potato Commission, P.L. 1966, c. 283 (C. 54:47E-1 et seq.), Soybean Industry Promotion Council, P.L. 1971, c. 308 (C. 4:10-43 et seq.), South Jersey Dairy Industry Advisory Council, P.L. 1971, c. 308 (C. 4:10-43 et seq.), Sire Stakes Fund, P.L. 1971, c. 85 (C. 5:5-91 et seq.), Dairy Industry Advisory Council, P.L. 1971, c. 308 (C. 4:10-43 et seq.), New Jersey Horsebreeding and Development, P.L. 1940, c. 17 (C. 5:5-22 et seq.), as amended by P.L. 1941, c. 137 and the unexpended balances as of June 30, 1987 of such receipts are appropriated.

Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable federal regulations, and the unexpended balance of such receipts as of June 30, 1987 are appropriated for expenses of Commodity Distribution.

52 Economic Regulation

04-3340 Dairy Industry	
Regulation	\$550,000
05-3350 Other Commodity	
Regulation	<u>889,000</u>
Total Appropriation, Economic Regulation	<u>\$1,439,000</u>

Personal Services:

Salaries and wages	(\$1,271,000)
Materials and Supplies	(21,000)
Services Other Than Personal .	(84,000)
Maintenance and Fixed Charges	(61,000)
Additions, Improvements and Equipment	(2,000)

Receipts from inspection fees derived from fruit, vegetable, fish and poultry inspections, and the unexpended balance as of June 30, 1987 of such receipts, are appropriated for the cost of conducting fruit, vegetable, fish and poultry inspections.

*70 Government Direction, Management and Control**76 Management and Administration*

99-3370 Management and Administrative Services	<u>\$1,636,000</u>
Total Appropriation, Management and Administration	<u>\$1,636,000</u>
Personal Services:	
Salaries and wages	(\$1,111,000)
Materials and Supplies	(28,000)
Services Other Than Personal .	(156,000)
Maintenance and Fixed Charges	(50,000)
Special Purpose:	
Expenses of State Board of Agriculture	(18,000)
Affirmative action and equal employment opportunity program	(18,000)
Additions, Improvements and Equipment	(255,000)
Total Appropriation, Department of Agriculture	<u>\$9,387,000*</u>

14 DEPARTMENT OF BANKING
50 Economic Planning, Development and Security
52 Economic Regulation

01-3010 Regulation of Banking	
Industry	\$2,781,000
02-3020 Regulation of Savings	
and Loan Associations	1,441,000
03-3030 Consumer Complaints, Legal	
and Economic Research	677,000
99-3040 Management and	
Administrative Services	<u>802,000</u>
Total Appropriation, Economic	
Regulation	<u>\$5,701,000</u>
Personal Services:	
Salaries and wages	(\$4,681,000)
Materials and Supplies	(73,000)
Services Other Than Personal .	(585,000)
Maintenance and Fixed Charges	(26,000)
Special Purpose:	
Bank examination staff	
augmentation	(125,000)
Savings and loan examination	
staff augmentation	(132,000)
Affirmative action and equal	
employment opportunity	
program	(10,000)
Additions, Improvements and	
Equipment	(69,000)
Total Appropriation, Department	
of Banking	<u>\$5,701,000</u>

Receipts in excess of \$2,577,000 anticipated from examination and licensing fees, excluding those receipts derived from the "New Jersey Banking Oversight and Change of Control Act," P.L. 1986, c. 6 (C. 17:9A-373 et al.), are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All receipts received from the regulation and examination of bank holding companies are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1987 in the Pinelands Development Credit Bank account is appropriated for the same purpose.

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

40 *Community Development and Environmental Management*42 *Natural Resource Management*

05-2820 Energy Resource

Management	\$2,089,000

Total Appropriation, Natural	

Resource Management	\$2,089,000

Personal Services:

Salaries and wages	(\$1,509,000)

Materials and Supplies	(80,000)

Services Other Than Personal .	(423,000)

Maintenance and Fixed Charges	(32,000)

Additions, Improvements and	

Equipment	(45,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Department of Commerce and Economic Development with respect to assessment of public utilities, P.L. 1968, c. 173 (C. 48:2-59 et seq.) or other applicable laws.

Fees received from the "Electric Facility Need Assessment Act," P.L. 1983, c. 115 (C. 48:7-16 et seq.) are appropriated.

50 *Economic Planning, Development and Security*51 *Economic Planning and Development*

20-2800 Economic Development	\$4,425,000

20-2840 New Jersey Motion

Picture and TV Development	

Commission	271,000

21-2850 International Trade	2,304,000*

22-2860 Travel and Tourism	8,101,000

23-2870 Economic Planning	303,000

23-2880 Economic Research	224,000

25-2830 Urban Programs	258,000

99-2910 Management and

Administrative Services	1,574,000

Total Appropriation, Economic	

Planning and Development	\$17,460,000*

Personal Services:

Salaries and wages	(\$3,835,000)
Positions established from lump sum appropriation ...	(90,000)
Positions converted	(77,000)
Materials and Supplies	(205,000)
Services Other Than Personal .	(883,000)
Maintenance and Fixed Charges	(173,000)
Special Purpose:	
Small business set-aside program	(120,000)
Set-Aside Act for small, female and minority businesses	(75,000)
Economic development, advertising and promotion	(1,762,000)
Small Business Development Center	(250,000)
Office of Minority Business Enterprise	(200,000)
Minority and women owned business certification	(100,000)
Expand procurement opportunities for minority and women owned businesses	(250,000)
New Jersey Products Trade Show	(400,000)
International trade advertising and promotion	(939,000)
Foreign trade office	(150,000)
Governor's Commission on International Trade	(125,000)*
Tourist welcome centers	(100,000)
Travel and tourism, advertising and promotion	(7,011,000)
Historical site and cultural promotion	(50,000)
Affirmative action and equal employment opportunity program	(25,000)
Bureau of Hispanic Enterprise	(100,000)

Grants:

Tourist matching grants for counties	(350,000)
Additions, Improvements and Equipment	(190,000)

The unexpended balance as of June 30, 1987, in the Employee stock option plan account is appropriated.

The amount necessary to provide employer rebate awards as a result of the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c. 303 (C. 52:27H-60 et seq.), and the administrative costs incurred by the Department of Labor and the Division of Taxation to meet the statutory requirements of this program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1987 in the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises account is appropriated.

The unexpended balance as of June 30, 1987 in the Urban Development Corporation account is appropriated.

The unexpended balance as of June 30, 1987 in the Grants to county and municipal pilot programs account is appropriated.

The unexpended balance as of June 30, 1987 in the Division for Development of Small Businesses and Women's and Minority Businesses account is appropriated.

The unexpended balance as of June 30, 1987 in the Minority and women owned business certification account is appropriated.

2890 New Jersey Commission on Science and Technology

24-2890 New Jersey Commission on Science and Technology ..	<u>\$18,945,000*</u>
Total Appropriation, New Jersey Commission on Science and Technology	<u>\$18,945,000*</u>
Personal Services:	
Salaries and wages	(\$501,000)
Materials and Supplies	(28,000)
Services Other Than Personal .	(90,000)

Maintenance and Fixed Charges	(20,000)
Special Purpose:	
Business development	(680,000)
Invention State Celebration ..	(100,000)
Grants:	
Biotechnology Programs:	
Center for Advanced Biotechnology and Medicine	(3,230,000)
Innovation partnerships in biotechnology	(500,000)
Material Sciences Programs:	
Center for Ceramics Research	(2,375,000)
Innovation partnerships in surface modification technology	(750,000)
TEX center for polymer processing	(500,000)
Plastic recycling center	(400,000)
Telematics Programs:	
Center for Computer Aids to Industrial Productivity	(1,189,000)
Innovation partnerships in telematics	(600,000)
TEX center for information services	(300,000)
Center for Advanced Food Technology	(1,255,000)
Hazardous and toxic substance management programs	(2,280,000)
Fisheries development and aquaculture	(450,000)
Advanced scientific computer center	(2,305,000)
Educational development	
American Electronic Association challenge grant	(400,000)
Advanced technology centers— new equipment	(982,000)

Additions, Improvements and Equipment	(10,000)	
Total Appropriation, Department of Commerce and Economic Development		<u>\$38,494,000*</u>

The unexpended balances as of June 30, 1987 from the Science and Technology Special Purpose and Grants accounts are appropriated.

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*41 *Community Development Management*

01-8010 Housing Code		
Enforcement		\$3,294,000
02-8020 Housing Services		5,250,000
04-8030 Local Government Services		3,571,000
6-8015 Uniform Construction Code		1,790,000
12-8025 Boarding Home Regulation and Assistance		2,704,000
17-8017 Fire Safety		<u>6,744,000</u>
Total Appropriation, Community Development Management		<u>\$23,353,000</u>
Personal Services:		
Board members (7 @ \$8,000)	(\$56,000)	
Salaries and wages	(9,307,000)	
Positions converted	(193,000)	
Materials and Supplies	(212,000)	
Services Other Than Personal	(899,000)	
Maintenance and Fixed Charges	(521,000)	
Special Purpose:		
Project Self-Sufficiency	(1,500,000)	
Continuing care retirement community regulation and financial disclosure	(50,000)	
Cooperative housing inspection	(800,000)	
Boarding House Rental Assistance Fund	(1,200,000)	
Fire safety public education program	(300,000)	

Truth in Renting	(33,000)
Planned Real Estate Development Full Disclosure Act	(195,000)
Fire safety programs	(5,610,000)
Council on Affordable Housing	(1,400,000)
Operating expenses of neighborhood preservation programs	(1,025,000)
Additions, Improvements and Equipment	(52,000)

Receipts in excess of the amount anticipated for Housing Code Enforcement, not to exceed \$450,000, are appropriated for additional code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1987 in the Truth in Renting account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Truth in Renting account is payable out of the revenue from the sale of Truth in Renting statements, including fees, fines and penalties. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1987 in the Planned Real Estate Development Full Disclosure Act account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Planned Real Estate Development Full Disclosure Act account is payable out of those receipts, fees, fines, and penalties supporting the Planned Real Estate Development Full Disclosure Act, P.L. 1977, c. 149 (C. 45:22A-21 et seq.), and out of any amount remaining therein. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to section 17 of P.L. 1983, c. 530 (C. 55:14K-17) and subject to the approval of the Director of the Division of Budget and Accounting.

Local government authority audit fees are appropriated for expenses of audits, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be required for the registration of builders and reviewing and paying claims under the New Home Warranty and Builders' Registration Act, P.L. 1977, c. 467 (C. 46:3B-1 et seq.), are appropriated from the Home Warranty Security Fund in accordance with section 7 of P.L. 1977, c. 467 (C. 46:3B-7).

Uniform Construction Code fees received in excess of the amount anticipated are appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 2 of P.L. 1979, c. 121 (C. 52:27D-124.1), a sum not to exceed \$1,325,000 is appropriated from the Uniform Construction Code Revolving Fund for the purpose of such fund; provided, however, that any receipts and balances in excess of \$1,325,000 in the Uniform Construction Code Revolving Fund shall lapse.

Pursuant to section 15 of P.L. 1983, c. 530 (C. 55:14K-15), the commissioner shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and appropriations made from the General Fund to the Rental Assistance Fund created pursuant to section 14 of P.L. 1983, c. 530 (C. 55:14K-14) may be used by the commissioner to make payments to the Housing Finance Agency, in the form of rental assistance or otherwise, necessary to meet debt service on Housing Finance Agency Life Safety Improvement Loans.

The unexpended balance as of June 30, 1987 in the Fire safety programs account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Fire safety programs account is payable out of the fees and penalties derived from bureau activities. If those receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1987 in the Volunteer Emergency Service Organizations Loan Fund is appropriated.

Additional sums, not to exceed \$250,000, required to allow the Local Finance Board to exercise supervisory responsibility over municipalities subject to section 21 of P.L. 1981, c. 211 (C.

52:27BB-95.1), in the fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Council on Affordable Housing and Operating expenses of neighborhood preservation is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L. 1968, c. 49 (C. 46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L. 1975, c. 176 (C. 46:15-10.1).

50 Economic Planning, Development and Security

55 Related Social Services Programs

05-8050 Community Resources .		\$709,000
08-8060 Programs for the Aging		1,302,000
14-8061 Ombudsman's Office ...		1,170,000
15-8051 Women's Programs		2,320,000
16-8062 Office of the Public Guardian		<u>450,000</u>
Total Appropriation, Related Social Services Programs		<u>\$5,951,000</u>
Personal Services:		
Salaries and wages	(\$1,971,000)	
Positions converted	(91,000)	
New Positions	(78,000)	
Materials and Supplies	(169,000)	
Services Other Than Personal .	(529,000)	
Maintenance and Fixed Charges	(101,000)	
Special Purpose:		
Entrepreneurship training in high schools	(100,000)	
Federal programs for the aging (State share)	(331,000)	
Expenses of the Commission on Aging	(3,000)	
Conference on Aging	(15,000)	
Youthful Volunteers Program	(100,000)	

Ombudsman for the Institutionalized Elderly, expanded workload	(170,000)
New program initiatives for women	(91,000)
Expenses of the New Jersey Commission on Women	(7,000)
Job Training Center for Urban Women Act	(324,000)
Office of the Public Guardian, P.L. 1985, c. 298 (C. 52:27G-20 et al.)	(450,000)
Grants:	
Women's Referral Central	(35,000)
Grants to women's shelters ..	(50,000)
Garden State Games	(175,000)
Health Insurance Options for the Elderly	(100,000)
Senior Olympics Program	(70,000)
Grants to displaced homemaker centers	(945,000)
Additions, Improvements and Equipment	(46,000)
Receipts from the Office of the Public Guardian and the unexpended balances in the Office of the Public Guardian account as of June 30, 1987 are appropriated for the same purpose.	
The unexpended balance in the Office of the Ombudsman for the Institutionalized Elderly account is appropriated.	

70 Government Direction, Management and Control
76 Management and Administration

99-8070 Management and Administrative Services	<u>\$4,037,000</u>
Total Appropriation, Management and Administration	<u>\$4,037,000</u>
Personal Services:	
Salaries and wages	(\$2,858,000)
Materials and Supplies	(27,000)
Services Other Than Personal .	(602,000)
Maintenance and Fixed Charges	(71,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(60,000)	
Compensation awards	(13,000)	
Governor's Council on Physical Fitness	(300,000)	
Governor's Council on Physical Fitness, N.J. Waterfront Marathon	(100,000)	
Additions, Improvements and Equipment	(6,000)	
Total Appropriation, Department of Community Affairs		<u>\$33,341,000</u>

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
7025 System-Wide Program Support

13-7025 Institutional Program Support		<u>\$53,435,000*</u>
Total Appropriation, System-Wide Program Support		<u>\$53,435,000*</u>
Personal Services:		
Salaries and wages	(\$3,533,000)	
Positions established from lump sum appropriation	(265,000)	
Positions converted	(35,000)	
Services Other Than Personal	(268,000)	
Special Purpose:		
Integrated information systems development	(922,000)	
Augment medical care at institutions	(5,808,000)	
Farm operations subsidy	(750,000)	
Purchase of service for inmates incarcerated in county penal facilities	(32,800,000)	

Purchase of service for inmates incarcerated in out-of-State facilities	(200,000)
Adult post-secondary and college programs	(210,000)
Social services block grant support	(83,000)
Computerized menu planning	(16,000)
Institutional law libraries	(5,000)
Radio conversion program	(693,000)
Central office medical transportation unit	(100,000)
Additional staffing, hospital unit	(822,000)
Recruit screening program	(150,000)
Expanded inmate highway cleanup program	(200,000)
Centralized communications unit	(153,000)
Additional treatment unit for juvenile poly-users	(450,000)
Expansion of Mutual Agreement Program	(350,000)
Grants:	
Purchase of community services	(5,200,000)
Joint Connection program	(196,000)
Transportation assistance for inmates' families' visitations	(226,000)

A portion of the total amount appropriated for Purchase of service for inmates incarcerated in county penal facilities is available for operational costs of additional State facilities for inmate housing which become ready for occupancy, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1987 in the Purchase of service for inmates incarcerated in county penal facilities account is appropriated for the same purpose.

The unexpended balance as of June 30, 1987 in the Commission on Vocational and Technical Training account is appropriated for the same purpose.

7040 State Prison, Trenton

07-7040 Institutional Control and Supervision	\$31,354,000
08-7040 Institutional Care Program	9,155,000
09-7040 Institutional Treatment Program	1,972,000
10-7040 Education Program	1,127,000
19-7040 Physical Plant and Support Services	4,277,000
99-7040 Management and Administrative Services	<u>1,511,000</u>
Total Appropriation, State Prison, Trenton	<u>\$49,396,000</u>
Personal Services:	
Salaries and wages	(\$37,527,000)
Positions established from lump sum appropriation ...	(115,000)
Positions converted	(93,000)
Food in lieu of cash	(271,000)
Materials and Supplies	(6,450,000)
Services Other Than Personal .	(3,840,000)
Maintenance and Fixed Charges	(576,000)
Special Purpose:	
Compensation awards	(305,000)
Inmate claims	(3,000)
Trenton State Capital Unit	(117,000)
Additions, Improvements and Equipment	(99,000)

7050 State Prison, Rahway

07-7050 Institutional Control and Supervision	\$17,821,000
08-7050 Institutional Care Program	5,942,000
09-7050 Institutional Treatment Program	1,819,000
10-7050 Education Program	739,000
19-7050 Physical Plant and Support Services	2,923,000
99-7050 Management and Administrative Services	<u>786,000</u>
Total Appropriation, State Prison, Rahway	<u>\$30,030,000</u>
Personal Services:	
Salaries and wages	(\$18,359,000)
Positions converted	(79,000)
Food in lieu of cash	(131,000)
Materials and Supplies	(4,789,000)
Services Other Than Personal .	(2,844,000)
Maintenance and Fixed Charges	(360,000)
Special Purpose:	
Expanded capacity	(2,554,000)
Temporary bedspaces	(590,000)
Compensation awards	(127,000)
Additions, Improvements and Equipment	(197,000)

7060 State Prison, Leesburg

07-7060 Institutional Control and Supervision	\$15,139,000
08-7060 Institutional Care Program	5,231,000
09-7060 Institutional Treatment Program	1,673,000
10-7060 Education Program	598,000
19-7060 Physical Plant and Support Services	2,210,000
99-7060 Management and Administrative Services	<u>775,000</u>
Total Appropriation, State Prison, Leesburg	<u>\$25,626,000</u>

Personal Services:

Salaries and wages	(\$16,719,000)
Positions converted	(76,000)
Food in lieu of cash	(136,000)
Materials and Supplies	(3,815,000)
Services Other Than Personal .	(2,309,000)
Maintenance and Fixed Charges	(371,000)
Special Purpose:	
Expanded capacity	(1,712,000)
Temporary bedspaces	(344,000)
Compensation awards	(22,000)
Additions, Improvements and	
Equipment	(122,000)

7065 Southern State Correctional Facility

07-7065 Institutional Control and Supervision	\$15,457,000
08-7065 Institutional Care Program	4,054,000
09-7065 Institutional Treatment Program	1,390,000
10-7065 Education Program	875,000
19-7065 Physical Plant and Support Services	1,920,000
99-7065 Management and Administrative Services	996,000
Total Appropriation, Southern State Correctional Facility	<u>\$24,692,000</u>
Personal Services:	
Salaries and wages	(\$19,011,000)
Positions converted	(21,000)
Food in lieu of cash	(163,000)
Materials and Supplies	(2,901,000)
Services Other Than Personal .	(1,692,000)
Maintenance and Fixed Charges	(569,000)
Special Purpose:	
Temporary bedspaces	(239,000)
Compensation awards	(36,000)
Additions, Improvements and	
Equipment	(60,000)

7070 Mid-State Correctional Facility

07-7070 Institutional Control and Supervision	\$6,815,000
08-7070 Institutional Care Program	2,598,000
09-7070 Institutional Treatment Program	808,000
10-7070 Education Program	408,000
19-7070 Physical Plant and Support Services	1,143,000
99-7070 Management and Administrative Services	<u>687,000</u>
Total Appropriation, Mid-State Correctional Facility	<u>\$12,459,000</u>
Personal Services:	
Salaries and wages	(\$9,290,000)
Food in lieu of cash	(80,000)
Materials and Supplies	(1,565,000)
Services Other Than Personal .	(1,202,000)
Maintenance and Fixed Charges	(197,000)
Special Purpose:	
Compensation awards	(29,000)
Additions, Improvements and Equipment	(96,000)

7075 Camden Correctional Facility

07-7075 Institutional Control and Supervision	\$6,960,000
08-7075 Institutional Care Program	1,872,000
09-7075 Institutional Treatment Program	584,000
10-7075 Education Program	447,000
19-7075 Physical Plant and Support Services	1,338,000
99-7075 Management and Administrative Services	<u>628,000</u>
Total Appropriation, Camden Correctional Facility	<u>\$11,829,000</u>
Personal Services:	
Salaries and wages	(\$9,007,000)

Positions established from lump sum appropriation ...	(72,000)
Food in lieu of cash	(82,000)
Materials and Supplies	(1,553,000)
Services Other Than Personal .	(540,000)
Maintenance and Fixed Charges	(197,000)
Special Purpose:	
Temporary bedspaces	(317,000)
Compensation awards	(24,000)
Additions, Improvements and Equipment	(37,000)

7080 Correctional Institution for Women, Clinton

07-7080 Institutional Control and Supervision	\$7,230,000
08-7080 Institutional Care Program	2,856,000
09-7080 Institutional Treatment Program	808,000
10-7080 Education Program	386,000
19-7080 Physical Plant and Support Services	1,175,000
99-7080 Management and Administrative Services	640,000
Total Appropriation, Correctional Institution for Women, Clinton	<u>\$13,095,000</u>
Personal Services:	
Salaries and wages	(\$9,235,000)
Food in lieu of cash	(67,000)
Materials and Supplies	(1,237,000)
Services Other Than Personal .	(1,332,000)
Maintenance and Fixed Charges	(144,000)
Special Purpose:	
Temporary bedspaces	(895,000)
Compensation awards	(104,000)
Additions, Improvements and Equipment	(81,000)

7085 State Prison, Newark

07-7085 Institutional Control and Supervision		\$11,598,000
08-7085 Institutional Care Program		4,032,000
09-7085 Institutional Treatment Program		1,385,000
10-7085 Education Program		875,000
19-7085 Physical Plant and Support Services		2,160,000
99-7085 Management and Administrative Services		<u>1,238,000</u>
Total Appropriation, State Prison, Newark		<u>\$21,288,000</u>
Personal Services:		
Salaries and wages	(\$3,000,000)	
Positions established from lump sum appropriation ...	(13,086,000)	
Food in lieu of cash	(141,000)	
Materials and Supplies	(3,349,000)	
Services Other Than Personal .	(1,229,000)	
Maintenance and Fixed Charges	(194,000)	
Special Purpose:		
Compensation awards	(39,000)	
Additions, Improvements and Equipment	(250,000)	

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090 Institutional Control and Supervision		\$6,133,000
08-7090 Institutional Care Program		1,641,000
09-7090 Institutional Treatment Program		1,049,000
10-7090 Education Program		183,000
11-7090 Outpatient Diagnostic and Treatment Services		115,000
19-7090 Physical Plant and Support Services		556,000
99-7090 Management and Administrative Services		<u>480,000</u>

Total Appropriation, Adult Diagnostic and Treatment Center, Avenel		<u>\$10,157,000</u>
Personal Services:		
Salaries and wages	(\$5,281,000)	
Positions converted	(107,000)	
Food in lieu of cash	(44,000)	
Materials and Supplies	(810,000)	
Services Other Than Personal .	(625,000)	
Maintenance and Fixed Charges	(120,000)	
Special Purpose:		
Expanded capacity	(2,426,000)	
Temporary bedspaces	(427,000)	
Compensation awards	(6,000)	
County treatment, Avenel	(300,000)	
Additions, Improvements and Equipment	(11,000)	

7110 Youth Reception and Correction Center, Yardville

07-7110 Institutional Control and Supervision		\$11,234,000
08-7110 Institutional Care Program		4,059,000
09-7110 Institutional Treatment Program		1,972,000
10-7110 Education Program		596,000
19-7110 Physical Plant and Support Services		1,525,000
99-7110 Management and Administrative Services		<u>794,000</u>
Total Appropriation, Youth Reception and Correction Center, Yardville		<u>\$20,180,000</u>
Personal Services:		
Salaries and wages	(\$15,025,000)	
Positions converted	(49,000)	
Food in lieu of cash	(114,000)	
Materials and Supplies	(2,805,000)	
Services Other Than Personal .	(1,452,000)	
Maintenance and Fixed Charges	(215,000)	
Special Purpose:		
Temporary bedspaces	(373,000)	

Compensation awards	(31,000)
Additions, Improvements and	
Equipment	(116,000)

7120 Youth Correctional Institution, Bordentown

07-7120 Institutional Control and Supervision	\$9,438,000
08-7120 Institutional Care Program	3,249,000
09-7120 Institutional Treatment Program	1,401,000
10-7120 Education Program	533,000
19-7120 Physical Plant and Support Services	2,309,000
99-7120 Management and Administrative Services	<u>971,000</u>
Total Appropriation, Youth Correctional Institution, Bordentown	<u>\$17,901,000</u>

Personal Services:

Salaries and wages	(\$12,710,000)
Position converted	(22,000)
Food in lieu of cash	(99,000)
Materials and Supplies	(2,850,000)
Services Other Than Personal .	(1,244,000)
Maintenance and Fixed Charges	(244,000)

Special Purpose:

Sewage treatment plant operation	(325,000)
Temporary bedspaces	(212,000)
Compensation awards	(130,000)
Additions, Improvements and	
Equipment	(65,000)

7130 Youth Correctional Institution, Annandale

07-7130 Institutional Control and Supervision	\$10,491,000
08-7130 Institutional Care Program	3,398,000
09-7130 Institutional Treatment Program	1,294,000
10-7130 Education Program	307,000

19-7130 Physical Plant and Support Services	1,622,000
99-7130 Management and Administrative Services	<u>610,000</u>
Total Appropriation, Youth Correctional Institution, Annandale	<u>\$17,722,000</u>
Personal Services:	
Salaries and wages	(\$13,024,000)
Positions converted	(234,000)
Food in lieu of cash	(103,000)
Materials and Supplies	(2,519,000)
Services Other Than Personal .	(1,131,000)
Maintenance and Fixed Charges	(108,000)
Special Purpose:	
Temporary bedspaces	(449,000)
Compensation awards	(77,000)
Additions, Improvements and Equipment	(77,000)

18 Juvenile Correctional Services
7210 Training School for Boys, Skillman

07-7210 Institutional Control and Supervision	\$3,258,000
08-7210 Institutional Care Program	725,000
09-7210 Institutional Treatment Program	420,000
19-7210 Physical Plant and Support Services	756,000
99-7210 Management and Administrative Services	<u>510,000</u>
Total Appropriation, Training School for Boys, Skillman	<u>\$5,669,000</u>
Personal Services:	
Salaries and wages	(\$4,809,000)
Materials and Supplies	(506,000)
Services Other Than Personal .	(216,000)
Maintenance and Fixed Charges	(77,000)
Special Purpose:	
Compensation awards	(41,000)

Additions, Improvements and Equipment	(20,000)

7220 Training School for Boys, Jamesburg

07-7220 Institutional Control and Supervision	\$5,652,000
08-7220 Institutional Care Program	1,548,000
09-7220 Institutional Treatment Program	934,000
19-7220 Physical Plant and Support Services	1,703,000
99-7220 Management and Administrative Services	<u>616,000</u>
Total Appropriation, Training School for Boys, Jamesburg	<u>\$10,453,000</u>

Personal Services:

Salaries and wages	(\$8,361,000)
Food in lieu of cash	(69,000)
Materials and Supplies	(1,292,000)
Services Other Than Personal .	(416,000)
Maintenance and Fixed Charges	(161,000)

Special Purpose:

Compensation awards	(78,000)
Additions, Improvements and Equipment	(76,000)

7225 Juvenile Medium Security Center

07-7225 Institutional Control and Supervision	\$2,724,000
08-7225 Institutional Care Program	528,000
09-7225 Institutional Treatment Program	290,000
19-7225 Physical Plant and Support Services	408,000
99-7225 Management and Administrative Services	<u>266,000</u>
Total Appropriation, Juvenile Medium Security Center ...	<u>\$4,216,000</u>

Personal Services:

Salaries and wages	(\$3,633,000)
Food in lieu of cash	(32,000)
Materials and Supplies	(311,000)
Services Other Than Personal .	(140,000)
Maintenance and Fixed Charges	(58,000)
Special Purpose:	
Compensation awards	(9,000)
Additions, Improvements and	
Equipment	(33,000)

18 Juvenile Correctional Services
12 Residential Care

12-7230 Residential Group	
Center, Highfields	\$212,000
12-7240 Residential Group	
Center, Warren	224,000
12-7250 Residential Group	
Center, Ocean	376,000
12-7260 Residential Group	
Center, Turrell	898,000
12-7270 Juvenile Community	
Programs	<u>6,549,000</u>
Total Appropriation,	
Residential Care	
Services	<u>\$8,259,000</u>

Personal Services:

Salaries and wages	(\$5,414,000)
Food in lieu of cash	(14,000)
Materials and Supplies	(194,000)
Services Other Than Personal .	(96,000)
Maintenance and Fixed Charges	(33,000)
Special Purpose:	
Community centers	(1,774,000)
Compensation awards	(6,000)
Juvenile Center at	
Harborfields	(570,000)
Juvenile Resource Center,	
Camden	(25,000)
Cumberland Day Treatment	
Program	(85,000)

Somerfields Treatment Center	(30,000)
Additions, Improvements and Equipment	(18,000)

17 Parole and Community Programs
7010 Office of Parole and Community Programs

03-7010 Parole	\$10,486,000
04-7010 Community Programs .	<u>1,482,000</u>
Total Appropriation, Office of Parole and Community Programs	<u>\$11,968,000</u>
Personal Services:	
Salaries and wages	(\$9,953,000)
Materials and Supplies	(99,000)
Services Other Than Personal .	(329,000)
Maintenance and Fixed Charges	(494,000)
Special Purpose:	
Payments to inmates discharged from county facilities	(160,000)
Increased parole supervision	(598,000)
Community Residence Center, Jersey City	(51,000)
Community Service Center, Newark	(171,000)
Community Service Center, Essex	(79,000)
Compensation awards	(27,000)
Additions, Improvements and Equipment	(7,000)

7280 State Parole Board

05-7280 State Parole Board	<u>\$5,210,000</u>
Total Appropriation, State Parole Board	<u>\$5,210,000</u>
Personal Services:	
Salaries and wages	(\$4,119,000)
Positions established from lump sum appropriation ...	(355,000)
Materials and Supplies	(132,000)

Services Other Than Personal .	(443,000)
Maintenance and Fixed Charges	(112,000)
Special Purpose:	
Compensation awards	(8,000)
Additions, Improvements and	
Equipment	(41,000)

*19 Central Planning, Direction and Management
7000 Division of Management and General Support*

01-7000 Planning, Management and General Support	\$2,238,000
02-7000 Program Operations Support	2,469,000
19-7000 Physical Plant and Support Services	958,000
99-7000 Management and Administrative Services	<u>7,401,000</u>
Total Appropriation, Division of Management and General Support	<u>\$13,066,000</u>
Personal Services:	
Salaries and wages	(\$10,462,000)
Positions converted	(296,000)
Materials and Supplies	(422,000)
Services Other Than Personal .	(1,320,000)
Maintenance and Fixed Charges	(264,000)
Special Purpose:	
Return of escapees and absconders	(52,000)
Affirmative action and equal employment opportunity program	(110,000)
Compensation awards	(22,000)
Additions, Improvements and Equipment	(118,000)
Total Appropriation, Department of Corrections	<u>\$366,651,000*</u>

Balances on hand as of June 30, 1987 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under P.L. 1969, c. 22 (C. 30:4-91.4 et seq.).

Of the amount hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page B-14 in the Governor's Budget Recommendation Document dated February 2, 1987 first shall be charged to the State Lottery Fund.

30 DEPARTMENT OF DEFENSE
10 *Public Safety and Criminal Justice*
14 *Military Services*

01-3600 National Guard Training, Operations and Administration		\$3,530,000
02-3600 Management of National Guard Installations		6,782,000
03-3600 Management of Joint Training Center		<u>1,502,000</u>
Total Appropriation, Military Services		<u>\$11,814,000</u>
Personal Services:		
Salaries and wages	(\$5,980,000)	
New positions	(72,000)	
Materials and Supplies	(1,774,000)	
Services Other Than Personal .	(1,023,000)	
Maintenance and Fixed Charges	(564,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(5,000)	
New Jersey Military Academy	(37,000)	
Microfilm service charges	(15,000)	
Joint Federal-State operations and maintenance contracts (State share)	(685,000)	
Compensation awards	(198,000)	
Additions, Improvements and Equipment	(1,461,000)	

Receipts derived from rental and use of armories and the unexpended balance of such receipts as of June 30, 1987 are appropriated for the operation and maintenance thereof.

The unexpended balance as of June 30, 1987 in the Joint Federal-State operations and maintenance contracts (State share) account is appropriated for the same purpose.

Receipts derived from the sale of meals at the dining facility, Sea Girt, and the unexpended balance of such receipts, as of June 30, 1987 are appropriated.

Total Appropriation,	
Department of Defense	<u>\$11,814,000</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

04-5064 Adult and Continuing Education		\$650,000
05-5066 Bilingual Education		222,000
06-5066 Compensatory Education		285,000
07-5065 Special Education		<u>1,456,000</u>
Total Appropriation, Direct Educational Services and Assistance		<u>\$2,613,000</u>
Personal Services:		
Salaries and wages	(\$2,248,000)	
Materials and Supplies	(52,000)	
Services Other Than Personal .	(199,000)	
Maintenance and Fixed Charges	(14,000)	
Special Purpose:		
Plan to revise special education	(100,000)	

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf		\$7,493,000
15-5010 Project COED		<u>2,577,000</u>
Total Appropriation, Operation and Support of Educational Institutions		<u>\$10,070,000</u>

Personal Services:

Salaries and wages	(\$7,848,000)
Materials and Supplies	(1,236,000)
Services Other Than Personal .	(357,000)
Maintenance and Fixed Charges	(340,000)

Special Purpose:

Transportation expenses	
for students	(187,000)
Compensation awards	(37,000)
Additions, Improvements and	
Equipment	(65,000)

Notwithstanding the provisions of N.J.S. 18A:61-1 and N.J.S. 18A:46-13, or any other law, \$2,736,000 of the amount hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of education; provided, however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Treasury.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1987, of such receipts are appropriated for the costs of operating the schools.

The unexpended balance as of June 30, 1987 in the receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived from charges in excess of those anticipated, are appropriated for operating expenses.

33 Supplemental Education and Training Programs

20-5062 General Vocational

Education	<u>\$1,566,000</u>
Total Appropriation,	
Supplemental Education	
and Training Programs	<u>\$1,566,000</u>

Personal Services:

Salaries and wages	(\$1,274,000)
Materials and Supplies	(35,000)
Services Other Than Personal .	(87,000)
Maintenance and Fixed Charges	(6,000)

Special Purpose:

School-to-Work Linkage

Program (64,000)

Grants:

Career Education

Incentive Act (100,000)

The unexpended balance as of June 30, 1987 in the Inspection and Licensing of Private Schools account and receipts derived therefrom, are appropriated, subject to the enactment of enabling legislation.

34 Educational Support Services

30-5063 General Academic

Education \$4,352,000

32-5061 Teacher Certification .. 168,000

33-5067 Service to Local

Districts 6,264,000

33-5068 Service to Local

Districts 2,279,000

34-5067 Equal Educational

Opportunity 213,000

36-5120 Pupil Transportation ... 315,000

37-5120 School Nutrition 156,000

38-5120 Facilities Planning

and School Building Aid 425,000

Total Appropriation,

Educational Support

Services \$14,172,000

Personal Services:

Salaries and wages (\$9,452,000)

Positions established from

lump sum appropriation ... (219,000)

Materials and Supplies (199,000)

Services Other Than Personal . (478,000)

Maintenance and Fixed Charges (62,000)

Special Purpose:

Improved basic skills

instruction (HSPT) (45,000)

Semiannual administration

of the HSPT (520,000)

Statewide testing program (995,000)

Principal certification (168,000)

Advisory Council on Holocaust Education	(125,000)
Regional computer training and demonstration centers project	(286,000)
Urban initiative broad- based support	(418,000)
Grants:	
K-12 drug abuse prevention curriculum implementation	(1,000,000)
Programs for the Gifted and Talented	(200,000)
Additions, Improvements and Equipment	(5,000)

The unexpended balance as of June 30, 1987 in the Inspection of school construction account, and receipts derived therefrom, are appropriated for the operation of the school construction inspection program.

Receipts from the State Board of Examiners' fees and the unexpended balances as of June 30, 1987 are appropriated for the operation of the Teacher Certification program.

35 Education Administration and Management

42-5120 School Finance and Auditing	\$1,318,000
99-5090 Management and Administrative Services	1,240,000*
99-5095 Management and Administrative Services	<u>4,913,000</u>
Total Appropriation, Education Administration and Management	<u>\$7,471,000*</u>
Personal Services:	
Salaries and wages	(\$4,133,000)
New positions	(47,000)
Materials and Supplies	(299,000)
Services Other Than Personal .	(643,000)
Maintenance and Fixed Charges	(221,000)
Special Purpose:	
Audit staff and support	(60,000)

State Board of Education	
expenses	(61,000)
Microfilm service charges	(37,000)
Affirmative action and equal	
employment opportunity	
program	(44,000)
Urban initiative operation	
school renewal	(210,000)
Urban initiative broad-	
based component	(237,000)
Martin Luther King, Jr.	
Commemorative Commission	(250,000)*
Cooperative district	
relationship	(250,000)
Marine Academy of Science	
and Technology	(50,000)
Academy for Advancement of	
Teaching and Management	(656,000)
Compensation awards	(23,000)
Additions, Improvements and	
Equipment	(250,000)

The unexpended balance as of June 30, 1987 in the Martin Luther King Jr. Commemorative Commission account is appropriated for the same purpose.

Receipts derived from charges at the Academy for the Advancement of Teaching and Management in excess of \$267,000 and the unexpended balance as of June 30, 1987 of such receipts are appropriated for the costs of operation.

Receipts derived from fees for school district personnel background checks and unexpended balances as of June 30, 1987 of such receipts are appropriated for the costs of operation.

37 Cultural and Intellectual Development Services

51-5070 Library Services	\$3,918,000
54-5010 Support of the Arts	<u>549,000</u>
Total Appropriation, Cultural	
and Intellectual	
Development Services	<u>\$4,467,000</u>
Personal Services:	
Salaries and wages	(\$2,588,000)

Materials and Supplies	(561,000)
Services Other Than Personal .	(398,000)
Maintenance and Fixed Charges	(29,000)
Special Purpose:	
Development of integrated	
library control system	(126,000)
Computer for the Library	
for the Blind	(200,000)
New Jersey School of	
the Arts	(147,000)
Teen arts program	(102,000)
Governor's School	(300,000)
Additions, Improvements and	
Equipment	(16,000)

Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1987 of such receipts are appropriated for the costs of operation.

Total Appropriation,	
Department of Education ..	<u>\$40,359,000*</u>

Of the amount hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine, from the schedule at page B-14 in the Governor's Budget Recommendation Document dated February 2, 1987 first shall be charged to the State Lottery Fund.

38 DEPARTMENT OF ENERGY

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-4050 Public Broadcasting	
Services	<u>\$7,968,000*</u>
Total Appropriation, Cultural	
and Intellectual	
Development Services	<u>\$7,968,000*</u>
Personal Services:	
Salaries and wages	(\$4,756,000)
New positions	(211,000)
Materials and Supplies	(465,000)
Services Other Than Personal .	(1,004,000)
Maintenance and Fixed Charges	(780,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(20,000)
Programming	(194,000)
Grant from the State to produce the daily lottery drawing program	(150,000)
Grant to Newark Public Radio	(30,000)
Non-broadcast technology	(23,000)
Grant to WBGO	(45,000)*
Additions, Improvements and Equipment	(290,000)

Receipts derived from leasing space on transmitter towers, rental of studio or production facilities to nonprofit organizations and sale or reproduction of authority-produced programs, and the unexpended balance as of June 30, 1987 of such receipts are appropriated.

40 Community Development and Environmental Management
42 Natural Resource Management

99-4030 Management and Administrative Services	<u>\$330,000</u>
Total Appropriation, Natural Resource Management	<u>\$330,000</u>
Personal Services:	
Salaries and wages	(\$290,000)
Materials and Supplies	(10,000)
Services Other Than Personal .	(20,000)
Special Purpose:	
Other special purpose	(10,000)

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Department of Energy with respect to assessment of public utilities, P.L. 1968, c. 173 (C. 43:2-59 et seq.) or other applicable laws.

*50 Economic Planning, Development and Security**52 Economic Regulation*

01-4010 Financial Regulation ...	\$6,164,000
02-4020 Service Adequacy and Safety	4,076,000
04-4045 Regulation of Cable Television	866,000
99-4040 Management and Administrative Services	<u>1,809,000</u>
Total Appropriation, Economic Regulation	<u>\$12,915,000</u>
Personal Services:	
Salaries and wages	(\$11,092,000)
Positions converted	(216,000)
Materials and Supplies	(210,000)
Services Other Than Personal .	(824,000)
Maintenance and Fixed Charges	(153,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(45,000)
Additions, Improvements and Equipment	(375,000)

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, shall be considered as appropriated on behalf of the Board of Public Utilities under P.L. 1968, c. 173 (C. 48:2-59 et seq.) and P.L. 1972, c. 186 (C. 48:5A-32 et seq.) or other applicable laws with respect to assessment of public utilities or the cable television industry.

The unexpended balances as of June 30, 1987 in the accounts hereinabove are appropriated.

Fees, fines and penalties in excess of those anticipated are appropriated.

Total Appropriation, Department of Energy	<u>\$21,213,000*</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 40 *Community Development and Environmental Management*
 42 *Natural Resource Management*

05-4840 Water Supply and Watershed Management	\$2,280,000
11-4870 Forest Resource Management	4,428,000
13-4880 Hunters' and Anglers' License Fund	7,508,000
14-4885 Shellfish and Marine Fisheries Management	1,415,000
15-4890 Marine Lands Management	2,747,000
20-4880 Wildlife Management ..	319,000
Total Appropriation, Natural Resource Management	<u>\$18,697,000</u>
Personal Services:	
Salaries and wages	(\$11,628,000)
New positions	(250,000)
Materials and Supplies	(1,812,000)
Services Other Than Personal ..	(1,235,000)
Maintenance and Fixed Charges	(705,000)
Special Purpose:	
Office of the Rivermaster	(48,000)
Laboratory services (Department of Health)	(90,000)
Microfilm service charges	(65,000)
Fire fighting costs	(425,000)
Woodland assessment	(75,000)
Disposal of dead deer	(100,000)
Sea clam enforcement	(63,000)
Expansion of clam enforcement programs	(100,000)
Oyster propagation and disease control, P.L. 1945, c. 39 (C. 50:3-20.17)	(60,000)
Surf clam research and inventory	(30,000)
Shellfish research and inventory	(22,000)
Office of Environmental Analysis	(400,000)

Delineation and determination of State riparian land	(430,000)
Tidelands Resource Council ..	(25,000)
Freshwater fish contamination study	(100,000)
Pequest Resource Center	(119,000)
Compensation awards	(25,000)
Additions, Improvements and Equipment	(890,000)

The unexpended balances as of June 30, 1987 in the Fire fighting costs, Delineation and determination of State riparian land and the Flood emergency management accounts are appropriated for the same purposes.

Notwithstanding the provisions of P.L. 1975, c. 232 (C. 13:1D-29 et seq.), of the amounts hereinabove for the Water Supply and Watershed program classification, an amount not to exceed \$750,000 is appropriated from the Environmental Services Fund.

The unexpended balance as of June 30, 1987 in the Woodland assessment account is appropriated.

The unexpended balance as of June 30, 1987 in the Hunters' and Anglers' License Fund together with any receipts in excess of the amount anticipated is appropriated.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of the fund and any amount remaining therein. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for Delineation and determination of State riparian land shall be provided from receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands, and any receipts in excess of such amount, not to exceed \$95,000, are appropriated for the same purpose; provided, however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from the General Fund for the same purpose; provided further, however, that any sum so advanced shall be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

Of the amount hereinabove for Marine Lands Management, \$492,000 shall first be charged to receipts derived from the sales, grants,

leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State-owned riparian lands; provided, however, that there are appropriated from any receipts in excess of the amount anticipated, \$600,000 to meet peak demands of the Marine Lands Management Program.

Receipts derived from the sale of materials which encourage the protection of endangered and nongame wildlife species and any funds derived from the Income Tax Refund Checkoff for the Endangered and Nongame Species of Wildlife Conservation Fund, P.L. 1981, c. 170 (C. 54A:9-25.2), and the unexpended balance as of June 30, 1987 of such receipts are appropriated for protection of endangered and nongame wildlife species.

43 Environmental Quality

02-4825 Air Pollution Control ..	\$5,934,000*
03-4830 Noise Control	161,000
07-4850 Water Monitoring and Planning	1,548,000*
08-4855 Water Enforcement	1,440,000
09-4860 Public Wastewater Facilities	700,000
17-4900 Solid Waste Resource Management	4,642,000
22-4861 Geological Survey	1,248,000
Total Appropriation, Environmental Quality	<u>\$15,673,000*</u>
Personal Services:	
Salaries and wages	(\$8,455,000)
Materials and Supplies	(397,000)
Services Other Than Personal .	(1,369,000)
Maintenance and Fixed Charges	(394,000)
Special Purpose:	
Acid rain study	(100,000)
Toxic air pollutants study	(148,000)
Replacement—air monitoring equipment	(100,000)
Toxic catastrophe prevention	(500,000)
Noise control	(50,000)

Noise control education program	(60,000)
Weed control, State- controlled lakes	(50,000)
Laboratory services (Department of Health)	(469,000)
Protective clothing and safety equipment	(263,000)
Administration of Wastewater Treatment Fund	(700,000)
Groundwater investigation	(50,000)
Administration of Resource Recovery and Solid Waste Disposal Facility Fund	(235,000)
Worker and Community Right to Know	(1,022,000)
Recycling of Solid Waste	(848,000)
Sanitary Landfill Closure and Contingency Fund, Non-Site Specific Administrative Costs	(210,000)
Additions, Improvements and Equipment	(253,000)
Receipts from the air pollution control program in excess of \$525,000 are appropriated.	
Receipts derived from the New Jersey Pollutant Discharge Elimina- tion System and the unexpended balance of such receipts as of June 30, 1987 are appropriated for expenses of the program.	
Receipts received pursuant to the Toxic Catastrophe Prevention Act, P.L. 1985, c. 403 (C. 13:1K-19 et al.), and the unexpended bal- ance as of June 30, 1987 in the Toxic catastrophe prevention account are appropriated.	
There is allocated from funds previously appropriated from the Water Conservation Fund the sum of \$745,000 for costs attributable to planning, engineering, developing and constructing regional wastewater treatment facilities, subject to the approval of the Director of the Division of Budget and Accounting.	

The amount hereinabove for the Recycling of Solid Waste is payable out of the State Recycling Fund, P.L. 1981, c. 278 (C. 13:1E-92 et seq.).

Notwithstanding the provisions of the Worker and Community Right to Know Act, P.L. 1983, c. 315 (C. 34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know account is payable out of the Worker and Community Right to Know Trust Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1987 in the Worker and Community Right to Know account together with any receipts in excess of the amount anticipated, not to exceed \$178,000, are appropriated.

The unexpended balance as of June 30, 1987 in the Administration of Wastewater Treatment Fund account is appropriated and of this amount, \$250,000 is allocated to the New Jersey Wastewater Treatment Trust.

The unexpended balance as of June 30, 1987 in the Antilitter program account is appropriated.

Receipts received pursuant to the Underground Storage Tank Act, P.L. 1986, c. 102 (C. 58:10A-21 et seq.) and the unexpended balance as of June 30, 1987 in the Leaking underground storage tank account are appropriated.

Any funds received by the Wastewater Treatment Trust from any State agency to offset the trust's annual operating expenses are appropriated.

There are appropriated from the State Recycling Fund such sums as may be required to carry out the provisions of the Recycling Act, P.L. 1981, c. 278 (C. 13:1E-92 et seq.).

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the Sanitary Landfill Facility Closure and Contingency Fund Act, P.L. 1981, c. 306 (C. 13:1E-100 et seq.).

The amount hereinabove for the Sanitary Landfill Closure and Contingency Fund, Non-Site Specific Administrative Costs account is payable out of the Sanitary Landfill Closure and Contingency Fund.

Receipts in excess of those anticipated for the Sanitary Landfill Closure and Contingency Fund, Non-Site Specific Administrative Costs account, not to exceed \$40,000, are appropriated.

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

Receipts in excess of \$325,000 derived from Solid waste collector—hauler fees are appropriated for expansion of solid waste law enforcement.

44 Hazardous and Toxic Pollution Control

01-4820 Radiation Protection ...	\$3,132,000
04-4835 Pesticide Control	1,035,000
18-4810 Environmental Cancer and Toxic Substances	4,680,000
19-4815 Spill Prevention, Response and Site Cleanup	10,354,000
23-4910 Waste Management	<u>5,424,000</u>
Total Appropriation, Hazardous and Toxic Pollution Control	<u>\$24,625,000</u>
Personal Services:	
Salaries and wages	(\$13,211,000)
Materials and Supplies	(746,000)
Services Other Than Personal .	(2,491,000)
Maintenance and Fixed Charges	(735,000)
Special Purpose:	
Expansion of pesticide control program	(150,000)
Quality assurance program ...	(150,000)
Environmental laboratory	(200,000)
Risk assessment	(150,000)
Geographical information system expansion	(250,000)
Environmental health assessment	(1,000,000)
Environmental health research	(300,000)
Nuclear Emergency Response	(1,000,000)
Major Hazardous Waste Facilities Siting Act— Siting Commission	(356,000)

Major Hazardous Waste Facilities Siting Act— Hazardous Waste Advisory Council	(15,000)
Spill Prevention, Response and Site Cleanup, Non-Site Specific Administrative Costs	(1,729,000)
Hazardous Waste Research ...	(850,000)
Hazardous Waste Facilities Siting Commission— Review	(60,000)
Hazardous waste facilities master plan	(90,000)
Site review and evaluation	(200,000)
Additions, Improvements and Equipment	(942,000)
Receipts in excess of \$148,000 derived from laboratory certification services are appropriated.	
The amount hereinabove for the Nuclear Emergency Response ac- count is payable from receipts received pursuant to the assessments of electrical utility companies under P.L. 1981, c. 302 (C. 26:2D-37 et seq.).	
The unexpended balances as of June 30, 1987 in the Nuclear Emer- gency Response account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.	
Receipts in excess of \$433,000 from Radiation Protection are ap- propriated.	
The unexpended balance as of June 30, 1987 in the Reading prong radon study account is appropriated.	
The unexpended balance as of June 30, 1987 in the Radiological decontamination—Essex county account is appropriated.	
Receipts received pursuant to the Radon Testers Certification Act, P.L. 1986, c. 83 (C. 26:2D-1 et seq.) are appropriated.	
The unexpended balances as of June 30, 1987 in the Environmental health assessment and Environmental health research accounts are appropriated.	

The amount hereinabove for the Spill Prevention, Response and Site Cleanup, Non-Site Specific Administrative Costs account is payable out of the New Jersey Spill Compensation Fund.

Receipts in excess of those anticipated for the Spill Prevention, Response and Site Cleanup, Non-Site Specific Administrative Costs account, not to exceed \$221,000, are appropriated.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for damages in accordance with the provisions of P.L. 1976, c. 141 (C. 58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$1,500,000* is appropriated from the New Jersey Spill Compensation Fund for emergency response to toxic releases, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees charged for services performed under the Environmental Cleanup Responsibility Act, P.L. 1983, c. 330 (C. 13:1K-6 et al.) and any unexpended balances as of June 30, 1987 are appropriated for program purposes.

The amount hereinabove for the Hazardous Waste Research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research and development on the prevention, effects and improved cleanup criteria and removal operation methods of spills of hazardous substances subject to the approval of the Director of the Division of Budget and Accounting. If the interest earnings are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

The unexpended balances as of June 30, 1987 in the Major Hazardous Waste Facilities Siting Act—Siting Commission and the Hazardous Waste Facilities Siting Commission—Review accounts are appropriated.

Receipts from recoveries for hazardous waste cleanup activities, except for the Spill Compensation Fund, and receipts from consent orders for past and future hazardous waste cleanups are de-

posited to the Hazardous Discharge Site Cleanup Fund, P.L. 1985, c. 247 (C. 58:10-23.34) and are appropriated for hazardous waste cleanup activities, including administrative costs.

45 Recreational Resource Management

10-4865 Marina Operations		\$400,000*
12-4875 Parks Management		18,788,000
21-4895 Navigational Aids		<u>956,000</u>
Total Appropriation, Recreational Resource Management		<u>\$20,144,000*</u>
Personal Services:		
Salaries and wages	(\$12,369,000)*	
Materials and Supplies	(1,896,000)*	
Services Other Than Personal .	(1,160,000)*	
Maintenance and Fixed Charges	(1,226,000)*	
Special Purpose:		
Liberty State Park		
Development Corporation ..	(200,000)	
Holcombe-Jimison Historical		
Farmstead restoration	(25,000)	
Liberty State Park		
Commission	(22,000)	
Skylands Manor	(300,000)	
Maintenance—Old Barracks,		
Trenton (State share)	(253,000)	
Expenses of the Delaware		
and Raritan Canal		
Commission	(149,000)	
Youth conservation and		
recreation projects	(50,000)	
Day trip and camping		
opportunities for		
youngsters from		
lower and moderate		
income families	(450,000)	
Natural Lands Trust	(90,000)	
Natural Areas Council	(5,000)	
Historic Sites Trust	(20,000)	
Expansion of parks		
maintenance	(300,000)	

Expansion of Liberty	
State Park	
maintenance	(250,000)
Morven maintenance	(50,000)
Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes	(300,000)
Additions, Improvements and Equipment	(1,031,000)*

Receipts in excess of \$400,000* from Marina operations are appropriated for maintenance and security of marina facilities.

The amount hereinabove for the operation, maintenance and administration of the Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General 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 unexpended balance as of June 30, 1987 in the Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes account is appropriated for the same purpose.

The unexpended balance as of June 30, 1987 in the Liberty State Park Development Corporation account is appropriated for the same purpose.

Receipts derived from the rental and/or use of Liberty State Park facilities are appropriated for operation and maintenance of Liberty State Park, subject to the approval of the Director of the Division of Budget and Accounting.

4876 Palisades Interstate Park Commission

24-4876 Parks Management	\$1,696,000
25-4876 Patrol Activities and Crime Control	1,094,000

Total Appropriation, Palisades Interstate Park Commission		<u>\$2,790,000</u>
Personal Services:		
Salaries and wages	(\$2,119,000)	
Materials and Supplies	(274,000)	
Services Other Than Personal .	(149,000)	
Maintenance and Fixed Charges	(148,000)	
Additions, Improvements and Equipment	(100,000)	

The receipts from police court, stands, concessions and self-sustaining activities operated or supervised by this commission, and the unexpended balances as of June 30, 1987 of such receipts are appropriated.

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs		\$1,854,000
99-4800 Management and Administrative Services		<u>6,754,000</u>
Total Appropriation, Environmental Planning and Administration		<u>\$8,608,000</u>
Personal Services:		
Salaries and wages	(\$6,358,000)	
Materials and Supplies	(86,000)	
Services Other Than Personal .	(775,000)	
Maintenance and Fixed Charges	(122,000)	
Special Purpose:		
Board of New Jersey Pilot Commissioners	(73,000)	
Affirmative action and equal employment opportunity program	(39,000)	
Data processing systems improvements	(1,026,000)	
Compensation awards	(122,000)	
Additions, Improvements and Equipment	(7,000)	

The amount in the Board of New Jersey Pilot Commissioners account shall be payable out of receipts and any receipts in excess of the amounts specifically set forth above, are appropriated.

Fees deposited in the Environmental Services Fund, P.L. 1975, c. 232 (C. 13:1D-29 et seq.) and the unexpended balance as of June 30, 1987 are appropriated for the purposes of the fund.

Total Appropriation,	
Department of	
Environmental Protection	<u>\$90,537,000*</u>

46 DEPARTMENT OF HEALTH
 20 *Physical and Mental Health*
 21 *Health Services*

01-4215 Vital Statistics	\$714,000
02-4220 Local and Community	
Health Services	20,050,000*
03-4230 Epidemiology and	
Disease Control	4,033,000
04-4240 Narcotic and Drug	
Abuse Control	22,451,000
05-4250 Alcoholism Control	2,653,000*
08-4280 Diagnostic Services	5,022,000
09-4290 Clinical Laboratory	
Services	456,000
11-4235 Occupational and	
Environmental Health	
Control	<u>8,257,000</u>
Total Appropriation,	
Health Services	<u>\$63,636,000*</u>
Personal Services:	
Salaries and wages	(\$14,007,000)
Positions established from	
lump sum appropriation ...	(780,000)
Materials and Supplies	(2,219,000)
Services Other Than Personal .	(1,525,000)
Maintenance and Fixed Charges	(387,000)
Special Purpose:	
Worker and Community	
Right to Know	(2,087,000)

New Jersey emergency medical service helicopter response program	(1,200,000)
DPT and HIB vaccine	(400,000)
Maternal and child health ...	(4,500,000)
HIV virus tracing program ...	(800,000)
Infant mortality reduction program	(1,830,000)
Public Employee OSHA	(700,000)
Compulsive gambling	(365,000)
Local alcoholism authorities— expansion	(420,000)
Cancer registry	(100,000)
Asbestos control program	(916,000)
Immunization program for new parents	(75,000)
AIDS screening and treatment	(4,688,000)
Comprehensive drug and alcohol treatment system— development and expansion	(1,850,000)
In-State juvenile residential treatment services— development	(1,810,000)
Animal population control	(939,000)
Project TEACH—environmental health assessments	(650,000)
Health impact on ocean pollution survey	(1,000,000)
Rabies control	(603,000)
Grants:	
Family planning services	(1,200,000)
Hemophilia services	(686,000)
Emergency medical services .	(209,000)
Hudson County Health Services	(50,000)
MCOSS Nursing Services, Inc.	(75,000)*
Chronic disease services	(144,000)
Testing for specific hereditary diseases	(115,000)

Special health services for	
handicapped children	(2,000,000)
Chronic renal disease	(438,000)
Birth defects registry	(25,000)
Cleft palate programs	(250,000)
Gerontology program	(136,000)
Tuberculosis services	(174,000)
Venereal disease clinics	(170,000)
Expansion of environmental and	
occupational health	(111,000)
Lead poisoning control	(395,000)
Rodent control program:	
Camden, Jersey City,	
Newark	(157,000)
Parolee rehabilitation	
project	(370,000)
Rape prevention	(250,000)
Inmate residential	
drug treatment	(250,000)
Somerset County Council	
on Alcoholism	(50,000)*
Acquired Immune Deficiency	
Syndrome program	(1,800,000)
Alzheimer's disease	
program	(615,000)
Environmental health	
education	(200,000)
Poison control center	(425,000)
Community drug programs	
(State share)	(8,092,000)
Vocational adjustment	
centers	(95,000)
Shire Alcohol Treatment and	
Education Center	(25,000)
Alcoholism services	(1,183,000)
Medical support services	
for the homeless	(75,000)
Additions, Improvements and	
Equipment	(20,000)

The unexpended balance as of June 30, 1987 in the Rabies control account together with any receipts in excess of the amount anticipated, not to exceed \$125,000, is appropriated.

The amount hereinabove for the Rabies control account is payable out of the Rabies Control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount appropriated hereinabove for the Rodent control program account shall not be expended for departmental administrative costs.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories pursuant to P.L. 1975, c. 166 (C. 45:9-42.26 et seq.), and the unexpended balance as of June 30, 1987 of the fees are appropriated.

The Divisions of Narcotic and Drug Abuse Control and Alcohol Control are authorized to bill a patient, or a patient's estate, or the person chargeable for his support, or the county of residence for institutional, residential and outpatient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees and unexpended balances as of June 30, 1987 from these billings and fees are appropriated to the Department of Health, Divisions of Narcotic and Drug Abuse Control and Alcohol Control, for the support of the alcohol and drug abuse programs.

The unexpended balance as of June 30, 1987 in the Worker and Community Right to Know Program account together with any receipts in excess of the amount anticipated, not to exceed \$207,000, is appropriated.

Notwithstanding the provisions of the Worker and Community Right to Know Act, P.L. 1983, c. 315 (C. 34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know account is payable out of the Worker and Community Right to Know Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L. 1980, c. 62 (C. 54:32C-1 et seq.).

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

The unexpended balance as of June 30, 1987 in the Animal population control account together with any receipts in excess of the amount anticipated, not to exceed \$25,000, is appropriated.

The amount hereinabove for the Animal population control account is payable out of the Animal Population Control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1987 in the Reading prong radon study account is appropriated.

The Director of the Division of Budget and Accounting is empowered to transfer up to \$4,000,000 from the Acquired Immune Deficiency Syndrome (AIDS) account to the Medical Assistance program for the costs incurred by Medical Assistance on behalf of drug abuse and other patients who qualify for Title XIX AIDS waiver benefits.

The Director of the Division of Budget and Accounting is empowered to transfer up to \$4,300,000 from the Maternal and Child Health account to the Medical Assistance program on behalf of pregnant women and children whose incomes are below the poverty level and who qualify for Title XIX benefits.

The unexpended balance as of June 30, 1987 in the Task Force on Adolescent Pregnancy account is appropriated.

The unexpended balance as of June 30, 1987 in the Diabetes control account is appropriated.

The unexpended balance as of June 30, 1987 in the Pertussis education account is appropriated.

22 Health Planning and Evaluation

06-4260 Health Facilities	
Evaluation	\$2,794,000
07-4270 Health Planning and	
Resource Development	<u>4,788,000</u>
Total Appropriation,	
Health Planning and	
Evaluation	<u>\$7,582,000</u>
Personal Services:	
Salaries and wages	(\$4,312,000)
Positions established from lump	
sum appropriations	(257,000)

Materials and Supplies	(72,000)
Services Other Than Personal .	(464,000)
Maintenance and Fixed Charges	(107,000)
Special Purpose:	
Organ transplantation	
program	(100,000)
Hospital rate setting	(2,270,000)

Receipts derived from fees charged for the review of uniform construction code plans for health care facilities and for the Certificate of Need program and the unexpended balances of such receipts as of June 30, 1987, are appropriated for the costs of these programs.

The unexpended balance as of June 30, 1987 in the Hospital rate setting account together with any receipts in excess of the amount anticipated is appropriated.

The amount hereinabove for the Hospital rate setting account is payable out of the Hospital Rate Setting Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

25 Health Administration

99-4210 Management and		
Administrative Services		<u>\$8,957,000</u>
Total Appropriation,		
Health Administration		<u>\$8,957,000</u>
Personal Services:		
Salaries and wages	(\$4,856,000)	
Materials and Supplies	(223,000)	
Services Other Than Personal .	(996,000)	
Maintenance and Fixed Charges	(135,000)	
Special Purpose:		
Compensation awards	(100,000)	
Office automation	(577,000)	
Affirmative action and		
equal employment		
opportunity program	(60,000)	
Grants:		
Commission on Cancer		
Research	(2,000,000)	
Additions, Improvements and		
Equipment	(10,000)	

The sum of \$1,000,000 in the Cancer Research Fund account is appropriated to the New Jersey State Commission on Cancer Research established pursuant to section 5 of P.L. 1982, c. 40 (C. 54:40A-37.1).

Receipts from various fees and licenses collected by the Department of Health, in excess of those anticipated, are appropriated.

Total Appropriation,	
Department of Health	<u>\$80,175,000*</u>

50 DEPARTMENT OF HIGHER EDUCATION
 30 *Educational, Cultural and Intellectual Development*
 36 *Higher Educational Services*
 5400 *Office of the Chancellor*

02-5400 Support to Independent Institutions	\$29,982,000*
03-5400 New Jersey Educational Opportunity Fund	21,488,000
04-5400 Student Financial Support Services	55,040,000
05-5400 Student Financial Assistance Administration	3,432,000
99-5400 Management and Administrative Services	<u>25,156,000</u>
Total Appropriation, Office of the Chancellor	<u>\$135,098,000*</u>
Personal Services:	
Salaries and wages	(\$5,291,000)
Materials and Supplies	(266,000)
Services Other Than Personal .	(1,964,000)
Maintenance and Fixed Charges	(184,000)
Special Purpose:	
Educational Opportunity Fund board expenses	(4,000)
Educational Opportunity Fund administration	(104,000)
Student assistance board expenses	(3,000)
Board of Higher Education expenses	(15,000)
Teacher education evaluation	(100,000)

Affirmative action and equal employment opportunity program	(29,000)
Compensation awards	(13,000)
Assessment and Outcomes:	
Basic skills assessment program	(750,000)
College outcomes evaluation program	(650,000)
Drug and alcohol abuse information clearinghouse ..	(355,000)
System Support/Other Programs:	
Program development	(50,000)
Management systems development	(50,000)
Grants:	
Veterinary medicine education program	(1,404,000)
Aid to independent colleges and universities	(21,245,000)*
Schools of professional nursing	(1,448,000)
Dental school aid	(4,663,000)
Optometric education	(340,000)
Graduate medical education program	(382,000)
Opportunity program grants .	(14,205,000)
Supplementary education program grants	(6,608,000)
Veterans' tuition credit	(100,000)
Tuition Aid Grants, P.L. 1968, c. 429 (C. 18A:71-41 et seq.)	(47,820,000)
Garden State scholarships	(3,600,000)
Graduate fellowships	(400,000)
MIA-POW grants	(30,000)
Public tuition benefits grants	(25,000)
Vietnam veterans' tuition aid program	(365,000)
Distinguished scholar program	(2,700,000)

Scholarly Chairs:

Einstein chair for scholarly studies at the Institute for Advanced Study	(65,000)
Richard J. Hughes chair for constitutional and public law and service at Seton Hall University	(65,000)
Alfred E. Driscoll chair in pharmaceutical/chemical studies, Fairleigh Dickinson University	(65,000)
Women's Studies Chair, Douglass College	(75,000)
Will and Ariel Durant chair in the humanities at St. Peter's College	(65,000)
Small business and entrepreneurship chair at Rutgers	(65,000)
Raoul Wallenberg visiting professorship in human rights—Rutgers University	(100,000)
Special Academic Programs:	
Minority academic careers program	(400,000)
Minority Programs:	
Pre-collegiate remedial programs	(600,000)
Pre-collegiate academic programs	(1,600,000)
Fund for Improved Retention	(300,000)
Ethnolinguistic—academic preparation	(200,000)
Technology Programs:	
Math/science/computer teaching	(1,000,000)
Computers in curricula	(2,334,000)
Technical engineering education	(1,556,000)

Center for Information	
Age Technology	(500,000)
Humanities Programs:	
Humanities program	(2,500,000)
Foreign language/international education	(500,000)
Special Student Programs:	
Learning disabled	(750,000)
Institutional Excellence:	
Challenge for excellence/ State colleges	(6,060,000)
Technology Programs:	
Marine Sciences	
Consortium	(740,000)
Special Student Programs:	
Governor's school	(275,000)
Compulsive gambling research	(75,000)
Additions, Improvements and Equipment	(45,000)

An amount not to exceed \$75,000 in the Aid to independent colleges and universities account shall be available for administrative expenses.

For the purpose of implementing the Independent College and University Assistance Act, P.L. 1979, c. 132 (C. 18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at the eight State colleges is 44,141 for fiscal year 1987.

The unexpended balances as of June 30, 1987 and other income from the Federal Loan Collection and Reimbursement Program are appropriated.

The unexpended balances as of June 30, 1987 in the Special Purpose and Grants accounts are appropriated, provided further, however, that \$300,000 may be used for system improvements and program development, and, in addition any balances from the special purpose appropriations which were transferred or disbursed to a higher education institution are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The sums provided hereinabove and the unexpended balance as of June 30, 1987 in the New Jersey Educational Opportunity Fund

and the Student Financial Support Services account are appropriated and shall be available for payment of liabilities applicable to prior fiscal years.

The amounts hereinabove for the Distinguished scholars program and Minority academic careers program shall be appropriated from funds of the Higher Education Assistance Authority.

Of the sums hereinabove appropriated for Tuition Aid Grants, no funds shall be expended for out-of-State Tuition Aid Grant awards except for students holding awards prior to fiscal year 1983.

An amount not to exceed 6% of the total of the Special Academic Programs accounts shall be available for the administrative expenses of these programs.

5450 Thomas A. Edison State College

17-5450 Institutional Support ..		<u>\$3,247,000</u>
Sub-Total General		
Operations		<u>\$3,247,000</u>
Special Funds Expense		<u>\$679,000</u>
Total All Operations		<u>\$3,926,000</u>
Less:		
General Services Income	(\$609,000)	
Special Funds Income	<u>(679,000)</u>	
Total Income Deductions		<u>(\$1,288,000)</u>
Total Appropriation, Thomas A. Edison State College		<u>\$2,638,000</u>
Personal Services:		
Salaries and wages	(\$2,123,000)	
Materials and Supplies	(125,000)	
Services Other Than Personal .	(421,000)	
Maintenance and Fixed Charges	(51,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(14,000)	
Automation and program support	(66,000)	
Program priority	(145,000)	
College examination program	(50,000)	

Minority recruitment program	(32,000)
Internal audit and administrative support	(78,000)
Additions, Improvements and Equipment	(142,000)
Special Funds Expense	(679,000)
Less:	
General Services Income	(\$609,000)
Special Funds Income	(679,000)

5500 Glassboro State College

11-5500 Instruction	\$17,027,000
12-5500 Sponsored Programs and Research	80,000
13-5500 Extension and Public Services	624,000*
15-5500 Academic Support	1,538,000
16-5500 Student Services	2,944,000
17-5500 Institutional Support ..	4,672,000
19-5500 Physical Plant Support Services	6,987,000
Sub-Total General Operations	<u>\$33,872,000*</u>
Special Funds Expense	\$6,165,000
Auxiliary Funds Expense	2,786,000
Total All Operations	<u>\$42,823,000*</u>
Less:	
General Services Income	(\$7,078,000)
Special Funds Income	(6,165,000)
Auxiliary Services Income	<u>(2,786,000)</u>
Total Income Deductions	<u>(\$16,029,000)</u>
Total Appropriation, Glassboro State College	<u>\$26,794,000*</u>
Personal Services:	
Salaries and wages	(\$23,159,000)
Student aides	(300,000)
Materials and Supplies	(2,631,000)
Services Other Than Personal .	(2,513,000)
Maintenance and Fixed Charges	(1,352,000)
Special Purpose:	
Academic equipment	(250,000)

Academic development	(100,000)
Separately budgeted	
research	(80,000)
Camden Urban Center	(624,000)*
Minority recruitment	(200,000)
College work-study program	
(State share)	(187,000)
Affirmative action and	
equal employment	
opportunity program	(60,000)
Program priority	(100,000)
Enhancement of physical	
plant	(174,000)
Compensation awards	(110,000)
Additions, Improvements and	
Equipment	(2,032,000)
Special Funds Expense	(6,165,000)
Auxiliary Funds Expense	(2,786,000)
Less:	
General Services Income	(\$7,078,000)
Special Funds Income	(6,165,000)
Auxiliary Services Income	(2,786,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 5,200 full-time equivalent (FTE) students at Glassboro State College. In the event that actual enrollments exceed 5,304, the amount appropriated hereinabove for Glassboro State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,304, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5510 Jersey City State College

11-5510 Instruction	\$16,111,000
12-5510 Sponsored Programs	
and Research	70,000
15-5510 Academic Support	1,477,000
16-5510 Student Services	2,007,000
17-5510 Institutional Support ..	4,740,000

19-5510 Physical Plant		
Support Services		<u>4,954,000</u>
Sub-Total General		
Operations		<u>\$29,359,000</u>
Special Funds Expense		<u>\$5,494,000</u>
Total All Operations		<u>\$34,853,000</u>
Less:		
General Services Income	(\$4,975,000)	
Special Funds Income	<u>(5,494,000)</u>	
Total Income Deductions		<u>(\$10,469,000)</u>
Total Appropriation, Jersey		
City State College		<u>\$24,384,000</u>
Personal Services:		
Salaries and wages	(\$20,332,000)	
Student aides	(150,000)	
Materials and Supplies	(2,380,000)	
Services Other Than Personal ..	(2,119,000)	
Maintenance and Fixed Charges	(621,000)	
Special Purpose:		
Program priority	(100,000)	
A. Harry Moore Laboratory		
School	(1,066,000)	
Academic computing	(109,000)	
Cooperative education	(330,000)	
Basic science and		
technological equipment	(35,000)	
Academic development	(90,000)	
Separately budgeted		
research	(70,000)	
Minority student		
recruitment	(135,000)	
National direct student		
loan program		
(State share)	(20,000)	
College work-study program		
(State share)	(120,000)	
Affirmative action and		
equal employment		
opportunity program	(60,000)	
Athletic fields	(125,000)	
Compensation awards	(45,000)	
Additions, Improvements and		
Equipment	(1,452,000)	

Special Funds Expense	(5,494,000)
<i>Less:</i>	
<i>General Services Income</i>	(\$4,975,000)
<i>Special Funds Income</i>	(5,494,000)

The unexpended balances as of June 30, 1987, and all tuition and other receipts from the operation of the A. Harry Moore Laboratory School of Jersey City State College, are appropriated for operating expenses of the school.

All revenues from the lease agreement between Jersey City State College and CBS, Inc. are appropriated.

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 3,400 full-time equivalent (FTE) students at Jersey City State College. In the event that actual enrollments exceed 3,468, the amount appropriated hereinabove for Jersey City State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 3,468, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5520 Kean College of New Jersey

11-5520 Instruction	\$19,275,000
12-5520 Sponsored Programs and Research	75,000
15-5520 Academic Support	1,774,000
16-5520 Student Services	3,131,000
17-5520 Institutional Support ..	5,243,000
19-5520 Physical Plant Support Services	6,726,000
Sub-Total General Operations	<u>\$36,224,000</u>
Special Funds Expense	\$5,677,000
Auxiliary Funds Expense	1,422,000
Total All Operations	<u>\$43,323,000</u>
<i>Less:</i>	
<i>General Services Income</i>	(\$9,636,000)
<i>Special Funds Income</i>	(5,677,000)
<i>Auxiliary Services Income</i>	<u>(1,422,000)</u>

<i>Total Income Deductions</i>		<u>(\$16,735,000)</u>
Total Appropriation, Kean		
College of New Jersey		<u>\$26,588,000</u>
Personal Services:		
Salaries and wages	(\$25,762,000)	
Student aides	(250,000)	
Materials and Supplies	(3,341,000)	
Services Other Than Personal .	(2,407,000)	
Maintenance and Fixed Charges	(1,036,000)	
Special Purpose:		
Program priority	(200,000)	
Learning assistance		
program	(350,000)	
Academic development	(120,000)	
Separately budgeted		
research	(75,000)	
Minority student		
recruitment	(65,000)	
College work-study program		
(State share)	(70,000)	
Affirmative action and		
equal employment		
opportunity program	(52,000)	
Compensation awards	(50,000)	
Additions, Improvements and		
Equipment	(2,446,000)	
Special Funds Expense	(5,677,000)	
Auxiliary Funds Expense	(1,422,000)	
Less:		
General Services Income	(\$9,636,000)	
Special Funds Income	(5,677,000)	
Auxiliary Services Income	(1,422,000)	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 6,700 full-time equivalent (FTE) students at Kean College of New Jersey. In the event that actual enrollments exceed 6,834, the amount appropriated hereinabove for Kean College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 6,834, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor

of Higher Education and the Director of the Division of Budget and Accounting.

5530 The William Paterson College of New Jersey

11-5530 Instruction		\$19,120,000
12-5530 Sponsored Programs and Research		85,000
15-5530 Academic Support		1,964,000
16-5530 Student Services		3,228,000
17-5530 Institutional Support ..		5,408,000
19-5530 Physical Plant Support Services		<u>7,170,000</u>
Sub-Total General Operations		<u>\$36,975,000</u>
Special Funds Expense		\$3,849,000
Auxiliary Funds Expense		<u>1,800,000</u>
Total All Operations		<u>\$42,624,000</u>
Less:		
General Services Income	(\$7,371,000)	
Special Funds Income	(3,849,000)	
Auxiliary Services Income	<u>(1,800,000)</u>	
Total Income Deductions		<u>(\$13,020,000)</u>
Total Appropriation, The William Paterson College of New Jersey		<u>\$29,604,000</u>
Personal Services:		
Salaries and wages	(\$26,177,000)	
Student aides	(275,000)	
Materials and Supplies	(3,908,000)	
Services Other Than Personal .	(2,274,000)	
Maintenance and Fixed Charges	(602,000)	
Special Purpose:		
Academic development	(150,000)	
Separately budgeted research	(85,000)	
Library collection restoration	(68,000)	
Minority recruitment	(500,000)	
College work-study program (State share)	(75,000)	
Affirmative action and equal employment opportunity program	(54,000)	

Program priority	(100,000)
Compensation awards	(70,000)
Additions, Improvements and Equipment	(2,637,000)
Special Funds Expense	(3,849,000)
Auxiliary Funds Expense	(1,800,000)
Less:	
General Services Income	(\$7,371,000)
Special Funds Income	(3,849,000)
Auxiliary Services Income	(1,800,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,412 full-time equivalent (FTE) students at the William Paterson College of New Jersey. In the event that actual enrollments exceed 5,520 the amount appropriated hereinabove for the William Paterson College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,520, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5540 Montclair State College

11-5540 Instruction	\$23,957,000
12-5540 Sponsored Programs and Research	100,000
13-5540 Extension and Public Service	800,000
15-5540 Academic Support	2,342,000
16-5540 Student Services	3,827,000
17-5540 Institutional Support ..	6,346,000
19-5540 Physical Plant Support Services	<u>6,527,000</u>
Sub-Total General Operations	<u>\$43,899,000</u>
Special Funds Expense	<u>\$8,515,000</u>
Auxiliary Funds Expense	<u>1,000,000</u>
Total All Operations	<u>\$53,414,000</u>

Less:

<i>General Services Income</i>	(\$10,851,000)	
<i>Special Funds Income</i>	(8,515,000)	
<i>Auxiliary Services Income</i>	<u>(1,000,000)</u>	
<i>Total Income Deductions</i>		<u>(\$20,366,000)</u>
Total Appropriation, Montclair State College		<u>\$33,048,000</u>
Personal Services:		
Salaries and wages	(\$30,548,000)	
Student aides	(350,000)	
Materials and Supplies	(3,412,000)	
Services Other Than Personal .	(3,661,000)	
Maintenance and Fixed Charges	(771,000)	
Special Purpose:		
Academic development	(150,000)	
Liberal arts	(226,000)	
Separately budgeted research	(100,000)	
New Jersey State School of Conservation	(600,000)	
Opera and Music Theatre Institute	(200,000)	
Minority recruitment and retention	(300,000)	
College work-study program (State share)	(70,000)	
National direct student loan program	(8,000)	
Affirmative action and equal employment opportunity program	(102,000)	
Program priority	(100,000)	
Compensation awards	(45,000)	
Additions, Improvements and Equipment	(3,256,000)	
Special Funds Expense	(8,515,000)	
Auxiliary Funds Expense	(1,000,000)	
<i>Less:</i>		
<i>General Services Income</i>	(\$10,851,000)	
<i>Special Funds Income</i>	(8,515,000)	
<i>Auxiliary Services Income</i>	<u>(1,000,000)</u>	

Actual full-time and part-time undergraduate enrollments exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 6,818 full-time equivalent (FTE) students at Montclair State College. In the event that actual enrollments exceed 6,954, the amount appropriated hereinabove for Montclair State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 6,954, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1987 in the New Jersey School of Conservation account is appropriated.

In addition to the sums hereinabove appropriated to Montclair State College, all revenues from lease agreements between Montclair State College and corporations operating satellite relay stations are appropriated.

5550 Trenton State College

11-5550 Instruction	\$16,920,000
12-5550 Sponsored Programs and Research	75,000
15-5550 Academic Support	3,013,000
16-5550 Student Services	3,137,000
17-5550 Institutional Support ..	4,310,000
19-5550 Physical Plant Support Services	<u>7,097,000</u>
Sub-Total General Operations	<u>\$34,552,000</u>
Special Funds Expense	\$7,048,000
Auxiliary Funds Expense	<u>7,465,000</u>
Total All Operations	<u>\$49,065,000</u>
Less:	
General Services Income	(\$6,712,000)
Special Funds Income	(7,048,000)
Auxiliary Services Income	<u>(7,465,000)</u>
Total Income Deductions	<u>(\$21,225,000)</u>
Total Appropriation, Trenton State College	<u>\$27,840,000</u>

Personal Services:	
Salaries and wages	(\$24,252,000)
Student aides	(255,000)
Materials and Supplies	(3,387,000)
Services Other Than Personal .	(2,568,000)
Maintenance and Fixed Charges	(549,000)
Special Purpose:	
Demonstration school	
services	(80,000)
Academic development	(100,000)
Separately budgeted	
research	(75,000)
Program priority	(100,000)
Minority recruitment and	
scholarships	(250,000)
College work-study program	
(State share)	(37,000)
Affirmative action and	
equal employment	
opportunity program	(43,000)
Compensation awards	(70,000)
Additions, Improvements and	
Equipment	(2,786,000)
Special Funds Expense	(7,048,000)
Auxiliary Funds Expense	(7,465,000)
Less:	
General Services Income	(6,712,000)
Special Funds Income	(7,048,000)
Auxiliary Services Income	(7,465,000)

Actual full-time and part-time undergraduate enrollments exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 5,137 full-time equivalent (FTE) students at Trenton State College. In the event that actual enrollments exceed 5,240, the amount appropriated hereinabove for Trenton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,240, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5560 Ramapo College of New Jersey

11-5560 Instruction		\$7,519,000
12-5560 Sponsored Programs and Research		50,000
15-5560 Academic Support		980,000
16-5560 Student Services		1,260,000
17-5560 Institutional Support ..		3,294,000
19-5560 Physical Plant Support Services		<u>4,108,000</u>
Sub-Total General Operations		<u>\$17,211,000</u>
Special Funds Expense		<u>\$2,853,000</u>
Auxiliary Funds Expense		<u>1,798,000</u>
Total All Operations		<u>\$21,862,000</u>
<i>Less:</i>		
General Services Income	(\$3,178,000)	
Special Funds Income	(2,853,000)	
Auxiliary Services Income	<u>(1,798,000)</u>	
Total Income Deductions		<u>(\$7,829,000)</u>
Total Appropriation, Ramapo College of New Jersey		<u>\$14,033,000</u>
Personal Services:		
Salaries and wages	(\$11,802,000)	
Student aides	(150,000)	
Materials and Supplies	(1,924,000)	
Services Other Than Personal .	(1,334,000)	
Maintenance and Fixed Charges	(351,000)	
Special Purpose:		
Program priority	(200,000)	
Academic development	(50,000)	
Separately budgeted research	(50,000)	
Academic support computer systems	(30,000)	
Retention and graduation of minority students	(61,000)	
College work-study program (State share)	(55,000)	
Affirmative action and equal employment opportunity program	(78,000)	

Administrative computing	(100,000)
Compensation awards	(12,000)
Additions, Improvements and	
Equipment	(1,014,000)
Special Funds Expense	(2,853,000)
Auxiliary Funds Expense	(1,798,000)
Less:	
General Services Income	(\$3,178,000)
Special Funds Income	(2,853,000)
Auxiliary Services Income	(1,798,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 2,600 full-time equivalent (FTE) students at Ramapo College of New Jersey. In the event that actual enrollments exceed 2,652, the amount appropriated hereinabove for Ramapo College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 2,652, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5570 Richard Stockton State College

11-5570 Instruction	\$8,536,000
12-5570 Sponsored Programs	
and Research	70,000
15-5570 Academic Support	1,692,000
16-5570 Student Services	1,654,000
17-5570 Institutional Support ..	3,310,000
19-5570 Physical Plant	
Support Services	<u>4,326,000</u>
Sub-Total General	
Operations	<u>\$19,588,000</u>
Special Funds Expense	<u>\$3,362,000</u>
Auxiliary Funds Expense	<u>6,386,000</u>
Total All Operations	<u>\$29,336,000</u>
Less:	
General Services Income	(\$4,380,000)
Special Funds Income	(3,362,000)
Auxiliary Services Income	<u>(6,386,000)</u>
Total Income Deductions	<u>(\$14,128,000)</u>

Total Appropriation, Richard Stockton State College		<u>\$15,208,000</u>
Personal Services:		
Salaries and wages	(\$13,640,000)	
Student aides	(160,000)	
Materials and Supplies	(2,212,000)	
Services Other Than Personal .	(1,065,000)	
Maintenance and Fixed Charges	(426,000)	
Special Purpose:		
Information and systems science laboratory	(45,000)	
Academic development	(60,000)	
Separately budgeted research	(70,000)	
Minority recruitment	(80,000)	
National direct student loan program (State share)	(10,000)	
College work-study program (State share)	(35,000)	
Program priority	(200,000)	
Affirmative action and equal employment opportunity program	(48,000)	
Compensation awards	(22,000)	
Additions, Improvements and Equipment	(1,515,000)	
Special Funds Expense	(3,362,000)	
Auxiliary Funds Expense	(6,386,000)	
Less:		
General Services Income	(4,380,000)	
Special Funds Income	(3,362,000)	
Auxiliary Services Income	(6,386,000)	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 3,500 full-time equivalent (FTE) students at Stockton State College. In the event that actual enrollments exceed 3,570, the amount appropriated hereinabove for Stockton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 3,570, any such adjustment to occur in the last quarter of the fiscal year. An exception to

this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

State Colleges Programs

The expenditure of the amounts hereinabove to each State College for academic development shall be subject to prior approval of the Chancellor of Higher Education.

All transfers from non-salary to salary accounts shall be subject to approval by the Chancellor of Higher Education.

Any transfer from Physical Plant Support Services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education.

In accordance with P.L. 1986, c. 42, which provides for the autonomous operation of State Colleges, all unexpended balances from current or prior years' accounts at each State College are appropriated and shall be made available to the College, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is authorized to receive and make available for expenditure funds collected by the State Colleges from tuition, grants, fees and other revenue sources.

*5600 Rutgers, The State University
Rutgers University Programs*

11-5600 Instruction	\$137,952,000
12-5600 Sponsored Programs and Research	11,441,000
13-5600 Extension and Public Service	3,561,000
14-5600 Auxiliary Services	7,040,000
15-5600 Academic Support	19,594,000
16-5600 Student Services	26,511,000
17-5600 Institutional Support ..	42,136,000
19-5600 Physical Plant Support Services	53,309,000
Sub-Total General Operations	<u>\$301,544,000</u>
Special Funds Expense	<u>48,000,000</u>

Auxiliary Funds Expense		65,000,000
Total All Operations		<u>\$414,544,000</u>
Less:		
<i>General Services Income</i>	(\$88,725,000)	
<i>Self-Sustaining Income</i>	(7,009,000)	
<i>Special Funds Income</i>	(48,000,000)	
<i>Auxiliary Services Income</i>	<u>(65,000,000)</u>	
Total Income Deductions		<u>(\$208,734,000)</u>
Appropriation, Exclusive of		
Land Grant Interest	(\$205,804,000)	
Land Grant Interest	(6,000)	
Sub-Total Appropriation		<u>\$205,810,000</u>
Personal Services:		
Salaries and wages	(\$197,752,000)	
Student aides	(1,506,000)	
Materials and Supplies	(30,817,000)	
Services Other Than Personal .	(17,272,000)	
Maintenance and Fixed Charges	(10,454,000)	
Special Purpose:		
Environmental Law Clinic	(125,000)	
Research grants	(369,000)	
Forum on policy research and public services, Rutgers—Camden	(75,000)	
Grant to Agricultural Museum	(1,000,000)	
Library acquisitions	(1,000,000)	
Graduate and law school fellowships	(117,000)	
Student aid	(5,938,000)	
College work-study (State share)	(538,000)	
Affirmative action and equal employment opportunity program	(125,000)	
Retirement allowances	(760,000)	
Bad debt expense	(125,000)	
Special projects	(3,700,000)	
Debt Service—High Technology Initiative	(1,800,000)	
In-lieu-of-tax payments to New Brunswick	(700,000)	

Rutgers Fund for Distinction	
Debt Service	
(State match)	(2,000,000)
Excellence Initiative	(15,650,000)
Recruitment and retention of	
minority students	(1,552,000)
Additions, Improvements and	
Equipment	(8,169,000)
Special Funds Expense	(48,000,000)
Auxiliary Funds Expense	(65,000,000)
Less:	
General Services Income	(\$88,725,000)
Self-Sustaining Income	(7,009,000)
Special Funds Income	(48,000,000)
Auxiliary Services Income	(65,000,000)

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in Extension and Public Service programs, shall not exceed 29,556 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollments exceed 30,147, the amount hereinabove for Rutgers, The State University, may be reduced by a sum equal to the tuition receipts collected by the University for those FTE students above 30,147, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

For the amounts hereinabove appropriated for the Fund for Distinction Debt Service (State Match), Rutgers, The State University shall obtain the prior approval of the Board of Higher Education for all capital projects supported in whole, or in part, from these amounts.

Any transfer from Physical Plant Support Services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education.

5620 Agricultural Experiment Station

12-5620 Sponsored Programs and Research		\$10,891,000*
13-5620 Extension and Public Service		<u>6,223,000</u>
Sub-Total General Operations		<u>\$17,114,000*</u>
Federal Research and Extension Funds Expense		4,342,000
Special Funds Expense		<u>7,000,000</u>
Total All Operations		<u>\$28,456,000*</u>
Less:		
<i>Federal Research and Extension</i>		
Funds Income	(\$4,342,000)	
Special Funds Income	<u>(7,000,000)</u>	
Total Income Deductions		<u>(\$11,342,000)</u>
Sub-Total Appropriation		<u>\$17,114,000*</u>
Personal Services:		
Salaries and wages	(\$12,603,000)	
Student aides	(131,000)	
Materials and Supplies	(503,000)	
Services Other Than Personal ..	(599,000)	
Maintenance and Fixed Charges	(208,000)	
Special Purpose:		
Tomato variety testing	(6,000)	
Update facilities and equipment	(500,000)	
Urban gardening	(100,000)	
Trenton urban gardening project	(50,000)	
Integrated pest management	(350,000)	
Cooperative extension service	(125,000)	
Blueberry and cranberry research	(250,000)	
Renovate laboratories	(750,000)*	
Additions, Improvements and Equipment	(939,000)	
Federal Research and Extension Funds Expense	(4,342,000)	
Special Funds Expense	(7,000,000)	

*Less:**Federal Research and Extension**Funds Income* (\$4,342,000)*Special Funds Income* (7,000,000)

Total Appropriation,

Rutgers, The State

University \$222,924,000**5630 University of Medicine and Dentistry of New Jersey*

11-5630 Instruction \$73,186,000

12-5630 Sponsored Programs
and Research 29,364,00013-5630 Extension and
Public Service 126,633,000

14-5630 Auxiliary Services 1,918,000

15-5630 Academic Support 1,607,000

16-5630 Student Services 3,005,000

17-5630 Institutional Support .. 21,887,000

19-5630 Physical Plant and
Support Services 29,958,00020-5630 Core Affiliates 3,420,000Total All Operations \$290,978,000*Less:**General Services Income* (\$16,886,000)*Hospital Services Income* (78,790,000)*Capital Facilities Allowance* . (6,529,000)*Special Services Income* (28,964,000)*Auxiliary Services Income* (1,918,000)*Core Affiliates Income* (3,420,000)*Robert Wood Johnson**Community Mental Health
Center Income* (11,809,000)*New Jersey Medical**School Community**Mental Health**Center Income* (5,488,000)*Total Income Deductions* (\$153,804,000)

Total Appropriation, University

of Medicine and Dentistry

of New Jersey \$137,174,000

Personal Services:

Salaries and wages (\$157,497,000)

Materials and Supplies	(36,121,000)
Services Other Than Personal	(23,373,000)
Maintenance and Fixed Charges	(4,186,000)
Special Purpose:	
Debt Service—High	
Technology Initiative	(1,593,000)
University student aid	(700,000)
Excellence Initiatives:	
Leadership in Health	
Science	(8,704,000)
University Hospital Debt	
Service—Equipment	
and Renovation	(1,436,000)
Research under contract	
with the Institute	
of Medical Research,	
Camden	(540,000)
Core affiliate—Robert	
Wood Johnson	
Medical School—	
Piscataway	(2,400,000)
Core affiliate—New Jersey	
School of Osteopathic	
Medicine	(1,020,000)
Area Health Education	
Center	(290,000)
Emergency medical service—	
Camden	(500,000)
Joint venture in dental	
technology	(400,000)
Additions, Improvements and	
Equipment	(4,039,000)
Special Funds Expense	(28,964,000)
Auxiliary Funds Expense	(1,918,000)
Robert Wood Johnson	
Community Mental	
Health Center	(11,809,000)
New Jersey Medical	
School Community	
Mental Health	
Center	(5,488,000)
Less:	
Income	(\$153,804,000)

All General Services income or Hospital Services income in excess of the amounts hereinabove as income deductions shall be credited to the General Fund and such excess income is appropriated therefrom for service improvements during fiscal year 1987-88 and the subsequent fiscal year in the several component units of the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The appropriations for the University are made to Support Units, Educational Units, University Hospital, and Community Mental Health Centers.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the University and contracting organizations are appropriated.

Receipts derived from the capital facilities allowance—capital cash component, inclusive of major moveable equipment, in excess of \$6,529,000, shall be credited to the General Fund and appropriated for expenses at the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5640 New Jersey Institute of Technology

11-5640 Instruction	\$23,172,000
12-5640 Sponsored Programs and Research	875,000
13-5640 Extension and Public Service	600,000
14-5640 Auxiliary Services	4,500,000
15-5640 Academic Support	7,103,000
16-5640 Student Services	3,727,000

17-5640 Institutional Support ..	7,479,000
19-5640 Physical Plant	
Support Services	<u>5,770,000</u>
Sub-Total General	
Operations	<u>\$53,226,000</u>
Special Funds Expense	<u>6,375,000</u>
Total All Operations	<u>\$59,601,000</u>
Less:	
General Services Income	(\$13,365,000)
Auxiliary Services Income	(4,500,000)
Special Funds Income	<u>(6,375,000)</u>
Total Income Deductions	<u>(\$24,240,000)</u>
Total Appropriation, New Jersey Institute of Technology	<u>\$35,361,000</u>
Personal Services:	
Salaries and wages	(\$28,092,000)
Student aides	(289,000)
Materials and Supplies	(2,932,000)
Services Other Than Personal .	(2,316,000)
Maintenance and Fixed Charges	(674,000)
Special Purpose:	
Academic development	(250,000)
Separately budgeted	
research	(586,000)
Continuing education	(600,000)
Scholarships, grants, fellowships	(1,317,000)
Student activities	(102,000)
Affirmative action and equal employment	
opportunity program	(60,000)
Board of Trustees	(4,000)
Fringe benefits/retirement	
allowances	(2,020,000)
Excellence Initiative	(7,900,000)
Additions, Improvements and	
Equipment	(1,584,000)
Auxiliary Funds Expense	(4,500,000)
Special Funds Expense	(6,375,000)

Less:

<i>General Services Income</i>	(\$13,365,000)
<i>Auxiliary Services Income</i>	(4,500,000)
<i>Special Funds Income</i>	(6,375,000)

Actual full-time and part-time undergraduate enrollments, including summer session undergraduate enrollments, exclusive of enrollments in Extension and Public Service programs, shall not exceed 3,900 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 3,978, the amount appropriated hereinabove for New Jersey Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the Institute for those full-time equivalent students above 3,978, any such adjustments to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The amount hereinabove shall be made available, subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey, pursuant to N.J.S. 18A:3-14q.

Any transfer from Physical Plant Support Services to any other purpose is subject to the prior approval of the Chancellor of Higher Education.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education.

Total Appropriation, Department of Higher Education	<u>\$730,694,000*</u>

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page B-4 in the Governor's Budget Recommendation Document dated February 2, 1987 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*23 *Mental Health Services*7700 *Division of Mental Health and Hospitals*

08-7700 Community Services ...		\$77,629,000*
99-7700 Management and Administrative Services		<u>3,687,000</u>
Total Appropriation, Division of Mental Health and Hospitals		<u>\$81,316,000*</u>
Personal Services:		
Salaries and wages	(\$4,829,000)	
New positions	(255,000)	
Materials and Supplies	(65,000)	
Services Other Than Personal .	(888,000)	
Maintenance and Fixed Charges	(322,000)	
Special Purpose:		
Improvement of children's mental health services	(5,648,000)	
Independent psychiatric evaluation and legal representation for indigent patients	(15,000)	
Affirmative action and equal employment opportunity program	(30,000)	
Compensation awards	(12,000)	
Grants:		
Community care	(47,977,000)	
Community care—Increase reimbursement to Community Mental Health Centers	(3,800,000)	
Community Mental Health Center—University of Medicine and Dentistry—Newark	(4,319,000)	
Community Mental Health Center—University of Medicine and Dentistry—Rutgers	(8,375,000)	

Contact-Morris-Passaic, Inc.	(5,000)
Statewide self-help clearinghouse	(150,000)
Community care—Expansion Greystone Park Psychiatric Hospital phasedown	(4,479,000)
Richmond Fellowship	(75,000)
Additions, Improvements and Equipment	(72,000)

Federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

From the sum appropriated for the Improvement of children's mental health services, such sums as are necessary may be transferred to other departments and agencies in accordance with a plan for children's services approved by the Commissioner of the Department of Human Services and the Director of the Division of Budget and Accounting.

The funds hereinabove appropriated for Community care-Increase reimbursement to Community Mental Health Centers are to be used to increase the salary levels of direct care and clerical personnel for community mental health programs. These funds shall be passed through in their entirety and shall not result in any reduction in community mental health funds such programs are to receive.

Of the amount appropriated for Improvement of children's mental health services, such sums as are necessary shall be allocated for the operational costs of the Trenton Psychiatric Hospital subject to the approval of the Director of the Division of Budget and Accounting.

7710 Greystone Park Psychiatric Hospital

10-7710 Patient Care and Health Services		\$24,921,000
98-7710 Physical Plant and Support Services		6,953,000
99-7710 Management and Administrative Services		<u>6,750,000</u>
Total Appropriation, Greystone Park Psychiatric Hospital		<u>\$38,624,000</u>
Personal Services:		
Salaries and wages	(\$30,264,000)	
Food in lieu of cash	(63,000)	
Materials and Supplies	(4,384,000)	
Services Other Than Personal .	(2,346,000)	
Maintenance and Fixed Charges	(739,000)	
Special Purpose:		
Interim assistance	(80,000)	
Affirmative action and equal employment opportunity program	(17,000)	
Compensation awards	(258,000)	
Other special purpose	(2,000)	
Additions, Improvements and Equipment	(471,000)	

7720 Trenton Psychiatric Hospital

10-7720 Patient Care and Health Services		\$19,869,000
98-7720 Physical Plant and Support Services		3,977,000
99-7720 Management and Administrative Services		<u>4,843,000</u>
Total Appropriation, Trenton Psychiatric Hospital		<u>\$28,689,000</u>
Personal Services:		
Salaries and wages	(\$23,674,000)	
Food in lieu of cash	(23,000)	
Materials and Supplies	(2,230,000)	
Services Other Than Personal .	(1,435,000)	
Maintenance and Fixed Charges	(560,000)	

Special Purpose:	
Interim assistance	(16,000)
Affirmative action and equal employment opportunity program	(18,000)
Compensation awards	(458,000)
Other special purpose	(1,000)
Additions, Improvements and Equipment	(274,000)

7725 The Forensic Psychiatric Hospital

10-7725 Patient Care and Health Services	\$6,778,000
98-7725 Physical Plant and Support Services	1,028,000
99-7725 Management and Administrative Services	753,000
Total Appropriation, The Forensic Psychiatric Hospital	<u>\$8,559,000</u>
Personal Services:	
Salaries and wages	(\$7,644,000)
Food in lieu of cash	(11,000)
Materials and Supplies	(618,000)
Services Other Than Personal .	(157,000)
Maintenance and Fixed Charges	(62,000)
Special Purpose:	
Compensation awards	(22,000)
Other special purpose	(1,000)
Additions, Improvements and Equipment	(44,000)

7730 Marlboro Psychiatric Hospital

10-7730 Patient Care and Health Services	\$28,183,000
98-7730 Physical Plant and Support Services	7,244,000
99-7730 Management and Administrative Services	6,463,000
Total Appropriation, Marlboro Psychiatric Hospital	<u>\$41,890,000</u>

Personal Services:

Salaries and wages	(\$34,544,000)
Food in lieu of cash	(34,000)
Materials and Supplies	(3,939,000)
Services Other Than Personal .	(1,704,000)
Maintenance and Fixed Charges	(828,000)

Special Purpose:

Interim assistance	(156,000)
Affirmative action and equal employment opportunity program	(20,000)
Compensation awards	(321,000)
Other special purpose	(2,000)

Additions, Improvements and

Equipment	(342,000)

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and

Health Services	\$27,735,000

98-7740 Physical Plant and

Support Services	5,034,000

99-7740 Management and

Administrative Services	<u>5,414,000</u>

Total Appropriation, Ancora

Psychiatric Hospital	<u>\$38,183,000</u>

Personal Services:

Salaries and wages	(\$31,351,000)
Food in lieu of cash	(29,000)
Materials and Supplies	(4,275,000)
Services Other Than Personal .	(1,452,000)
Maintenance and Fixed Charges	(451,000)

Special Purpose:

Interim assistance	(74,000)
Affirmative action and equal employment opportunity program	(20,000)
Compensation awards	(129,000)
Other special purpose	(2,000)

Additions, Improvements and

Equipment	(400,000)

7750 Arthur Brisbane Child Treatment Center

10-7750 Patient Care and Health Services		\$3,207,000
98-7750 Physical Plant and Support Services		475,000
99-7750 Management and Administrative Services		<u>609,000</u>
Total Appropriation, Arthur Brisbane Child Treatment Center		<u>\$4,291,000</u>
Personal Services:		
Salaries and wages	(\$3,517,000)	
Food in lieu of cash	(4,000)	
Materials and Supplies	(335,000)	
Services Other Than Personal ..	(247,000)	
Maintenance and Fixed Charges	(88,000)	
Special Purpose:		
Compensation awards	(22,000)	
Other special purpose	(1,000)	
Additions, Improvements and Equipment	(77,000)	

7760 Senator Garrett W. Hagedorn Center for Geriatrics

10-7760 Patient Care and Health Services		\$4,725,000
98-7760 Physical Plant and Support Services		1,263,000
99-7760 Management and Administrative Services		<u>1,059,000</u>
Total Appropriation, Senator Garrett W. Hagedorn Center for Geriatrics		<u>\$7,047,000</u>
Personal Services:		
Salaries and wages	(\$5,569,000)	
Food in lieu of cash	(12,000)	
Materials and Supplies	(832,000)	
Services Other Than Personal ..	(393,000)	
Maintenance and Fixed Charges	(169,000)	
Special Purpose:		
Compensation awards	(31,000)	
Additions, Improvements and Equipment	(41,000)	

New Jersey State Library

*24 Special Health Services**7540 Division of Medical Assistance and Health Services*

21-7540 Health Services	
Administration and	
Management	\$16,852,000
24-7540 Pharmaceutical Assistance	
to the Aged and	
Disabled	<u>61,178,000</u>
Total Appropriation, Division	
of Medical Assistance	
and Health Services	<u>\$78,030,000</u>
Personal Services:	
Salaries and wages	(\$7,156,000)
Materials and Supplies	(159,000)
Services Other Than Personal .	(2,161,000)
Maintenance and Fixed Charges	(125,000)
Special Purpose:	
Payments to fiscal	
agents	(5,713,000)
Eligibility determination	(762,000)
Long-term billing	
system	(40,000)
Payments to fiscal agents	
(PAA)	(999,000)
Health facilities	
rate setting	(605,000)
Health facilities	
inspections	(275,000)
Third-party liability	
system	(62,000)
Affirmative action and	
equal employment	
opportunity program	(12,000)
Professional standards review	
organization—utilization	
review	(852,000)
On-line eligibility	
verification system	(520,000)
Compensation awards	(42,000)

Grants:

Pharmaceutical Assistance to the Aged and Disabled— claims	(58,468,000)
Additions, Improvements and Equipment	(79,000)

The amounts hereinabove appropriated for payments for Pharmaceutical Assistance to the Aged and Disabled, P.L. 1975, c. 194 (C. 30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding any State law to the contrary, any private health insurance carrier writing health insurance policies in the State shall permit the Division of Medical Assistance and Health Services to match its Medicaid Eligibility file against any private health insurance carrier's policyholder file.

Notwithstanding the provisions of paragraph (7) of subsection i. of section 3 of P.L. 1968, c. 413 (C. 30:4D-3i.(7)), the division shall comply with the provisions of Pub.L. 97-248, 42 U.S.C. §1396p.(c), which allows the State to deny Medicaid eligibility to individuals who divest themselves of their assets in order to obtain Medicaid benefits. The amount of the uncompensated value of the transferred asset shall be counted toward the resource maximum for 24 months from the date of disposal. If the uncompensated value of a transferred resource, combined with all other countable resources, does not exceed the applicable resource maximum, and all other eligibility requirements are met, the individual may be determined eligible for Medicaid benefits.

All funds recovered under P.L. 1968, c. 413 (C. 30:4D-1 et seq.) during the fiscal year ending June 30, 1988 are appropriated.

Notwithstanding the provisions of P.L. 1981, c. 217 (C. 30:4D-7.2a) to the contrary, the division is authorized to seek recovery and to file a lien against the estate of a qualified applicant or eligible person, after his death, for the amount of assistance paid or to be paid on his behalf under the "New Jersey Medical Assistance and Health Services Act," P.L. 1968, c. 413 (C. 30:4D-1 et seq.), if the amount sought to be recovered is \$500 or more, and the estate is \$3,000 or more, and there is no surviving spouse and no surviving child who is under age 21 or is blind or permanently disabled. This recovery authority shall apply to all such re-

coveries initiated on or after July 20, 1981 from the estates of applicants or recipients who died prior to, on, or after July 20, 1981, the effective date of P.L. 1981, c. 217.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program, P.L. 1975, c. 194 (C. 30:4D-20 et seq.) are the last resource benefits, notwithstanding any provisions contained in a contract, will, agreement or other instrument. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual's eligibility for or receipt of PAAD benefits is void, and no PAAD payments shall be made as a result of any such provision.

*32 Operation and Support of Educational Institutions
7600 Division of Developmental Disabilities*

01-7600 Purchased Residential	
Care	\$94,595,000
02-7600 Social Supervision	
and Consultation	13,036,000
03-7600 Adult Activities	50,057,000
04-7600 Education and Day	
Training	8,458,000
99-7600 Management and	
Administrative Services	13,925,000*
Total, Division of Developmental	
Disabilities	<u>\$180,071,000*</u>
Less:	
Casino Revenue Funds	
Purchased Residential	
Care	(\$11,135,000)
Social Supervision and	
Consultation	(168,000)
Adult Activities	(8,697,000)
Total Casino Revenue	<u>(\$20,000,000)</u>
Federal Funds	
Purchased Residential	
Care	(\$17,014,000)
Social Supervision	
and Consultation	(6,317,000)
Adult Activities	(27,243,000)
Education and Day	
Training	(397,000)

Management and Administrative Services	(7,254,000)	
Total Federal Funds		<u>(\$58,225,000)</u>
Total Appropriation, Division of Developmental Disabilities		<u>\$101,846,000*</u>
Personal Services:		
Salaries and wages	(\$25,331,000)	
Materials and Supplies	(1,669,000)	
Services Other Than Personal .	(2,066,000)	
Maintenance and Fixed Charges	(4,020,000)	
Special Purpose:		
Family care	(1,557,000)	
Homemaker services (State share)	(88,000)	
Social services	(54,000)	
Foster grandparents program (State share)	(310,000)	
Development disabilities services	(289,000)	
Purchased residential care	(554,000)	
Social supervision and consultation	(766,000)	
Adult activities	(809,000)	
Dental program for non-institutionalized mentally retarded and handicapped children	(623,000)	
Guardianship program	(35,000)	
Statewide public awareness exhibit	(150,000)	
Dually Diagnosed Center at Ancora	(3,200,000)	
Social services	(84,000)	
Social support services for epileptics	(51,000)	
Foster grandparents program	(725,000)	
Compensation awards	(94,000)	
Other special purpose	(5,000)	

Grants:

United Cerebral Palsy Jobs through Technology Program	(85,000)
Hudson County Association of Retarded Citizens	(50,000)*
Somerset County Retarded Citizens' Association	(125,000)
Private institutional care	(28,362,000)
Skill development homes	(3,720,000)
Purchase of day training services	(733,000)
Group homes	(59,372,000)
Home assistance	(2,822,000)
Purchase of adult activity services	(40,054,000)
Developmental disabilities	(341,000)
Day-care services	(530,000)
Work-study training program for caseworkers	(950,000)
Citizen advocacy program	(145,000)
Additions, Improvements and Equipment	(302,000)
Less:	
Deduction for Casino Revenue Funds	(\$20,000,000)
Deduction for Federal Funds	(\$58,225,000)

The Division of Developmental Disabilities is authorized to transfer funds from the Dental program for non-institutionalized developmentally disabled and handicapped children account to the Division of Medical Assistance and Health Services, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the dental program for non-institutionalized developmentally disabled and handicapped children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1987 in the tuition receipt accounts established pursuant to P.L. 1979, c. 207 (C. 18A:7B-1 et seq.) in the various departments are appropriated for education related transportation costs and other day training related costs in the Division of Developmental Disabilities in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; except that such amounts shall not be in excess of \$1,000,000.

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation	\$204,000
06-7610 Health Services	82,000
07-7610 Education and Training	16,000
98-7610 Physical Plant and Support Services	487,000
99-7610 Management and Administrative Services	1,173,000
Total Appropriation, Green Brook Regional Center	<u>\$1,962,000</u>
Materials and Supplies	(\$598,000)
Services Other Than Personal ..	(322,000)
Maintenance and Fixed Charges ..	(188,000)
Special Purpose:	
Green Brook mortgage	(710,000)
Compensation awards	(23,000)
Additions, Improvements and Equipment	(121,000)

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation	\$20,121,000
06-7620 Health Services	5,736,000
07-7620 Education and Training	553,000
98-7620 Physical Plant and Support Services	4,484,000
99-7620 Management and Administrative Services	<u>4,383,000</u>

Total Appropriation, Vineland Developmental Center		<u>\$35,277,000</u>
Personal Services:		
Salaries and wages	(\$27,132,000)	
Food in lieu of cash	(37,000)	
Materials and Supplies	(5,479,000)	
Services Other Than Personal .	(1,249,000)	
Maintenance and Fixed Charges	(529,000)	
Special Purpose:		
Family care	(6,000)	
Compensation awards	(309,000)	
Other special purpose	(2,000)	
Additions, Improvements and Equipment	(534,000)	

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation		\$8,903,000
06-7630 Health Services		2,239,000
07-7630 Education and Training		426,000
98-7630 Physical Plant and Support Services		2,345,000
99-7630 Management and Administrative Services		<u>3,011,000</u>
Total Appropriation, North Jersey Developmental Center		<u>\$16,924,000</u>
Personal Services:		
Salaries and wages	(\$12,926,000)	
Food in lieu of cash	(13,000)	
Materials and Supplies	(2,500,000)	
Services Other Than Personal .	(674,000)	
Maintenance and Fixed Charges	(431,000)	
Special Purpose:		
Compensation awards	(272,000)	
Other special purpose	(2,000)	
Additions, Improvements and Equipment	(106,000)	

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation		\$11,381,000
06-7640 Health Services		2,510,000
07-7640 Education and Training		258,000
98-7640 Physical Plant and Support Services		2,559,000
99-7640 Management and Administrative Services		<u>2,640,000</u>
Total Appropriation, Woodbine Developmental Center		<u>\$19,348,000</u>
Personal Services:		
Salaries and wages	(\$15,391,000)	
Food in lieu of cash	(19,000)	
Materials and Supplies	(3,026,000)	
Services Other Than Personal .	(326,000)	
Maintenance and Fixed Charges	(239,000)	
Special Purpose:		
Compensation awards	(224,000)	
Other special purpose	(5,000)	
Additions, Improvements and Equipment	(118,000)	

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation		\$9,729,000
06-7650 Health Services		1,759,000
07-7650 Education and Training		766,000
98-7650 Physical Plant and Support Services		2,933,000
99-7650 Management and Administrative Services		<u>2,953,000</u>
Total Appropriation, New Lisbon Developmental Center		<u>\$18,140,000</u>
Personal Services:		
Salaries and wages	(\$12,872,000)	
Food in lieu of cash	(11,000)	
Materials and Supplies	(2,920,000)	

Services Other Than Personal .	(755,000)
Maintenance and Fixed Charges	(420,000)
Special Purpose:	
Compensation awards	(661,000)
Additions, Improvements and	
Equipment	(501,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care	
and Habilitation	\$12,262,000
06-7660 Health Services	3,769,000
07-7660 Education and	
Training	187,000
98-7660 Physical Plant and	
Support Services	3,165,000
99-7660 Management and	
Administrative Services	<u>2,569,000</u>
Total Appropriation, Woodbridge	
Developmental Center	<u>\$21,952,000</u>
Personal Services:	
Salaries and wages	(\$16,815,000)
Food in lieu of cash	(10,000)
Materials and Supplies	(3,310,000)
Services Other Than Personal .	(706,000)
Maintenance and Fixed Charges	(444,000)
Special Purpose:	
Compensation awards	(582,000)
Other special purpose	(2,000)
Additions, Improvements and	
Equipment	(83,000)

7670 Hunterdon Developmental Center

05-7670 Residential Care	
and Habilitation	\$11,878,000
06-7670 Health Services	4,411,000
07-7670 Education and	
Training	739,000
98-7670 Physical Plant and	
Support Services	3,692,000
99-7670 Management and	
Administrative Services	<u>2,472,000</u>

Total Appropriation, Hunterdon Developmental Center		<u>\$23,192,000</u>
Personal Services:		
Salaries and wages	(\$17,192,000)	
Food in lieu of cash	(1,000)	
Materials and Supplies	(3,685,000)	
Services Other Than Personal .	(766,000)	
Maintenance and Fixed Charges	(492,000)	
Special Purpose:		
Hunterdon adult education program	(300,000)	
Compensation awards	(470,000)	
Other special purpose	(6,000)	
Additions, Improvements and Equipment	(280,000)	

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation		\$3,470,000
06-7680 Health Services		772,000
07-7680 Education and Training		368,000
25-7680 Research		261,000
98-7680 Physical Plant and Support Services		1,552,000
99-7680 Management and Administrative Services		<u>1,287,000</u>
Total Appropriation, Edward R. Johnstone Training and Research Center		<u>\$7,710,000</u>
Personal Services:		
Salaries and wages	(\$6,041,000)	
Food in lieu of cash	(17,000)	
Materials and Supplies	(1,084,000)	
Services Other Than Personal .	(345,000)	
Maintenance and Fixed Charges	(140,000)	
Special Purpose:		
Compensation awards	(44,000)	
Other special purpose	(1,000)	
Additions, Improvements and Equipment	(38,000)	

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation	\$12,529,000
06-7690 Health Services	3,128,000
07-7690 Education and Training	513,000
98-7690 Physical Plant and Support Services	4,601,000
99-7690 Management and Administrative Services	2,245,000
Total Appropriation, North Princeton Developmental Center	<u>\$23,016,000</u>
Personal Services:	
Salaries and wages	(\$17,229,000)
Positions established from lump sum appropriation ...	(148,000)
Food in lieu of cash	(15,000)
Materials and Supplies	(3,091,000)
Services Other Than Personal .	(1,381,000)
Maintenance and Fixed Charges	(511,000)
Special Purpose:	
Compensation awards	(289,000)
Other special purpose	(2,000)
Additions, Improvements and Equipment	(350,000)

Division of Developmental Disabilities

In addition to the amount hereinabove appropriated for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-Departmental Accounts for employee benefits, shall be considered as appropriated on behalf of the developmental centers and available for matching federal funds.

The State appropriation is based on ICF/MR revenues of \$113,769,000; but if the ICF/MR revenues exceed \$113,769,000, there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues, subject to the approval of the Director of the Division of Budget and Accounting.

*33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired*

11-7560 Habilitation and Rehabilitation		\$3,789,000
12-7560 Instruction, Community Programs and Prevention		4,721,000
99-7560 Management and Administrative Services		<u>1,956,000*</u>
Total Appropriation, Commission for the Blind and Visually Impaired		<u>\$10,466,000*</u>
Personal Services:		
Salaries and wages	(\$5,188,000)	
Positions established from lump sum appropriation ...	(74,000)	
New positions	(94,000)	
Materials and Supplies	(160,000)	
Services Other Than Personal .	(839,000)	
Maintenance and Fixed Charges	(241,000)	
Special Purpose:		
Additional vocational rehabilitation matching funds	(922,000)	
Compensation awards	(12,000)	
Coordinating Council, CBVI	(168,000)	
Grants:		
Psychological counseling services	(115,000)	
Services to rehabilitation clients	(1,011,000)	
Educational services for children	(1,551,000)	
Additions, Improvements and Equipment	(91,000)	

50 Economic Planning, Development and Security
53 Economic Assistance and Security
7550 Division of Public Welfare

15-7550 Income Maintenance ...		\$16,948,000
99-7550 Management and Administrative Services		<u>13,040,000</u>
Total Appropriation, Division of Public Welfare		<u>\$29,988,000</u>
Personal Services:		
Salaries and wages	(\$6,411,000)	
Materials and Supplies	(80,000)	
Services Other Than Personal .	(854,000)	
Maintenance and Fixed Charges	(163,000)	
Special Purpose:		
Work incentive program (State share)	(976,000)	
Affirmative action and equal employment opportunity program	(8,000)	
Realizing Economic Achievement (REACH) program	(12,500,000)	
Atlantic City welfare reform pilot project	(1,100,000)	
Compensation awards	(4,000)	
Automated child support enforcement program (State share)	(1,816,000)	
Implementation of family assistance management information system (State share)	(2,651,000)	
Employment programs (State share)	(3,400,000)	
Additions, Improvements and Equipment	(25,000)	

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1987 are appropriated.

Any federal funds received for the direct or indirect costs incurred by the Department of Labor for the operation of the Wage Reporting System shall be deposited in the General Treasury.

Notwithstanding the provisions of P.L. 1981, c. 60 (C. 44:14-1 et seq.) to the contrary, funds distributed pursuant to the "County Welfare Per Capita Cost Limitation Act of 1981" shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

The State appropriation shall be based upon a federal financial participation rate of 51%; but if the federal participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances, as of June 30, 1987, in the Bank Match account, which represents funding from the Inter-Departmental Account for the continuation and expansion of data processing systems, are appropriated and are to be used to fund the Income Eligibility Verification System.

The commissioner shall provide the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Realizing Economic Achievement (REACH) program. The reports shall, at a minimum, include the following: the number of cases participating in the program and the number of cases which are exempt from the program, the type of services provided to program participants and the cost of such services, the number of case managers employed by the program, their associated costs and any other administrative costs incurred by the program, the number of participants who have obtained employment, the average hourly wage and benefits provided by the employer and the length of time participants remain employed.

The unexpended balances, as of June 30, 1987, in the Implementation of the family assistance management information system—State share account are appropriated.

The unexpended balances, as of June 30, 1987, in the Automated child support enforcement program—State share account are appropriated.

7570 Division of Youth and Family Services

16-7570 Initial Response/ Case Management		\$74,174,000
17-7570 Substitute Care		22,997,000
18-7570 General Social Services		73,227,000*
99-7570 Management and Administrative Services		<u>27,855,000</u>
Total, Division of Youth and Family Services		<u>\$198,253,000*</u>
<i>Less:</i>		
<i>Federal Funds</i>		
<i>Initial Response/</i>		
Case Management	(\$23,743,000)	
Substitute Care	(13,347,000)	
General Social Services	(32,847,000)	
<i>Management and Administrative</i>		
Services	<u>(14,622,000)</u>	
Total Federal Funds		<u>(\$84,559,000)</u>
Total Appropriation, Division of Youth and Family Services		<u>\$113,694,000*</u>
<i>Personal Services:</i>		
Salaries and wages	(\$84,237,000)	
Positions converted	(87,000)	
Food in lieu of cash	(4,000)	
Materials and Supplies	(2,433,000)	
Services Other Than Personal .	(12,267,000)	
Maintenance and Fixed Charges	(9,543,000)	
<i>Special Purpose:</i>		
Public awareness and child education programs	(200,000)	
Establish and maintain shelters for victims of domestic violence	(400,000)	
Microfilm service charges	(100,000)	
Affirmative action and equal employment opportunity program	(50,000)	
Compensation awards	(485,000)	
<i>Grants:</i>		
Restricted grants	(361,000)	

Title IV A/E	(391,000)
Shelters and services for battered spouses	(750,000)
Shelters for battered women	(600,000)
Social services for the homeless	(4,350,000)
County Human Services Advisory Boards— formula funding	(8,787,000)*
Purchase of services	(48,078,000)
Respite care demonstration program	(200,000)
Initial response/case management	(1,254,000)
Title IV-B Child Welfare Services	(288,000)
Title IV A/E	(5,766,000)
Medicaid payments for children in institutions	(1,387,000)
Low income energy assistance	(152,000)
Purchase of service contracts	(1,099,000)
Child assault prevention project	(675,000)
Model community support systems	(100,000)
Martin Luther King Youth Center, Bridgewater	(25,000)*
TRIAD of Mercer County	(200,000)
Expansion of day care slots—Headstart program	(1,000,000)
Bonnie Brae Educational Center	(25,000)
Fisherman's Mark for child care and support services	(108,000)

Services for aging out clientele	(1,800,000)
Community services— family courts	(435,000)
Title IV A/E	(593,000)
Low income energy assistance	(1,713,000)
Personal attendant demonstration program	(2,000,000)
Cuban-Haitian Entrant Program	(4,251,000)
Restricted grants	(321,000)
Additions, Improvements and Equipment	(1,738,000)
Less:	
Deductions for Federal Funds	(\$84,559,000)

On or before January 31, 1988 the Division of Youth and Family Services shall publish an annual report detailing the activities of the County Human Services Advisory Boards during calendar year 1987. The report shall indicate the total amount of funds made available to the advisory boards for allocation, listing all providers receiving funds and how much funds were awarded.

The unexpended balance as of June 30, 1987 in the Establish and maintain shelters for victims of domestic violence account together with any receipts in excess of the amount anticipated is appropriated.

The amount hereinabove for the Establish and maintain shelters for victims of domestic violence account is payable out of the Marriage License Fee Fund and any amount remaining therein. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1987 in the Family Day Care Provider Registration Act account is appropriated for the same purpose.

The funds hereinabove appropriated for Expansion of day care slots—Headstart program are to be used to provide Headstart-type services to children between the ages of 3 to 5, whose family income is below the federal poverty level.

*70 Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

96-7500 Institutional Support	
Services	\$3,825,000
99-7500 Management and	
Administrative Services	<u>23,597,000</u>
Total Appropriation,	
Division of Management	
and Budget	<u>\$27,422,000</u>
Personal Services:	
Salaries and wages	(\$13,880,000)
Materials and Supplies	(226,000)
Services Other Than Personal .	(3,749,000)
Maintenance and Fixed Charges	(566,000)
Special Purpose:	
Contract auditing	(300,000)
Nursing scholarship	
program	(270,000)
School-based youth	
services program	(6,000,000)
Crisis intervention/	
patients' rights	
staff training	(15,000)
Affirmative action and	
equal employment	
opportunity program	(67,000)
Establishment of word	
processing center	(688,000)
Health care financial	
information system	(702,000)
Office of Prevention	(50,000)
Public information program	
to prevent mental	
retardation	(375,000)
Grant diversion	
demonstration project	(10,000)
AFDC homemaker/home	
health aide demonstration	
project—Title XIX	(50,000)

Transfer to State Police for fingerprinting/ background checks of job applicants	(250,000)
Compensation awards	(80,000)
Additions, Improvements and Equipment	(144,000)

The unexpended balances as of June 30, 1987 in the Hospital information system and Health care financial system accounts are appropriated.

The unexpended balance as of June 30, 1987 in the Office of Prevention account is appropriated.

*80 Special Government Services
83 Services to Veterans
7520 Division of Veterans' Services*

19-7520 Management and Field Services		\$2,062,000*
29-7520 Operation of Veterans' Cemetery		<u>889,000</u>
Total Appropriation, Division of Veterans' Services		<u>\$2,951,000*</u>
Personal Services:		
Salaries and wages	(\$978,000)	
New positions	(104,000)	
Positions established from lump sum appropriation ...	(253,000)	
Materials and Supplies	(555,000)	
Services Other Than Personal .	(92,000)	
Maintenance and Fixed Charges	(40,000)	
Special Purpose:		
National Association of State Directors of Veterans' Affairs convention	(20,000)	
Agent Orange Commission ...	(225,000)	
Veterans' transportation	(300,000)	
Grants:		
Veterans' orphans' fund— education grants	(37,000)	
Blind veterans' allowances	(46,000)	

Paraplegic and hemiplegic veterans' allowances	(237,000)
Association of Blind Veterans	(25,000)
Additions, Improvements and Equipment	(39,000)

The unexpended balance as of June 30, 1987 in the Governor's Veterans' Service Council account is appropriated for the same purpose.

*7525 New Jersey Memorial Home for Disabled Soldiers
at Menlo Park*

20-7525 Domiciliary and Treatment Services		\$6,475,000
98-7525 Physical Plant and Support Services		1,606,000
99-7525 Management and Administrative Services		<u>1,431,000</u>
Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Menlo Park		<u>\$9,512,000</u>
Personal Services:		
Salaries and wages	(\$7,459,000)	
New positions	(68,000)	
Food in lieu of cash	(12,000)	
Materials and Supplies	(1,078,000)	
Services Other Than Personal	(522,000)	
Maintenance and Fixed Charges	(88,000)	
Special Purpose:		
Compensation awards	(60,000)	
Additions, Improvements and Equipment	(225,000)	

*7530 New Jersey Memorial Home for Disabled Soldiers
at Vineland*

20-7530 Domiciliary and Treatment Services	\$5,925,000
98-7530 Physical Plant and Support Services	1,683,000
99-7530 Management and Administrative Services	<u>1,183,000</u>
Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Vineland	<u>\$8,791,000</u>
Personal Services:	
Salaries and wages	(\$6,910,000)
Positions converted	(143,000)
Food in lieu of cash	(7,000)
Materials and Supplies	(1,021,000)
Services Other Than Personal .	(371,000)
Maintenance and Fixed Charges	(98,000)
Special Purpose:	
Compensation awards	(65,000)
Additions, Improvements and Equipment	(176,000)

*7535 New Jersey Memorial Home for Disabled Soldiers
at Paramus*

20-7535 Domiciliary and Treatment Services	\$2,266,000
98-7535 Physical Plant and Support Services	727,000
99-7535 Management and Administrative Services	<u>1,041,000</u>
Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Paramus	<u>\$4,034,000</u>
Personal Services:	
Salaries and wages	(\$3,337,000)
Food in lieu of cash	(14,000)
Materials and Supplies	(380,000)
Services Other Than Personal .	(173,000)
Maintenance and Fixed Charges	(29,000)

Special Purpose:

Compensation awards	(28,000)
Additions, Improvements and Equipment	(73,000)
Total Appropriation, Department of Human Services	<u>\$802,854,000*</u>

Balances on hand as of June 30, 1987 of funds held for the benefit of patients in the several institutions, and any funds as may be received, are appropriated for the use of the patients.

Revenues representing receipts to the General Fund from charges to Residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for these purposes; except that the allowance shall not exceed \$35 per month for any eligible resident of an institution, and except that the total amount herein for these allowances shall not exceed \$1,200,000.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purpose of additional material and other expenses incidental to the sale or manufacture.

Of the amount hereinabove appropriated for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page B-14 in the Governor's Budget Recommendation Document dated February 2, 1987 first shall be charged to the State Lottery Fund.

58 DEPARTMENT OF INSURANCE

50 *Economic Planning, Development and Security*52 *Economic Regulation*

01-3110 Licensing and Enforcement	\$4,617,000
02-3120 Actuarial Services	2,560,000
03-3130 Regulation of the Real Estate Industry	1,702,000
04-3110 Public and Regulatory Services	853,000
05-3160 Unsatisfied Claim and Judgment Fund	1,020,000

99-3150 Management and Administrative Services		<u>2,273,000</u>
Total Appropriation, Economic Regulation		<u>\$13,025,000</u>
Personal Services:		
Real Estate Commissioners ..	(\$75,000)	
Salaries and wages	(8,297,000)	
Positions established in lieu of appropriated revenue	(832,000)	
New positions	(36,000)	
Materials and Supplies	(330,000)	
Services Other Than Personal .	(2,919,000)	
Maintenance and Fixed Charges	(233,000)	
Special Purpose:		
Microfilm service charges	(18,000)	
Affirmative action and equal employment opportunity programs	(7,000)	
Compensation awards	(25,000)	
Other special purpose	(53,000)	
Additions, Improvements and Equipment	(200,000)	

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of such investigations.

There is appropriated from receipts a sum in accordance with the limitations of section 1 of P.L. 1949, c. 248 (C. 17:24-13), to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

The unexpended balances as of June 30, 1987, not to exceed \$600,000, in the Department of Insurance are appropriated.

There are appropriated to administer the "New Jersey Insurance Fraud Prevention Act," P.L. 1983, c. 320 (C. 17:33A-1 et seq.), such sums as prescribed by that act.

The amount hereinabove for program classification "Unsatisfied Claim and Judgment Fund" is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of such fund additional sums as may be neces-

sary for the payment of claims pursuant to section 7 of P.L. 1952, c. 174 (C. 39:6-67), and for such additional costs as may be required to administer the program pursuant to the "Unsatisfied Claim and Judgment Fund Law," P.L. 1952, c. 174 (C. 39:6-61 et seq.).

Total Appropriation, Department of Insurance	<u>\$13,025,000</u>

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research		\$1,089,000
29-4565 Management and Administrative Services		<u>3,529,000</u>
Total Appropriation, Economic Planning and Development		<u>\$4,618,000</u>
Personal Services:		
Salaries and wages	(\$1,907,000)	
Materials and Supplies	(33,000)	
Services Other Than Personal	(1,638,000)	
Maintenance and Fixed Charges	(32,000)	
Special Purpose:		
Employment estimates and projections	(400,000)	
Affirmative action and equal employment opportunity program	(60,000)	
Additions, Improvements and Equipment	(548,000)	

Of the amounts hereinabove for the data processing system-related activities in the Management and Administrative Services program classification, an amount not to exceed \$1,600,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550 Promulgation and Licensing of Workplace Standards	\$648,000

12-4550 Enforcement of		
Workplace Standards		<u>5,597,000</u>
Total Appropriation, Economic		
Regulation		<u>\$6,245,000</u>
Personal Services:		
Salaries and wages	(\$4,087,000)	
Materials and Supplies	(68,000)	
Services Other Than Personal .	(327,000)	
Maintenance and Fixed Charges	(223,000)	
Special Purpose:		
Public Employees' Occupational		
Safety and Health Act	(613,000)	
Asbestos control and		
licensing	(399,000)	
Carnival amusement ride		
safety advisory board	(1,000)	
Safety Commission	(2,000)	
On-site consultation		
(State share)	(140,000)	
Mine Safety Training Act		
(State share)	(9,000)	
Worker and Community		
Right to Know	(333,000)	
Compensation awards	(19,000)	
Additions, Improvements and		
Equipment	(24,000)	

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

The unexpended balance as of June 30, 1987 in the Worker and Community Right to Know account, together with any receipts in excess of the amount anticipated, not to exceed \$43,000, are appropriated.

Notwithstanding the provisions of the Worker and Community Right to Know Act, P.L. 1983, c. 315 (C. 34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know account is payable out of the Worker and Community Right to Know Trust Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

53 Economic Assistance and Security

01-4510 Unemployment Insurance		\$8,949,000
03-4520 State Disability Insurance Plan		12,129,000
04-4520 Private Disability Insurance Plan		2,390,000
05-4525 Workers' Compensation		5,431,000
06-4530 Special Compensation .		<u>1,124,000</u>
Total Appropriation, Economic Assistance and Security		<u>\$30,023,000</u>
Personal Services:		
Salaries and wages	(\$14,285,000)	
Materials and Supplies	(275,000)	
Services Other Than Personal .	(1,254,000)	
Maintenance and Fixed Charges	(449,000)	
Special Purpose:		
Set-off of individual liabilities program	(443,000)	
Wage reporting	(1,550,000)	
Unemployment insurance automation support	(2,500,000)	
Unemployment insurance program activities	(4,000,000)	
Reimbursement to unemployment insurance for joint tax functions	(5,200,000)	
Compensation awards	(35,000)	
Additions, Improvements and Equipment	(32,000)	

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan shall be payable out of the State Disability Benefits Fund and, in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Disability Insurance Program and such sums as may be necessary to pay disability benefits.

The amount hereinabove for the Special Compensation account shall be payable out of the Special Compensation Fund and, notwithstanding the \$12,500 limitation set forth in R.S. 34:15-95, in addition to the amounts hereinabove, there are appropriated out

of the Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

The State Treasurer is directed to transfer to the General Fund the sum of \$50,000 from the excess in the Special Compensation Fund over the sum of \$1,250,000 accumulated as of June 30, 1987, pursuant to R.S. 34:15-94.

Of the amounts hereinabove for the Unemployment Insurance program classification, an amount not to exceed \$4,409,000* is appropriated from the Unemployment Compensation Auxiliary Fund.

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$14,635,000
10-4545 Employment Development Services	4,944,000
16-4555 Public Sector Labor Relations	2,199,000
17-4560 Private Sector Labor Relations	502,000
23-4538 Services for the Deaf	<u>392,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$22,672,000</u>
Personal Services:	
Board members (7)	(\$11,000)
Salaries and wages	(4,760,000)
Materials and Supplies	(57,000)
Services Other Than Personal .	(638,000)
Maintenance and Fixed Charges	(71,000)
Special Purpose:	
Governor's Committee on the Disabled	(75,000)
Services to clients (State share)	(2,700,000)
Sheltered workshop support	(8,100,000)

Sheltered workshop	
employment placement	
incentive program	(250,000)
Training grant	
(State share)	(4,000)
Supported employment	
services	(300,000)
Work activity training	
center	(656,000)
Governor's employment and	
training program: Service	
Delivery Area allocation	(3,000,000)
Governor's employment and	
training program: Office of	
Customized Training	
allocation	(1,000,000)
Appeal board staff	
augmentation	(52,000)
Services to deaf clients	(32,000)
Fair Lawn School for	
the Deaf	(150,000)
Grants:	
Customized training	(750,000)
Additions, Improvements and	
Equipment	(66,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L. 1941, c. 100 (C. 34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

Of the amounts hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed \$9,297,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount hereinabove for the Employment Development Services account shall be appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation,	
Department of Labor	<u>\$63,558,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 *Public Safety and Criminal Justice*11 *Vehicular Safety*

01-1110 Licensing and	
Registration	\$39,828,000
02-1110 Vehicle Control and	
Driver Testing	24,725,000
03-1110 Driver Control	14,883,000
04-1140 Security	
Responsibility	5,135,000
05-1150 Auto Body Licensing	
and Enforcement	84,000
89-1110 Revenue Collection	
Services	6,154,000
99-1110 Management and	
Administrative Services	12,925,000
Total Appropriation, Vehicular	
Safety	<u>\$103,734,000</u>
Personal Services:	
Salaries and wages	(\$37,901,000)
Positions established from	
lump sum appropriation ...	(4,607,000)
Materials and Supplies	(6,034,000)
Services Other Than Personal .	(14,673,000)
Maintenance and Fixed Charges	(1,434,000)
Special Purpose:	
Microfilm services charges	(10,000)
Microfilm document purging	
and microfilm indexing	
system	(1,808,000)
Agency improvements	(2,636,000)
Agency operations	(16,094,000)
Federal highway safety	
program—State match	(265,000)
Implementation of surcharge	
program	(7,800,000)
Uninsured motorist	
program	(1,000,000)
Drunk driver fund	
program	(102,000)
Division improvements—	
management and	
operations	(2,599,000)

Data processing	
enhancements	(4,550,000)
Photo licensing	(350,000)
Boat certification	
program	(339,000)
Affirmative action and	
equal employment	
opportunity program	(9,000)
Compensation awards	(112,000)
Other special purpose	(245,000)
Additions, Improvements and	
Equipment	(1,166,000)

In addition to the amounts hereinabove appropriated, there are appropriated from driver license and motor vehicle fees, such sums as may be necessary to implement improvements and reforms in the operation of the Division of Motor Vehicles and its facilities, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

The sum hereinabove for Agency operations shall be available for maintaining services at public and privately operated motor vehicle agencies; provided, however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to section 23 of P.L. 1983, c. 105 (C. 39:4-14.3w), not to exceed \$50,000, are appropriated for the purpose of providing an educational program for the safe operation of bicycles and motorized bicycles, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated hereinabove from the Boat Certification Fund, no appropriation from the Boat Certification Fund shall be used to title vessels not required to be registered pursuant to section 3 of P.L. 1962, c. 73 (C. 12:7-34.38) or to license marine dealers.

The unexpended balance as of June 30, 1987 in the Boat certification program together with any receipts in excess of the amount anticipated not to exceed \$42,000 are appropriated.

The amount hereinabove for the Boat certification program is payable out of the Boat Certification Fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for Security Responsibility shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under section 2 of P.L. 1952, c. 176 (C. 39:6-59), and any receipts in excess of the amount hereinabove are appropriated to defray additional costs of administration of the Security Responsibility Law.

The unexpended balances in the Federal Highway Safety Program—State match account, including the accounts of the several departments, as of June 30, 1987, are appropriated for such highway safety projects.

Receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act—Merit Rating System Surcharge Program of 1982, P.L. 1983, c. 65 (C. 17:29A-33 et al.), in excess of \$7,800,000 are appropriated to the Division of Motor Vehicles to implement improvements and reforms in the operation of the Division of Motor Vehicles, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor. The unexpended balance as of June 30, 1987 in the Motor Vehicles administrative expense account shall be used as partial repayment of a loan from the Unsatisfied Claim and Judgment Fund.

Receipts derived pursuant to section 2 of P.L. 1972, c. 197 (C. 39:6B-2), in excess of \$1,000,000, and the unexpended balance as of June 30, 1987 are appropriated for the Uninsured motorist program.

The unexpended balance as of June 30, 1987 in the Division of Motor Vehicles Drunk driver fund program account together with any receipts in excess of the amount anticipated not to exceed \$28,500 are appropriated.

The amount hereinabove for the Division of Motor Vehicles Drunk driver fund program is payable out of drunk driving fines designated for this purpose. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of \$350,000 for photo licensing, derived pursuant to section 2 of P.L. 1979, c. 261 (C. 39:3-10g), are appropriated to administer the program.

Receipts from the Auto Body Licensing and Enforcement Program, derived pursuant to section 6 of P.L. 1983, c. 360 (C. 39:13-6) in excess of \$83,000, and the unexpended balance as of June 30, 1987 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

No appropriation hereinabove and no appropriation from driver license and motor vehicle fees shall be used for the production or distribution of reflectorized license plates.

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$87,114,000
07-1200 Police Services and Public Order	15,097,000
08-1200 Emergency Services	3,453,000
09-1020 Criminal Justice	22,642,000
11-1050 State Medical Examiner	2,570,000
23-1200 State Capitol Complex Security	6,352,000
24-1200 Marine Police Operations	4,869,000
99-1200 Management and Administrative Services	<u>11,405,000</u>
Total Appropriation, Law Enforcement	<u>\$153,502,000</u>
Personal Services:	
Salaries and wages	(\$94,454,000)
Positions established from lump sum appropriation ...	(3,667,000)
New positions	(500,000)
Cash in lieu of maintenance	(10,516,000)
Materials and Supplies	(7,638,000)
Services Other Than Personal .	(8,046,000)
Maintenance and Fixed Charges	(3,216,000)
Special Purpose:	
Air ambulance program	(1,700,000)
Medical—evacuation helicopter replacement	(1,195,000)
Civil RICO Unit	(1,006,000)

Annual law enforcement	
memorial services	(10,000)
Data processing pilot	
project	(900,000)
Statewide narcotics	
prosecution program	(5,500,000)
Expenses of State Grand	
Jury	(415,000)
Medicaid fraud investigation—	
State match	(497,000)
Boat certification	
program	(373,000)
Noncriminal record	
checks	(1,114,000)
Nuclear emergency response	
program	(2,069,000)
Capitol complex	
security	(2,200,000)
State police recruit	
training	(871,000)
Drunk driver fund	
program	(962,000)
Affirmative action and	
equal employment	
opportunity program	(193,000)
Compensation awards	(480,000)
Additions, Improvements and	
Equipment	(5,980,000)

Such additional amounts as may be required to carry out the provisions of the New Jersey Antitrust Act are appropriated from the General Fund; provided, however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1987 in the Office of Victim-Witness Advocacy account together with receipts derived pursuant to P.L. 1985, c. 407 are appropriated.

The unexpended balances not to exceed \$500,000 as of June 30, 1987, in Patrol Activities and Crime Control, Police Services and Public Order, State Capitol Complex Security and Management and Administrative Services program classifications are appropriated for State police recruit training.

The balances as of June 30, 1987, in the Spring Storm 1984 and Hurricane Gloria accounts are appropriated for storm emergencies.

Receipts in excess of \$550,000 derived from license fees and/or audits conducted to insure compliance with the Private Detective Act of 1939, P.L. 1939, c. 369 (C. 45:19-8 et seq.), are appropriated to defray the cost of this activity.

The unexpended balance as of June 30, 1987 in the State Police communications system account is appropriated for the same purpose.

The unexpended balance as of June 30, 1987 in the Drunk driver fund program account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Drunk driver fund program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense Volunteers, P.L. 1952, c. 12 (C. App. A:9-57.1 et seq.).

The unexpended balance as of June 30, 1987 in the Boat certification program account together with any receipts in excess of the amount anticipated is appropriated.

The amount hereinabove for the Boat certification program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amounts hereinabove to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality or public authority for direct and indirect costs of all services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided, however, that payments from such in-

strumentalities or authorities for employer contributions to the State Police and Public Employees' Retirement System shall not be appropriated and shall be paid into the General Fund.

Receipts derived from fees for solid and toxic waste haulers' and disposal operators' licenses pursuant to P.L. 1983, c. 392 (C. 13:1E-126 et al.) are appropriated for the cost of the administration of that act.

The unexpended balance as of June 30, 1987 in the Noncriminal record checks account together with any receipts in excess of the amount anticipated is appropriated.

The amount hereinabove for the Noncriminal record checks is payable out of the dedicated fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

All registration fees, tuition fees, training fees, all receipts collected through Division mess hall operations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police personnel are appropriated.

The amount hereinabove for the Nuclear emergency response program account is payable from receipts received pursuant to the assessment of electrical utility companies under P.L. 1981, c. 302 (C. 26:2D-37 et seq.). The unexpended balance as of June 30, 1987 in the Nuclear emergency response program account is appropriated.

The unexpended balance as of June 30, 1987 in the Air ambulance program account is appropriated for the same purpose.

13 Special Law Enforcement Activities

17-1420 Election Law	
Enforcement	\$1,067,000
18-1430 Law Enforcement	
Planning	2,093,000
20-1450 Review and Enforcement	
of Ethical Standards	295,000
21-1400 Regulation of Alcoholic	
Beverages	1,843,000
22-1410 Regulation of Racing	
Activities	3,411,000

25-1470 New Jersey Commission to Deter Criminal Activity	75,000
26-1471 Commission on Missing Persons	148,000
27-1480 State Athletic Control	923,000
Total Appropriation, Special Law Enforcement Activities	<u>\$9,855,000</u>
Personal Services:	
Salaries and wages	(\$5,554,000)
Positions established from lump sum appropriation ...	(206,000)
Positions converted	(33,000)
New positions	(30,000)
Materials and Supplies	(221,000)
Services Other Than Personal .	(859,000)
Maintenance and Fixed Charges	(154,000)
Special Purpose:	
Per diem payment to members of the Election Law Enforcement Commission ..	(30,000)
Action grants—State match	(1,100,000)
Administration of SLEPA	(243,000)
Speedy Trial Program, backlog reduction	(750,000)
New Jersey Commission to Deter Criminal Activity— State match	(75,000)
Racing Commission on-line licensing system	(165,000)
Commission on Missing Persons	(148,000)
State Athletic Control Board	(207,000)
Compensation awards	(8,000)
Additions, Improvements and Equipment	(72,000)

The unexpended balance as of June 30, 1987 for Law Enforcement Planning, including the accounts of the several departments, is appropriated for the same purposes; and any remaining balance in the administration of SLEPA account shall be placed in re-

serve and only released to match additional federal funds which may become available, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L. 1983, c. 333 (C. 52:17B-151 et seq.), the unexpended balance as of June 30, 1987 in the New Jersey Commission to Deter Criminal Activity—State match account is appropriated without a matching fund requirement to defray expenses of the public education effort.

The unexpended balance as of June 30, 1987, in the Commission on Missing Persons account is appropriated for the same purpose.

19 Central Planning, Direction and Management

88-1000 Central Library	
Services	\$597,000
99-1000 Management and	
Administrative Services	<u>6,332,000</u>
Total Appropriation, Central	
Planning, Direction	
and Management	<u>\$6,929,000</u>
Personal Services:	
Salaries and wages	(\$5,172,000)
Positions established from	
lump sum appropriation ...	(52,000)
Materials and Supplies	(285,000)
Services Other Than Personal	(739,000)
Maintenance and Fixed Charges	(106,000)
Special Purpose:	
Development of office	
automation systems	(356,000)
Affirmative action and	
equal employment	
opportunity program	(110,000)
Additions, Improvements and	
Equipment	(109,000)

There are appropriated out of the Veterans' Guaranteed Loan Fund created under P.L. 1944, c. 126 (C. 38:23B-1 et seq.) such sums as may be necessary to pay for the administration thereof.

Notwithstanding the provisions of any other law, any funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law, judicial or adminis-

trative procedure or practice; and the proceeds of the sale of any such confiscated property or goods, are appropriated for law enforcement purposes designated by the Attorney General; provided, however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management and Control

74 General Government Services

12-1010 Legal Services		<u>\$18,806,000</u>
Total Appropriation, General		
Government Services		<u>\$18,806,000</u>
Personal Services:		
Salaries and wages	(\$8,291,000)	
Positions established from		
lump sum appropriation ...	(577,000)	
Positions established in		
lieu of appropriated		
revenue	(8,052,000)	
Materials and Supplies	(278,000)	
Services Other Than Personal .	(1,100,000)	
Maintenance and Fixed Charges	(278,000)	
Special Purpose:		
Compensation awards	(32,000)	
Additions, Improvements and		
Equipment	(198,000)	

In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any instrumentality or public authority for direct or indirect costs of legal services furnished thereto, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to such other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

*80 Special Government Services**82 Protection of Citizens' Rights*

14-1310 Consumer Affairs	\$3,418,000
15-1320 Board of Accountancy .	430,000
15-1321 Board of Architects and Certified Landscape Architects	211,000
15-1322 Board of Dentistry	321,000
15-1323 Board of Mortuary Science	129,000
15-1324 Board of Professional Engineers and Land Surveyors	285,000
15-1325 Board of Medical Examiners	1,611,000
15-1326 Board of Nursing	1,128,000
15-1327 Board of Optometrists	98,000
15-1328 Board of Pharmacy	538,000
15-1329 Board of Veterinary Medical Examiners	109,000
15-1330 Board of Shorthand Reporting	26,000
15-1331 Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	95,000
15-1332 Board of Cosmetology and Hairstyling	846,000
15-1333 Board of Professional Planners	96,000
15-1334 Board of Examiners of Electrical Contractors	220,000
15-1335 Board of Psychological Examiners	92,000
15-1336 Board of Examiners of Master Plumbers	114,000
15-1337 Board of Marriage Counselor Examiners	58,000
15-1339 Board of Public Movers and Warehousemen	171,000
15-1340 Board of Physical Therapy	114,000

15-1341 Audiology and Speech- Language Pathology Advisory Committee	46,000
16-1350 Protection of Civil Rights	3,704,000
19-1440 Violent Crimes Compensation	<u>4,271,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$18,131,000</u>
Personal Services:	
Salaries and wages	(\$9,404,000)
Positions established from lump sum appropriation ...	(20,000)
Materials and Supplies	(451,000)
Services Other Than Personal .	(4,387,000)
Maintenance and Fixed Charges	(705,000)
Special Purpose:	
Weights and measures complex opening	(54,000)
Central licensing- Consumer Affairs	(95,000)
Hearing aid dispensers examining committee	(2,000)
Excessive fee review committee	(2,000)
Acupuncture examining board	(2,000)
Landscape architect examination and evaluation	(2,000)
Athletic training advisory committee	(2,000)
Medical malpractice investigations	(239,000)
Case backlog reduction	(325,000)
Claims—victims of violent crimes	(2,000,000)
Compensation awards	(11,000)
Additions, Improvements and Equipment	(430,000)
Receipts derived from the assessment and recovery of costs, fines and penalties pursuant to the consumer fraud act, P.L. 1960, c. 39 (C. 56:8-1 et seq.), are appropriated for such purpose.	

The amount hereinabove for each of the several State professional boards, advisory boards, and committees shall be provided from receipts of those entities and any receipts in excess of the amounts specifically provided to each of the entities are appropriated.

The sum hereinabove for Claims—Victims of violent crimes is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from penalties under section 2 of P.L. 1979, c. 396 (C. 2C:43-3.1) in excess of the amount anticipated and the unexpended balance as of June 30, 1987 of such receipts are appropriated for payment of claims of victims of violent crimes pursuant to P.L. 1971, c. 317 (C. 52:4B-1 et seq.).

The unexpended balances as of June 30, 1987 in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to P.L. 1985, c. 407 are appropriated.

Funds received from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L. 1985, c. 405 (C. 49:3-66.1), are appropriated to administer the provisions of the Uniform Securities Law, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to defray production costs.

Receipts derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

The unexpended balance as of June 30, 1987 in the Securities Regulation Study Commission account is appropriated for the same purpose.

Total Appropriation, Department of Law and Public Safety	<u>\$310,957,000</u>

The unexpended balance as of June 30, 1987 for prosecuting criminal tax matters and assisting in civil tax enforcement and collection actions pursuant to P.L. 1987, c. 76 is appropriated for the same purpose.

18 DEPARTMENT OF PERSONNEL
 70 *Government Direction, Management and Control*
 74 *General Government Services*

01-2710 Personnel Policy		
Development and General		
Administration		\$7,178,000
02-2720 Recruitment and		
Selection		5,647,000
03-2730 State Service		
Classification and		
Compensation		2,366,000
04-2740 Employee Development		
and Personnel		
Services		849,000
05-2750 Equal Employment		
Opportunity and		
Affirmative Action		805,000
06-2760 Local Government		
Classification and		
Placement		<u>2,540,000</u>
Total Appropriation, General		
Government Services		<u>\$19,385,000</u>
Personal Services:		
Merit System Board	(\$58,000)	
Salaries and Wages	(12,992,000)	
Positions established from		
lump sum appropriation ...	(96,000)	
Materials and Supplies	(565,000)	
Services Other Than Personal .	(3,177,000)	
Maintenance and Fixed Charges	(242,000)	
Special Purpose:		
Affirmative action and		
equal employment		
opportunity program	(60,000)	
Civil Service reform		
implementation and		
maintenance	(1,400,000)	
Microfilm service charges	(27,000)	
Task Force on Equitable		
Compensation	(50,000)	
Pay equity specification		
study	(200,000)	

Compensation awards	(27,000)	
Information systems	(300,000)	
Additions, Improvements and		
Equipment	(191,000)	
Total Appropriation, Department		
of Personnel		<u>\$19,385,000</u>

Receipts derived from training services are appropriated.

The unexpended balances as of June 30, 1987 in the accounts herein-
above are appropriated.

70 DEPARTMENT OF THE PUBLIC ADVOCATE
70 *Government Direction, Management and Control*
76 *Management and Administration*

99-8480 Management and		
Administrative Services		<u>\$2,106,000</u>
Total Appropriation,		
Management and		
Administration		<u>\$2,106,000</u>
Personal Services:		
Salaries and wages	(\$1,663,000)	
Materials and Supplies	(78,000)	
Services Other Than Personal .	(122,000)	
Maintenance and Fixed Charges	(37,000)	
Special Purpose:		
Affirmative action and		
equal employment		
opportunity program	(52,000)	
Microfilming services	(54,000)	
Federal Energy Regulatory		
Commission hearings	(100,000)	

80 *Special Government Services*
82 *Protection of Citizens' Rights*

01-8310 Mental Health		
Advocacy		\$1,797,000
02-8320 Public Interest		
Advocacy		825,000
03-8330 Citizens' Complaints and		
Dispute Settlement		888,000

04-8410 Trial Services to Indigents and Special Programs	26,904,000
05-8420 Appellate Services to Indigents	4,284,000
06-8430 Public Defender Administration	910,000
07-8340 Rate Counsel	4,000,000
08-8350 Advocacy for the Developmentally Disabled	606,000
Total Appropriation, Protection of Citizens' Rights	<u>\$40,214,000</u>
Personal Services:	
Salaries and wages	(\$26,498,000)
Positions established from lump sum appropriation ...	(681,000)
Materials and Supplies	(438,000)
Services Other Than Personal .	(7,441,000)
Maintenance and Fixed Charges	(153,000)
Special Purpose:	
Worker Resource Center, Inc.	(98,000)
Public Dispute Resolution Center	(50,000)
Rate Counsel operations	(4,000,000)
Speedy trial program	(750,000)
Compensation awards	(72,000)
Additions, Improvements and Equipment	(33,000)
The amount hereinabove for Rate Counsel operations shall be pay- able from receipts from Rate Counsel services.	
The unexpended balance as of June 30, 1987 in the Rate Counsel program classification together with any receipts in excess of the amount anticipated is appropriated.	
Receipts from clients and the unexpended balance as of June 30, 1987 of such receipts are appropriated.	
The sum provided for legal and investigative services shall be avail- able for payment of obligations applicable to prior fiscal years.	
Total Appropriation, Department of the Public Advocate	<u>\$42,320,000</u>

The Department of the Public Advocate shall cooperate in all respects with the Department of the Treasury regarding the implementation of P.L. 1981, c. 239 (C. 54A:9-8.1 et seq.) in an effort to maximize the collection of amounts due and owing the Department of the Public Advocate for representation services.

74 DEPARTMENT OF STATE

30 *Educational, Cultural and Intellectual Development*37 *Cultural and Intellectual Development Services*

05-2530 Support of the		
Arts		\$19,801,000*
06-2535 Museum Services		2,806,000
07-2540 Development of Historical		
Resources		<u>854,000</u>
Total Appropriation, Cultural		
and Intellectual		
Development Services		<u>\$23,461,000*</u>
Personal Services:		
Salaries and wages	(\$2,096,000)	
Positions converted	(364,000)	
Materials and Supplies	(160,000)	
Services Other Than Personal .	(203,000)	
Maintenance and Fixed Charges	(63,000)	
Special Purpose:		
Local theater restoration	(2,000,000)	
Cultural projects	(12,060,000)	
Cultural projects—excellence		
initiative	(4,000,000)	
Ethnic Heritage Museum	(125,000)	
Special Audiences	(64,000)	
Council member expenses	(2,000)	
Newark Community School		
of the Arts	(100,000)	
Clinton Historical Museum ..	(150,000)	
Jersey City Museum	(50,000)	
Hunterdon Arts Center	(100,000)	
John Harms Regional Performing		
Arts Center	(120,000)	
Holly Bush Arts Festival	(100,000)	
Acquisition of art and		
historical objects	(700,000)	

Minority arts initiative	(100,000)
Morven Museum	(263,000)
Trenton Visual Arts Center	(60,000)*
Oral history program	(27,000)
Arts Foundation of New Jersey	(75,000)*
William Livingston Papers	(58,000)
Folk life and ethnic history programs	(22,000)
New Jersey Youth Symphony	(50,000)
Grants in New Jersey history	(250,000)
Afro-American history program	(75,000)
Additions, Improvements and Equipment	(24,000)

The State Council on the Arts may require of recipient groups, and in the case of those receiving over \$100,000 shall require, that said groups must demonstrate a Statewide benefit as a result of the grants.

Funds derived from the sale of collections and museum materials, which have been approved by the Secretary of State, are appropriated to and shall be used for the benefit of the State Museum.

Of the amount hereinabove for Cultural projects, an amount not to exceed \$75,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1987 in the Constitutional Bicentennial Commission account is appropriated for the same purpose.

The unexpended balance as of June 30, 1987 in the Afro-American curriculum program account is appropriated for the same purpose.

The unexpended balance as of June 30, 1987 in the Flag restoration account is appropriated for the same purpose.

The amount hereinabove appropriated for local theater restoration shall be distributed by the New Jersey State Council on the Arts according to rules and regulations promulgated by the Arts Council and matched by funds generated by the recipient agencies.

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Administration	\$1,803,000
08-2545 Records Management ..	1,238,000
09-2506 Commercial Recording	2,156,000
Total Appropriation, Office of the Secretary of State	<u>\$5,197,000</u>
Personal Services:	
Salaries and wages	(\$3,347,000)
Materials and Supplies	(223,000)
Services Other Than Personal .	(846,000)
Maintenance and Fixed Charges	(69,000)
Special Purpose:	
Voter registration	(275,000)
Voter declaration	(4,000)
Affirmative action and equal employment opportunity program	(32,000)
Office of Ethnic Affairs	(127,000)
Microfilm service charges	(140,000)
Compensation awards	(10,000)
Additions, Improvements and Equipment	(124,000)

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1987 of those receipts are appropriated for the costs of making such examinations.

Receipts from the over-the-counter service surcharge and the unexpended balance of such charge as of June 30, 1987 are appropriated for the costs of over-the-counter corporate service.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Microfilm Section any appropriation

made to any department for microfilming costs which had been appropriated or allocated to such department for its share of the costs of the Microfilm Section.

The unexpended balance as of June 30, 1987 in the New Sweden Commemorative Commission is appropriated for the same purpose.

2515 Adjudication of Administrative Appeals

03-2515 Adjudication of Administrative Appeals		<u>\$7,786,000</u>
Total Appropriation, Adjudication of Administrative Appeals		<u>\$7,786,000</u>
Personal Services:		
Salaries and wages	(\$5,739,000)	
Materials and Supplies	(345,000)	
Services Other Than Personal .	(1,324,000)	
Maintenance and Fixed Charges	(98,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(7,000)	
Compensation awards	(10,000)	
Additions, Improvements and Equipment	(263,000)	
Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Commissioner of Personnel in the State Compensation Plan.		
Receipts derived from the sale of publications by the Office of Admin- istrative Law and the unexpended balance as of June 30, 1987 of those receipts are appropriated for the preparation, printing and distribution of such publications.		
The Director of the Division of Budget and Accounting is empowered to transfer or credit as anticipated revenue to the General Fund any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for their share of such costs.		
Total Appropriation, Department of State		<u>\$36,444,000*</u>

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*61 *State Highway Facilities*

06-6100 Roadway and Bridge	
Maintenance	\$53,550,000
07-6110 Electrical Operations ..	15,609,000
08-6120 Physical Plant	7,105,000
09-6130 Equipment Maintenance and Operations	18,351,000
71-6200 Transportation	
Construction Engineering	27,998,000*
Total Appropriation, State Highway Facilities	<u>\$122,613,000*</u>
Personal Services:	
Salaries and wages	(\$79,261,000)
New positions	(458,000)
Materials and Supplies	(12,702,000)
Services Other Than Personal .	(5,786,000)
Maintenance and Fixed Charges	(20,200,000)
Additions, Improvements and Equipment	(4,206,000)

The unexpended balances as of June 30, 1987 in the accounts herein-
above are appropriated.

The department shall be permitted to transfer, in an amount as
approved by the Director of the Division of Budget and Account-
ing, funds previously appropriated for State highway projects,
from the Transportation Rehabilitation and Improvement Fund,
P.L. 1979, c. 165, for planning, engineering, design, right-of-way
acquisition, or other costs related to the construction of projects
financed from the fund.

62 *Public Transportation*

04-6050 New Jersey Transit Corporation	
Bus Operations	\$272,000,000
Rail Operations	226,000,000
Corporate Operations	32,100,000
Purchased Transportation .	18,300,000
Total All Operations	<u>\$548,400,000</u>

<i>Less:</i>		
<i>Federal Grants</i>	(\$44,300,000)	
<i>Farebox Revenue</i>	(298,800,000)	
<i>Other Resources</i>	<u>(30,300,000)</u>	
<i>Total Income Deductions</i>		<u>(\$373,400,000)</u>
Total Appropriation, Public Transportation		<u>\$175,000,000</u>
Personal Services:		
Salaries and wages	(\$323,100,000)	
Materials and Supplies	(111,000,000)	
Services Other Than Personal .	(42,300,000)	
Special Purpose:		
Purchased transportation	(18,300,000)	
Leases and rentals	(15,900,000)	
Insurance and claims	(21,800,000)	
Tolls, taxes and operating expenses	(5,200,000)	
Student Fare Assistance Program	(1,000,000)	
Senior Citizen Fare Assistance Program	(9,800,000)	
<i>Less:</i>		
<i>Federal Grants</i>	(44,300,000)	
<i>Farebox Revenue</i>	(298,800,000)	
<i>Other Resources</i>	<u>(30,300,000)</u>	

64 Planning and General Management Support

02-6030 Planning	\$1,937,000
03-6040 Research and Demonstration	721,000*
05-6070 Modal Services	2,077,000
97-6020 Financial Management	6,807,000
98-6010 Employee and Support Services	6,265,000
99-6000 Management and Regulatory Services	<u>5,459,000</u>
Total Appropriation, Planning and General Management Support	<u>\$23,266,000*</u>
Personal Services:	
Salaries and wages	(\$15,313,000)
Positions converted	(62,000)

New positions	(86,000)
Materials and Supplies	(308,000)
Services Other Than Personal .	(4,073,000)
Maintenance and Fixed Charges	(186,000)
Special Purpose:	
Airport Safety Fund	(1,000,000)
Comprehensive highway	
transportation planning	
studies	(20,000)
Public transportation and	
aviation planning	(150,000)
Metropolitan planning	
studies	(101,000)
Microfilm service	
charges	(76,000)
Affirmative action and	
equal employment	
opportunity program	(560,000)
Compensation awards	(1,089,000)
Additions, Improvements and	
Equipment	(242,000)

Sums allocated by the Commissioner of Transportation for planning and research in the annual construction program are transferred or allocated to this account for expenditure.

The unexpended balance as of June 30, 1987 in the Airport Safety Fund together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Airport Safety Fund is payable out of the fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1987 in the Planning and in the Research and Demonstration program classifications are appropriated.

The unexpended balance as of June 30, 1987, 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 appropriated.

Total Appropriation, Department of Transportation	<u><u>\$320,879,000*</u></u>

82 DEPARTMENT OF THE TREASURY
 70 *Government Direction, Management and Control*
 72 *Governmental Review and Oversight*

02-2010 Office of State Planning	\$1,407,000
03-2015 Employee Relations and Collective Negotiations	607,000
05-2030 Budgeting, Planning and Control	6,433,000
07-2040 Accounting and Financial Reporting	10,508,000
08-2045 Management of Technology	<u>2,317,000</u>
Total Appropriation, Governmental Review and Oversight	<u>\$21,272,000</u>
Personal Services:	
Salaries and wages	(\$11,088,000)
Positions established from lump sum appropriation ...	(1,040,000)
Positions converted	(79,000)
Materials and Supplies	(456,000)
Services Other Than Personal .	(7,309,000)
Maintenance and Fixed Charges	(146,000)
Additions, Improvements and Equipment	(1,154,000)

Such sums as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

73 Financial Administration

13-2070 Special Procedures and Investigations	\$8,909,000
14-2075 Tax Audit Services	18,033,000
15-2080 Processing and Administration	16,589,000
16-2090 State Lottery Administration	22,679,000
18-2125 Financial Management	2,209,000
19-2120 Management of State Investments	<u>2,668,000</u>
Total Appropriation, Financial Administration	<u>\$71,087,000</u>

Personal Services:

Salaries and wages	(\$38,352,000)
Positions established from lump sum appropriation ...	(95,000)
Positions converted	(54,000)
New positions	(74,000)
Materials and Supplies	(2,446,000)
Services Other Than Personal .	(21,929,000)
Maintenance and Fixed Charges	(1,920,000)
Special Purpose:	
Clean Communities Act	(650,000)
Compensation awards	(109,000)
Other special purpose	(3,000,000)
Additions, Improvements and Equipment	(2,458,000)

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the "Cigarette Tax Act," P.L. 1948, c. 65 (C. 54:40A-1 et seq.), as may be necessary for confiscation, storage, disposal and other related expenses thereof, are appropriated.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

Notwithstanding the provisions of P.L. 1985, c. 533, the amount hereinabove for the Clean Communities Act shall be charged to the Clean Communities account for the purpose of collecting the tax on litter generating products.

The amount hereinabove for State Lottery Administration is payable out of the State Lottery Fund.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

There are appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under section 1 of P.L. 1956, c. 174 (C. 52:18-16.1).

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

There are appropriated from the investment earnings of general obligation bond proceeds such sums as may be necessary for the payment of debt service administrative costs.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

The unexpended balance as of June 30, 1987 in the Processing and administration, tax amnesty account, not to exceed \$4,000,000 is appropriated for administrative expenses incurred in carrying out the provisions of P.L. 1987, c. 76 (C. 54:48-2 et al.).

74 General Government Services

09-2050 Purchasing and Inventory Management	\$5,779,000
10-2055 Physical Plant Operation and Maintenance	27,319,000
11-2060 Other Property Management Services	1,180,000
12-2065 Construction Management Services	7,616,000
21-2140 Management of Employee Benefits Programs	19,156,000
24-2061 Real Property Management	382,000
37-2051 Risk Management	2,403,000
40-2034 Office of Telecommunications and Information Systems	<u>3,000,000</u>
Total Appropriation, General Government Services	<u>\$66,835,000</u>
Personal Services:	
Salaries and wages	(\$26,441,000)
Positions converted	(3,634,000)
New positions	(345,000)
Materials and Supplies	(6,814,000)
Services Other Than Personal .	(11,780,000)
Maintenance and Fixed Charges	(1,163,000)

Special Purpose:

Justice Complex—services	(4,379,000)
Other capitol buildings— services	(6,737,000)
Networking of data centers	(3,000,000)
Compensation awards	(77,000)
Additions, Improvements and Equipment	(2,465,000)

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Construction Management Services program classification, from appropriations for construction and improvements, a sufficient sum to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for independent audits of the State's pension systems, provided that such appropriations shall be reimbursed to the General Fund from the resources available to the various pension funds.

Receipts from employee maintenance charges in excess of \$1,300,000 are appropriated for maintenance of employee housing; provided, however, that a sum not to exceed \$145,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center any appropriation made to any department for data processing costs which had been appropriated or allocated to such department for its share of costs of such data processing center including the replacement of data processing equipment and the purchase of additional data processing equipment.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary to administer the above insurance and risk management activities.

A sum not to exceed \$134,000 from proceeds derived from commissions paid to the Travel Services Section is appropriated for administrative expenses of the program.

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the above purchasing activity.

The unexpended balances in the Networking of data centers account as of June 30, 1987 are appropriated for the same purpose.

2050-321-09 State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1987, and the reimbursements thereto, are appropriated for the purpose of making payments for purchases under R.S. 52:25-1 et seq., and for the expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

2000-301-43 Print Shop

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop.

2064-443-62, 444-66 State Cafeterias

The unexpended balances in the State cafeteria accounts as of June 30, 1987 and receipts obtained from cafeteria operations are appropriated for the improvement and extension of cafeteria services and facilities pursuant to section 2 of P.L. 1951, c. 312 (C. 52:18A-19.6).

76 Management and Administration

01-2005 Federal Liaison	
Activities	\$150,000
98-2006 Public Contracts Affirmative	
Action Office	637,000
99-2000 Management and	
Administrative Services	<u>5,108,000</u>

Total Appropriation, Management and Administration		<u>\$5,895,000</u>
Personal Services:		
Salaries and wages	(\$3,438,000)	
Materials and Supplies	(121,000)	
Services Other Than Personal .	(282,000)	
Maintenance and Fixed Charges	(72,000)	
Special Purpose:		
Federal Liaison Office—		
Washington, D.C.	(150,000)	
New Jersey Fisheries Development		
Commission	(100,000)	
Minority opportunity		
enhancement fund	(1,690,000)	
Compensation awards	(2,000)	
Additions, Improvements and		
Equipment	(40,000)	
Fees collected on behalf of the public contracts affirmative action program and the unexpended balance as of June 30, 1987 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.		
There are appropriated out of the Worker and Community Right to Know Fund such sums as may be necessary to carry out the provisions of P.L. 1983, c. 315 (C. 34:5A-1 et seq.).		
There are appropriated sufficient sums, not to exceed \$13,000,000, to permit the State Treasurer to advance funds for the purpose of paying development costs for the planning and design of an aquarium in the city of Camden and to the New Jersey Sports and Exposition Authority for certain capital construction proj- ects, both subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Com- mittee.		
Total Appropriation, Department of the Treasury		<u>\$165,089,000</u>

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 *Community Development and Environmental Management*43 *Environmental Quality*9130 *Interstate Sanitation Commission*

03-9130 Interstate Sanitation	
Commission	<u>\$423,000</u>
Total Appropriation,	
Interstate Sanitation	
Commission	<u>\$423,000</u>
Special Purpose:	
Expenses of Commission	(\$423,000)

The amounts available to the Interstate Sanitation Commission shall not exceed 45% of total Commission expenditures.

9140 *Delaware River Basin Commission*

02-9140 Delaware River Basin	
Commission	<u>\$552,000</u>
Total Appropriation, Delaware	
River Basin	
Commission	<u>\$552,000</u>
Special Purpose:	
Expenses of Commission	(\$552,000)

44 *Hazardous and Toxic Pollution Control*9160 *Northeast Interstate Low-Level Radioactive Waste Commission*

10-9160 Northeast Interstate	
Low-Level Radioactive	
Waste Commission	<u>\$100,000</u>
Total Appropriation, Northeast	
Interstate Low-Level	
Radioactive Waste	
Commission	<u>\$100,000</u>
Special Purpose:	
Expenses of Commission	(\$100,000)

*60 Transportation Programs**61 State Highway Facilities**9120 Delaware River Joint Toll Bridge Commission*

07-9120 Delaware River Joint

Toll Bridge Commission	<u>\$2,202,000</u>

Total Appropriation, Delaware	

River Joint Toll	

Bridge Commission	<u>\$2,202,000</u>

Personal Services:

Salaries and wages	(\$1,347,000)

Materials and Supplies	(91,000)

Services Other Than Personal .	(229,000)

Maintenance and Fixed Charges	(48,000)

Special Purpose:

Other special purpose	(30,000)

Additions, Improvements and

Equipment	(457,000)

The unexpended balances as of June 30, 1987 in the amount of \$400,000 in the Additions, Improvements and Equipment account shall lapse to the General Fund.

*70 Government Direction, Management and Control**72 Governmental Review and Oversight**9150 New Jersey Commission on Capital Budgeting and Planning*

08-9150 New Jersey Commission

on Capital Budgeting	

and Planning	<u>\$248,000</u>

Total Appropriation, New	

Jersey Commission on	

Capital Budgeting and	

Planning	<u>\$248,000</u>

Special Purpose:

Expenses of Commission	(\$248,000)

9180 State and Local Expenditure and Revenue Policy Commission

The unexpended balance as of June 30, 1987 in this account is appropriated.

9190 Governor's Advisory Commission on Gambling

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation,	
Miscellaneous Executive	
Commissions	<u>\$3,525,000</u>

94 INTER-DEPARTMENTAL ACCOUNTS

*70 Government Direction, Management and Control**74 General Government Services**9400 Property Rentals, Insurance and Other Services*

01-9400 Property Rentals	\$104,800,000
02-9400 Insurance and	
Other Services	<u>4,550,000</u>
Total Appropriation, Property	
Rentals, Insurance and	
Other Services	<u>\$109,350,000</u>

Services Other Than Personal

Rent:

Buildings and grounds	(\$107,824,000)
Richard J. Hughes Justice	
Complex	(10,900,000)
New Jersey Building	
Authority	(13,576,000)

Less:

<i>Direct charges and</i>	
<i>charges to non-State</i>	
<i>fund sources</i>	<i>(\$27,500,000)</i>

Special Purpose:

Excess liability insurance	
master policy	(500,000)
Tort Claims Liability	
Fund (N.J.S. 59:12-1)	(4,000,000)
Self-insurance fund	(50,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space, to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and to the extent that such charges exceed the amounts appropriated for such purposes to any agen-

cy financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except as hereinafter provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

To the extent that sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1987 in the Excess liability insurance master policy account is appropriated for the same purpose.

The unexpended balance as of June 30, 1987 in the Tort Claims Liability Fund account created by N.J.S. 59:12-1 is appropriated for the same purpose.

The unexpended balance as of June 30, 1987 in the Master Lease Program Fund is appropriated for the same purpose.

There are appropriated such additional sums as may be required to pay tort claims under N.J.S. 59:12-1, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Tort Claims Liability Fund under N.J.S. 59:12-1 shall be available for the payment of direct costs of outside legal and investigative services related to the investigation and litigation of claims against the fund.

The unexpended balances as of June 30, 1987 in the Inter-Departmental Accounts for automobile insurance are appropriated as a reserve for payment of retroactive premiums, payment of vehicular liability claims settlements and judgments or for re-allocation to departments based on loss experience.

The unexpended balance as of June 30, 1987 in the Self-Insurance Deductible Fund is appropriated for the same purpose.

The unexpended balance as of June 30, 1987 in the Self-Insurance Fund is appropriated for the same purpose.

The unexpended balance as of June 30, 1987 in the Rent: Buildings and grounds account, not to exceed \$4,000,000, is appropriated for the same purpose.

In the event that the Jersey City Armory is not sold, the Director of the Division of Budget and Accounting may transfer sufficient sums, appropriated hereinabove in the Rent: Buildings and grounds account, not to exceed \$1,000,000, to the Capital Construction, Department of Defense, Renovations and improvements account, Jersey City Armory, for the purpose of repairing and renovating the Armory.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

9410 Employee Benefits

03-9410 Employee Benefits		<u>\$655,070,000</u>
Total, Employee Benefits		<u>\$655,070,000</u>
Less:		
Adjustments for prior		
year balances	(\$26,858,000)	
Total Appropriation, Employee		
Benefits		<u>\$628,212,000</u>
Special Purpose:		
Heath Act	(\$35,000)	
Veterans' Act	(70,000)	
Miscellaneous special		
acts	(9,000)	
Judicial Retirement		
System	(9,988,000)	
Prison Officers' Pension		
Fund	(2,166,000)	
Public Employees' Retirement		
System	(136,419,000)	
Social Security tax	(196,700,000)	
Less: Adjustments for		
prior year balances	(26,858,000)	

State Police Retirement System	(23,400,000)
Dental care program, shared cost	(9,200,000)
State employees' health benefits	(160,000,000)
Prescription drug program	(18,600,000)
Pension Adjustment Act	(32,769,000)
Minimum Pension Benefit Act	(200,000)
Employer contributions, alternate benefit program	(26,654,000)
Pension and noncontributory group life insurance benefit payments to Teachers' Pension and Annuity Fund for higher education and State employee members	(5,784,000)
Temporary disability insurance	(2,298,000)
Police and Firemen's Retirement System (P.L. 1979, c. 109)	(16,041,000)
Police and Firemen's Retirement System, P.L. 1944, c. 255 (C. 43:16A-1 et seq.)	(13,337,000)
Vision care	(1,400,000)

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow of any person, now deceased, who was elected and served as Governor of the State; provided such widow was the wife of such person for all or part of the period during which he served as Governor; and provided further that this shall not apply to any widow receiving a pension granted under R.S. 43:8-2, and continued by R.S. 43:7-1 et seq., R.S. 43:8-1 et seq., and R.S. 43:8-8 et seq.

Notwithstanding the provisions of any other law, the sum hereinabove for the Public Employees' Retirement System shall be paid to the system not later than June 30, 1988 in amounts and

at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments computed from the period beginning July 1, 1987 through the date of such payment.

Any such interest as may be required to be paid on account of delayed payments to the various retirement systems is appropriated from investment earnings.

In addition to the amounts appropriated above for Social Security tax, there is appropriated an amount not to exceed \$26,858,000. This amount shall be charged to that portion of the undesignated fund balance of the General Fund attributable to lapsed appropriation balances, as the Director of the Division of Budget and Accounting shall determine.

Such additional sums as may be required for Social Security tax, Unemployment compensation liability and/or State employees' health benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

The amount hereinabove for the Prescription drug program is based upon a copayment of \$3.50 for each eligible nongeneric prescription/refill and a copayment of \$1.00 for each eligible generic prescription/refill.

Of the amount hereinabove for the Pension Adjustment Act, such sums as are appropriated in advance for increased retirement benefits for local employee members of State-administered retirement systems shall be repaid to the General Treasury upon reimbursement from local public employers.

9420 State Contingency Fund

04-9420 State Contingency	
Fund	<u>\$5,475,000</u>
Total Appropriation, State	
Contingency Fund	<u>\$5,475,000</u>
Special Purpose:	
To the Governor, for allotment	
to the various departments	
or agencies, to meet any	
condition of emergency or	
necessity; provided, however,	

that a sum not in excess of \$5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the	
State	(\$2,000,000)
Three Mile Island—New Jersey contribution	(1,875,000)
Contingencies, including fuel, food and services	(1,500,000)
Compensation awards	(100,000)

The unexpended balance as of June 30, 1987 in the Productivity improvements account is appropriated for the same purpose.

Balances resulting from the implementation of cost-saving processes or other productivity improvements shall be transferred to the Productivity improvements account as the Director of the Division of Budget and Accounting shall determine.

Revenue in excess of that anticipated resulting from the implementation of a revenue-producing improvement is appropriated as determined by the Director of the Division of Budget and Accounting for other productivity improvements.

The unexpended balance as of June 30, 1987 in the Continuation and expansion of data processing systems account is appropriated for the same purpose.

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

The unexpended balance as of June 30, 1987 in the Telephone buy-out account is appropriated for the same purpose.

9430 Salary and Other Benefits

05-9430 Salary and Other	
Benefits	<u>\$133,500,000</u>
Total, Salary and Other	
Benefits	<u>\$133,500,000</u>
Less:	
Adjustments for prior	
year balances	(\$26,858,000)
Total Appropriation, Salary	
and Other Benefits	<u>\$106,642,000</u>
Special Purpose:	
Salary and benefits	
increases	(\$133,000,000)
Less: Adjustments for	
prior year balances	(26,858,000)
Unused accumulated sick	
leave payments	(500,000)

The sums hereinabove appropriated to the various departments, agencies, commissions, or institutions of higher education for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

In addition to the amounts appropriated above for Salary and benefits increases, there is appropriated an amount not to exceed \$26,858,000. This amount shall be charged to that portion of the undesignated fund balance of the General Fund attributable to lapsed appropriation balances, as the Director of the Division of Budget and Accounting shall determine.

The State Treasurer, the Commissioner of Personnel, and the Director of the Division of Budget and Accounting shall establish rules and regulations governing salary ranges and rates of pay. The implementation of such rules and regulations shall be made effective at the beginning of the bi-weekly pay period nearest July 1, 1987 or thereafter as determined by such rules and regulations, with timely notification of such rules and regulations to the Joint Budget Oversight Committee or its successor.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or

employment in any educational institution for which appropriations are made to Rutgers, The State University; the University of Medicine and Dentistry of New Jersey or to the State Board of Higher Education for the New Jersey Institute of Technology; or holding office, position or employment under the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission and the Interstate Sanitation Commission.

In addition to the amount hereinabove for Unused accumulated sick leave payments, there are appropriated such additional sums as may be necessary for payments of unused accumulated sick leave.

Notwithstanding the provisions of section 1 of P.L. 1974, c. 55 (C. 52:14-15.107), as amended, the amounts appropriated to the various departments for salaries shall be available to provide for payment of such salaries to the heads of the principal Executive departments and the members of the Board of Public Utilities as the Governor shall fix and establish, but not to exceed \$95,000 for any individual.

In addition to the amounts hereinabove appropriated for Unused accumulated sick leave payments, there is appropriated from surpluses in the Central Motor Pool accounts, the sum of \$1,500,000 and from surpluses in the State Purchase Fund, the sum of \$2,500,000.

Total Appropriation,	
Inter-Departmental	
Accounts	<u>\$849,679,000</u>

JUDICIAL BRANCH

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

01-9710 Supreme Court	\$2,628,000
02-9715 Superior Court—	
Appellate Division	9,010,000
03-9720 Civil Courts	22,115,000
04-9725 Criminal Courts	10,727,000
05-9730 Family Courts	8,096,000
06-9735 Municipal Courts	1,397,000
07-9740 Probation Services	4,099,000
08-9745 Court Reporting	8,791,000

09-9750 Legal and Professional Services	616,000
10-9755 Information Services ...	8,653,000
11-9760 Field Operations	1,639,000
12-9765 Management and Administration	<u>4,294,000</u>
Total Appropriation, Judicial Services	<u>\$82,065,000</u>
Personal Services:	
Chief Justice	(\$95,000)
Associate Justices	(558,000)
Judicial positions converted ..	(935,000)
Judges	(29,546,000)
Salaries and wages	(29,793,000)
New positions	(993,000)
Materials and Supplies	(2,207,000)
Services Other Than Personal .	(7,740,000)
Maintenance and Fixed Charges	(356,000)
Special Purpose:	
Child Placement Advisory Council	(75,000)
Juvenile Delinquency Disposition Commission	(375,000)
Rules development	(150,000)
Criminal Disposition Commission	(190,000)
Family crisis intervention	(225,000)
Affirmative action and equal employment opportunity program	(80,000)
Compensation awards	(65,000)
Child support and paternity program (State share)	(277,000)
Alternative dispute resolution	(800,000)
Intensive supervision program	(2,400,000)
Community Services Program	(650,000)
Computerized County Jail Information System	(101,000)
Municipal court assistance	(878,000)

Speedy Trial Program, case processing improvement	(500,000)
Automobile arbitration	(1,100,000)
Additions, Improvements and Equipment	(1,976,000)
Total Appropriation, Judiciary	<u>\$82,065,000</u>

The unexpended balances as of June 30, 1987 in the accounts herein-
above are appropriated.

Receipts from charges to the Superior Court Trust Fund, Clients'
Security Fund, Ethics Financial Committee and the Board of
Trial Attorney Certification are appropriated for services
provided to those funds.

Notwithstanding the provisions of section 1 of P.L. 1974, c. 57 (C.
2A:1A-6), the salaries of the following justices and judges are
fixed and established as follows:

<i>Title</i>	<i>Salary</i>
Chief Justice of the Supreme Court	\$95,000
Associate Justice of the Supreme Court	93,000
Judge of the Superior Court, Appellate Division	90,000
Judge of the Superior Court, Assignment Judge	88,000
Judge of the Superior Court	85,000
Total Appropriation, Direct State Services	<u>\$4,181,116,000*</u>

STATE AID

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT	
50 <i>Economic Planning, Development and Security</i>	
51 <i>Economic Planning and Development—State Aid</i>	
20-2800 Economic Development	<u>\$1,647,000</u>
Total Appropriation, Department of Commerce and Economic Development	<u>\$1,647,000</u>

State Aid:

Property Tax Reserve Fund

requirements, section 20

of P.L. 1968, c. 60

(C. 12:11A-20) (\$1,647,000)

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the "South Jersey Port Corporation Reserve Fund" under section 14 of P.L. 1968, c. 60 (C. 12:11A-14) and the "South Jersey Port Corporation Tax Reserve Fund" under section 20 of P.L. 1968, c. 60 (C. 12:11A-20), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*41 *Community Development Management—State Aid*

02-8020 Housing Services	\$25,475,000*
04-8030 Local Government Services	186,289,000*
06-8015 Uniform Construction Code	46,000
Total Appropriation, Community Development Management	<u>\$211,810,000*</u>

State Aid:

Prevention of

homelessness (\$2,800,000)

Shelter assistance (1,000,000)

Revolving Housing

Development and

Demonstration Grant

Fund (500,000)

Relocation assistance for

fire victims (600,000)*

Neighborhood preservation ... (3,000,000)

Neighborhood preservation—

fair housing (17,575,000)

Municipal aid pursuant to

P.L. 1978, c. 14

(C. 52:27D-178 et seq.) (40,301,000)

Safe and Clean Programs	
Neighborhoods Program	(25,725,000)
Expanded police services	(25,000,000)
Supplementary aid for fire services	(8,000,000)
Aid to distressed municipalities (P.L. 1987, c. 75)	(70,000,000)
Grant to Middlesex county for John E. Toolan Kiddie Keep Well Camp	(150,000)
Grant to Perth Amboy—city hall maintenance	(150,000)
Payments to urban centers—Raze vacant buildings	(500,000)
Raze vacant buildings, Camden	(200,000)
Raze vacant buildings, Trenton	(150,000)
Raze vacant buildings, Newark	(250,000)
Grant to North Bergen	(125,000)
Grant to Long Branch—recreational improvements	(10,000)
Grant to Neptune township—recreational programs	(10,000)
Grant to Wall township—athletic field	(50,000)
Aid to depressed rural centers	(518,000)
County welfare equalization	(15,000,000)
Tax collectors' training	(75,000)
Municipal finance officers' training	(75,000)
Municipal memberships in Building Codes Association	(46,000)

Of the sum hereinabove for Neighborhood preservation, a sum not to exceed \$500,000 may be used for administration and technical assistance of the program, and up to \$300,000 for matching on

a 50/50 basis for the administrative costs of the Federal Small Cities block grant.

The amount hereinabove for Relocation assistance shall be available to municipalities qualifying for assistance; provided, however, that each recipient municipality match its grant with an equal amount, except for those municipalities exempted by rules and regulations promulgated by the department.

Of the sum available in the Revolving Housing Development and Demonstration Grant Fund, a sum not to exceed \$125,000 may be used for administration and technical assistance.

The unexpended balance as of June 30, 1987 in the Neighborhood preservation—fair housing account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for Neighborhood preservation—fair housing is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L. 1968, c. 49 (C. 46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L. 1975, c. 176 (C. 46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 4 of P.L. 1977, c. 260 (C. 52:27D-165), the amount hereinabove for Aid to depressed rural centers shall be distributed to each municipality which received such aid in any calendar year from 1980 to 1986 inclusive, and the amounts distributed to each municipality shall be equal to the greatest amount of aid received by it in any calendar year from 1980 to 1986 inclusive.

Notwithstanding the provisions of P.L. 1977, c. 260 (C. 52:27D-162 et seq.), the amount hereinabove for Aid to depressed rural centers shall be used to provide State aid under the Depressed Rural Centers Aid Act.

Notwithstanding the provisions of P.L. 1981, c. 60 (C. 44:14-1 et seq.), funds distributed pursuant to the County Welfare Per Capita Cost Limitation Act of 1981 shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

Notwithstanding the provisions of P.L. 1979, c. 118 (C. 52:27D-118.1 et seq.), \$4,500,000 of the amount hereinabove for safe and clean neighborhoods shall be allocated equally to each municipality whose population is in excess of 75,000 which received such aid in calendar 1985; provided further, however, that each recipient municipality match its allocation with an equal amount; provided further, however, that any increase in assistance to any municipality be used for law enforcement.

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions Article 4 of the Local Government Supervision Act, P.L. 1947, c. 151 (C. 52:27BB-54 et seq.) are in effect, may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to N.J.S. 40A:2-8 and any tax anticipation notes issued pursuant to N.J.S. 40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Of the amount appropriated for Aid to distressed municipalities pursuant to P.L. 1987, c. 75 (C. 52:27D-118.24 et seq.), not more than \$1,500,000 may be used for administration of the program.

50 Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050 Community Resources .	\$7,134,000*
08-8060 Programs for the	
Aging	<u>2,223,000</u>
Total Appropriation, Related	
Social Services Programs ..	<u>\$9,357,000*</u>
State Aid:	
State Legal Services	(1,175,000)*
Recreation for the	
handicapped	(300,000)

New Jersey Volunteer	
Youth Corps	(1,500,000)
Office of Hispanic	
Affairs	(1,025,000)
Special Olympics	(325,000)
County offices on aging	(840,000)
Older Americans Act	
(State share)	(1,258,000)
Grant to Boys and Girls	
Club of Newark	(400,000)
Grant to Puerto Rican	
Action League	(125,000)
Grant to Pennsville	
Little League	(10,000)
Grant to Sherman Community	
Center, Newark	(20,000)
Grant to Grant Avenue	
Community Center	(50,000)
Grant to Lawnside for senior	
citizens' facility	(100,000)
Grant to Monmouth Beach for	
recreational facility	(25,000)
Grant to Puerto Rican	
Association for Human	
Development	(101,000)
Grant to Ozanam	
Shelter	(75,000)
Grant to West Side Community	
Center—Asbury Park	(50,000)
Grant to Ironbound Educational	
and Cultural Center	(90,000)
Grant—Leaguers	(90,000)
Grant to La Casa de	
Don Pedro	(60,000)*
Grant to Newark	
YM/YWCA	(50,000)*
Grant—Hands	(65,000)
Grant to the Greater Newark	
Fresh Air Fund	(50,000)
Grant to Mercer County	
Hispanic Association	(23,000)
Grant to ASPIRA—Trenton	
Hispanic youths	(50,000)*

Grant to North Ward	
Cultural Center	(260,000)
Grant to United Vailsburg	
Service Organization	(70,000)
Grant to Irvington PAL	(75,000)
Grant to Irvington Senior	
Citizen Center	(25,000)
Grant to Madison YMCA—	
Wellness Center	(200,000)
Grant to Van Saun	
Park Zoo	(30,000)
Grant to Project Safe Time—	
Burlington County	
Girl Scouts	(5,000)
Grant to Hillside for school	
crossing guards	(70,000)
Newark emergency services	
for families	(50,000)
International Youth	
Organization, Newark	(100,000)
Grant to Services for the	
Missing, Inc.	(20,000)
Grant to YMCA Youth in	
Government program	(20,000)

The unexpended balance as of June 30, 1987 in the New Jersey Volunteer Youth Corps account is appropriated.

70 Government Direction, Management and Control

76 Management and Administration—State Aid

99-8070 Management and	
Administrative Services	<u>\$4,520,000</u>
Total Appropriation,	
Management and	
Administration	<u>\$4,520,000</u>
State Aid:	
Hackensack Meadowlands	
Development Commission:	
Municipal Committee	(\$100,000)
Debt service	(420,000)
Commission operations ..	(3,750,000)
Special projects,	
capital	(250,000)

Such amounts necessary for the payment of principal and interest for outstanding notes are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Community Affairs	<u>\$225,687,000*</u>

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*

31 *Direct Educational Services and Assistance—State Aid*

02-5120 Nonpublic School Aid	\$31,855,000
03-5120 Miscellaneous Grants- in-Aid	19,743,000*
04-5064 Adult and Continuing Education	6,220,000
07-5065 Special Education	11,737,000
07-5120 Special Education	<u>18,877,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$88,432,000*</u>

State Aid:

Aid to nonpublic education	(\$5,247,000)
Nonpublic nutrition aid	(491,000)
Nonpublic handicapped aid	(8,644,000)
Nonpublic auxiliary services aid	(15,746,000)
Nonpublic auxiliary services aid—transportation	(727,000)
Emergency fund	(200,000)
Public School Safety Act	(2,500,000)
Educational Information and Resource Center	(575,000)
Payments for institutionalized children—Unknown district of residence	(1,607,000)
Program for disruptive students	(113,000)
Master teacher program	(20,000)

Teacher recognition	
program	(2,200,000)
Governor's scholars	
program	(3,211,000)
Minority teaching	
program	(248,000)
Asbestos removal	(5,000,000)
Youth employment	
initiative	(119,000)
Focus on Literacy	(20,000)*
Nonpublic aid for	
asbestos	(1,000,000)
Environmental education center—	
Bloomfield	(100,000)
Crossroads—Ocean County	
drug/alcohol pilot	(230,000)
Urban Initiative:	
Computer literacy and	
training	(100,000)
Alternative programs for	
disruptive pupils	(450,000)
Pupil attendance	
improvement program .	(200,000)
Operation school	
renewal component	(850,000)
Broad-based component ..	(2,000,000)
Evening school for the	
foreign born	(253,000)
High school equivalency	(1,463,000)
Adult education	(1,137,000)
Adult literacy	(3,367,000)
Projects for handicapped	
infants	(11,737,000)
County special services	
districts	(18,877,000)

The unexpended balance as of June 30, 1987 in the Aid for asbestos account is appropriated for the same purpose.

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L. 1979, c. 207 (C. 18A:7B-1 et seq.) to defray the costs of educating eligible chil-

dren in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

Of the amounts hereinabove in the High school equivalency and the Adult literacy accounts, such sums as are necessary may be transferred to an applicant State department.

In the event that sufficient funds are not appropriated to fully fund the provisions of N.J.S. 18A:50-7, with respect to the State share of salaries for supervisors of adult education in local school districts, the Department of Education shall have the authority to prorate the entitlements based on the relationship between the percent of time a supervisor devotes to adult education and the maximum allowable State aid.

The sum hereinabove appropriated for nonpublic aid for asbestos shall be expended for reimbursement to eligible nonpublic schools for asbestos removal or encapsulation, pursuant to a program which shall be established by the Department of Education in cooperation with the Department of Health. Reimbursements shall be made in amounts equal to 75% of the actual cost of removal or encapsulation. Reimbursements or payments shall be allocated in the order in which applications are received by the commissioner, except that the applications of schools currently planning or undertaking asbestos removal or encapsulation shall be granted priority over the applications of schools that have completed or substantially completed projects.

33 Supplemental Education and Training Programs—State Aid

20-5062 General Vocational		
Education Programs		\$8,646,000*
20-5120 General Vocational		
Education Programs		<u>7,884,000</u>
Total Appropriation,		
Supplemental Education		
and Training Programs		<u>\$16,530,000*</u>
State Aid:		
District and regional		
vocational education	(\$1,500,000)*	
Schools of industrial		
education	(21,000)	
Vocational education	(6,500,000)	

National Guard Cooperative	
education	(125,000)
Work-study program	(500,000)
Local vocational aid	(7,884,000)

34 Educational Support Services—State Aid

30-5063 General Academic	
Education	\$1,000,000
36-5120 Pupil Transportation ...	21,329,000
37-5120 School Nutrition	6,691,000
38-5120 Facilities Planning and	
School Building Aid	25,033,000
39-5095 Teachers' Pension and	
Annuity Assistance	691,631,000
Total Appropriation, Educational	
Support Services	<u>\$745,684,000</u>
State Aid:	
Maxi-grant program	(\$500,000)
Effective schools program	(500,000)
Computerized bus scheduling	(250,000)
Transportation aid	(21,079,000)
State school lunch aid	(6,691,000)
School building aid	
debt service	(24,283,000)
School building aid—	
Southern Gloucester	
County Regional	(750,000)
Teachers' Pension and	
Annuity Fund	(351,186,000)
Social Security Tax	(249,995,000)
Pension Adjustment Act	(90,300,000)
Minimum pension for pre-1955	
retirees	(150,000)

The amount appropriated hereinabove for Transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1985-1986 school year.

Of the amount hereinabove for Transportation aid, an amount equal to the total earnings on investments of the school fund shall first be charged to the fund.

The unexpended balance as of June 30, 1987 not to exceed \$1,500,000 in the School building aid debt service account is appropriated for the same purpose.

The sum in the Pension Adjustment Act account shall be available for the payment of such increase applicable to the prior fiscal year.

Notwithstanding the provisions of any other law, the sum hereinabove for the State contribution to the Teachers' Pension and Annuity Fund shall be paid to the fund not later than June 30, 1988 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments, computed from the period beginning July 1, 1987 through the date of such payment.

Such interest as may be required to be paid on account of delayed payments to the Teachers' Pension and Annuity Fund is appropriated and shall be first charged to investment earnings.

The sum in the Social Security tax account shall be available for the payment of such tax applicable to the prior fiscal year.

37 Cultural and Intellectual Development Services—State Aid

51-5070 Library Services		<u>\$14,924,000*</u>
Total Appropriation,		
Cultural and Intellectual		
Development Services		<u>\$14,924,000*</u>
State Aid:		
Per capita library		
aid	(\$8,125,000)	
Emergency aid/incentive		
grants	(200,000)	
Library construction		
incentive aid	(1,000,000)	
Library network	(4,934,000)*	
Library development aid	(600,000)*	
Grant to Salem County—		
mobile library	(40,000)	
Grant to Free Public		
Library—Trenton	(25,000)	

The unexpended balance as of June 30, 1987 in the Library construction incentive aid account is appropriated for the same purpose.

Total Appropriation, Department of Education	<u>\$865,570,000*</u>

The unexpended balances as of June 30, 1987 in the State Aid accounts, not to exceed \$650,000, are appropriated.

In the event that sufficient funds are not appropriated to fully fund general formula aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are needed to fund adjustments by utilizing the same method used in distributing general formula aid and school building aid in the 1986-87 school year.

In the event that sufficient funds are not appropriated to fully fund any grant-in-aid, the commissioner shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Of the amount hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page B-14 in the Governor's Budget Recommendation Document dated February 2, 1987 first shall be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 *Community Development and Environmental Management*
42 *Natural Resource Management—State Aid*

15-4890 Marine Lands	
Management	<u>\$380,000*</u>
Total Appropriation, Natural Resource Management	<u>\$380,000*</u>

State Aid:

Borough of Keansburg for not more than 50% of the cost of operation and maintenance of hurricane and beach control structures	(\$100,000)
Alberta Lake—rehabilitation and silt removal	(60,000)*

Wesley Lake—rehabilitation and silt removal	(120,000)*
Repairs to Lake Como	(100,000)*

There is appropriated from the Shore Protection Fund established pursuant to the Shore Protection Bond Act of 1983, P.L. 1983, c. 356, the sum of \$500,000 for costs attributable to planning and administration of the shore protection program.

The unexpended balances as of June 30, 1987 in the Storm water management—Municipalities and Storm water management—Counties accounts are appropriated.

The unexpended balance as of June 30, 1987 in the Wesley Lake rehabilitation and silt removal account is appropriated.

43 Environmental Quality—State Aid

07-4850 Water Monitoring and Planning	\$450,000
08-4855 Water Enforcement	50,000*
09-4860 Public Wastewater Facilities	15,000,000
17-4910 Solid Waste Resource Management	500,000
Total Appropriation, Environmental Quality	<u>\$16,000,000*</u>
State Aid:	
Lake Management	(\$450,000)
Sewage facility construction statewide	(15,000,000)
Implementation and demonstration grants to solid waste management districts	(500,000)
Sylvan Lake cleanup	(50,000)*

The unexpended balances as of June 30, 1987 in the Environmental Quality—State Aid accounts hereinabove are appropriated; provided, however, that the unexpended balance not to exceed \$50,000 as of June 30, 1987 in the Implementation and demonstration grants to solid waste management districts account is appropriated and an amount not to exceed \$28,000 is allocated for purposes of auditing such grants.

44 Hazardous and Toxic Pollution Control—State Aid

23-4910 Waste Management	\$350,000
Total Appropriation, Hazardous and Toxic Pollution Control	<u>\$350,000</u>
State Aid:	
Grant to Hamilton township, Mercer county—ECRA study of Koenig Plastics site	(\$350,000)

The unexpended balance as of June 30, 1987 in the Belleville toxic waste cleanup account is appropriated.

The unexpended balances as of June 30, 1987 in the Major Hazardous Waste Facilities Siting Act—Grants to Municipalities and the Major Hazardous Waste Facilities Siting Act—Training accounts are appropriated.

45 Recreational Resource Management—State Aid

12-4875 Parks Management	\$192,000*
21-4895 Navigational Aids	<u>3,000,000</u>
Total Appropriation, Recreational Resource Management	<u>\$3,192,000*</u>
State Aid:	
Dredging of inland waterways—State aid to counties and municipalities, 100% grant	(\$3,000,000)
Grant to Monmouth Museum	(10,000)*
Grant for construction— Long Branch Community Club	(10,000)*
Grant to Manasquan Railroad Station Museum	(10,000)*
Grant to Allgor-Barlon Museum—Wall township ..	(25,000)
Grant to Spring Lake Historical Society	(10,000)*

Grant to Union Landing Historical Society—	
Brielle	(7,000)
Grant to Strauss Museum—	
Atlantic Highlands	(10,000)*
Grant to Historic Speedwell—	
Morristown	(85,000)
Grant for Covenhoven	
House restoration	(25,000)
The unexpended balances as of June 30, 1987 in the Recreational Resource Management—State Aid accounts hereinabove are ap- propriated.	

46 Environmental Planning and Administration—State Aid

99-4800 Management and Administrative Services	\$5,246,000
Total Appropriation, Environmental Planning and Administration	<u>\$5,246,000</u>
State Aid:	
Payment of in lieu taxes	(\$975,000)
For administration, planning and development activities of the Pinelands Commission	(1,871,000)
County environmental health	(2,000,000)
Mosquito control, research, administration and operations	(400,000)

The unexpended balance not to exceed \$147,000 as of June 30, 1987 in the Mosquito control, research, administration and operations account is appropriated and an amount not to exceed \$147,000 is available to the Department of Environmental Protection for the administration and coordination of such programs.

Receipts derived from the rental of property acquired pursuant to P.L. 1969, c. 138 (C. 58:21A-1 et seq.); P.L. 1970, c. 147 (C. 58:21B-1 et seq.); P.L. 1971, c. 165; P.L. 1974, c. 102; P.L. 1978, c. 118; and P.L. 1983, c. 354, and the unexpended balance as of June 30, 1987 of such receipts are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

Total Appropriation, Department of Environmental Protection	<u>\$25,168,000*</u>

46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services—State Aid*

02-4220 Local and Community Health Services	<u>\$6,239,000</u>
Total Appropriation, Health Services	<u>\$6,239,000</u>

State Aid:
Community health services .. (\$6,239,000)

The capitation is set at 64.5 cents for the year ending June 30, 1988
for the purposes prescribed in P.L. 1966, c. 36 (C. 26:2F-1 et
seq.).

Total Appropriation, Department of Health	<u>\$6,239,000</u>

50 DEPARTMENT OF HIGHER EDUCATION
30 *Educational, Cultural and Intellectual Development*
36 *Higher Educational Services—State Aid*
5400 *Office of the Chancellor*

06-5400 Aid to County Colleges	<u>\$107,523,000*</u>
Total Appropriation, Office of the Chancellor	<u>\$107,523,000*</u>

State Aid:

Operational costs	(\$84,163,000)
Challenge grants	(6,100,000)
Debt service	(5,459,000)
Employer contributions— alternate benefit program	(9,199,000)
Computer proficiency programs	(585,000)
Technical engineering education	(1,317,000)
Northern/Central CIM Center	(300,000)

Southern New Jersey CIM Center—Special categorical allocation	(400,000)	
Total Appropriation, Department of Higher Education		<u>\$107,523,000*</u>

The unexpended balance as of June 30, 1987 in this account is appropriated.

Such sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bond authorized under the provisions of section 1 of P.L. 1971, c. 12 (C. 18A:64A-22.1) are appropriated.

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page B-14 in the Governor's Budget Recommendation Document dated February 2, 1987 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services—State Aid

7700 Division of Mental Health and Hospitals

08-7700 Community Services ...	<u>\$32,863,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$32,863,000</u>

State Aid:

Support of patients in
county mental hospitals (\$32,863,000)

An amount not to exceed \$2,500,000 shall be available for the payment of obligations for outpatient services at county psychiatric hospitals.

24 Special Health Services—State Aid

7540 Division of Medical Assistance and Health Services

22-7540 General Medical Services	<u>\$656,704,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$656,704,000</u>

State Aid:

Payments for medical assistance recipients	
(State share)	(\$640,755,000)
Medicaid expansion—	
SOBRA	(15,949,000)

All funds recovered under P.L. 1968, c. 413 (C. 30:4D-1 et seq.) during the fiscal year ending June 30, 1988 are appropriated.

The amounts hereinabove appropriated for payments for medical assistance recipients are available for the payment of obligations applicable to prior fiscal years.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of medical assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

The State appropriation is based on a federal financial participation rate of 48.47%; but if the federal financial participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L. 1962, c. 222 (C. 44:7-76 et seq.) to the contrary, the Medical Assistance to the Aged program is eliminated; except that necessary medical services shall be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

From the sums appropriated hereinabove for Medicaid Expansion—SOBRA, such sums as are necessary, not to exceed 10% of the amount appropriated for this program, are allocated for the administration of the program, subject to the approval of the Director of the Division of Budget and Accounting.

*50 Economic Planning, Development and Security**53 Economic Assistance and Security—State Aid**7550 Division of Public Welfare*

15-7550 Income Maintenance ...	<u>\$266,808,000</u>
Total Appropriation, Division of Public Welfare	<u>\$266,808,000</u>

State Aid:

Payments to municipalities for cost of general assistance (State share)	(\$61,642,000)
Payments for dependent children assistance, regular segment (State share)	(162,134,000)
Payments for emergency assistance (State share)	(5,812,000)
Payments for supplemental security income (State share)	(25,655,000)
Payments for dependent children assistance, unemployment of father (State share)	(7,128,000)
Payments for dependent children assistance, insufficient employment of parents (State share)	(4,437,000)

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under R.S. 44:7-14, P.L. 1959, c. 86 (C. 44:10-1 et seq.), P.L. 1950, c. 166 (C. 30:4B-1 et seq.), and P.L. 1971, c. 209 (C. 44:13-1 et seq.), during the fiscal year ending June 30, 1988 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1988 are appropriated.

A portion of the amount hereinabove appropriated for payments to municipalities for the cost of general assistance (State share), not to exceed \$1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the workfare program established pursuant to P.L. 1947, c. 156 (C. 44:8-107 et seq.). Any funds transferred to

the Department of Labor shall be used solely to fund employability teams and other costs to implement this general assistance work program.

The sum hereinabove appropriated is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

*55 Related Social Services Programs—State Aid
7570 Division of Youth and Family Services*

16-7570 Initial Response/ Case Management	\$3,137,000
17-7570 Substitute Care	53,920,000
18-7570 General Social Services	<u>14,863,000</u>
Total Appropriation, Division of Youth and Family Services	<u>\$71,920,000</u>
State Aid:	
Initial response	(\$658,000)
Substitute family care	(21,721,000)
Residential placements—family services	(2,593,000)
Family support services	(14,863,000)
Maintenance to children residing in institutions	(29,039,000)
Community-based alternative programs	(426,000)
DYFS supervised juveniles in need of supervision	(141,000)
Juvenile family crisis intervention units	(2,479,000)

Funds recovered under P.L. 1951, c. 138 (C. 30:4C-1 et seq.), during the fiscal year ending June 30, 1988, are appropriated.

Of the amount hereinabove appropriated for substitute family care, the Division of Youth and Family Services may expend up to \$225,000 for recruitment of foster and adoption families; except

that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

The sums hereinabove appropriated are available for the payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs first shall be approved by the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services	<u>\$1,028,295,000</u>

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services—State Aid

05-2530 Support of the Arts	\$75,000
06-2535 Museum Services	1,306,000
07-2540 Development of Historical Resources	<u>200,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$1,581,000</u>

State Aid:

New Jersey Historical Society	(\$200,000)
Operational grant for Newark Museum	(1,206,000)
New Jersey State Opera	(75,000)
Bicycle Hall of Fame	(100,000)

The unexpended balance as of June 30, 1987 for the Newark Museum renovation is appropriated.

Of the amount hereinabove for the New Jersey Historical Society, \$50,000 shall be made available to the Warren County Historical and Genealogical Society.

Total Appropriation, Department of State	<u>\$1,581,000*</u>

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*62 *Public Transportation—State Aid*

The unexpended balance as of June 30, 1987 in this account is appropriated.

63 *Local Highway Facilities—State Aid*

80-6220 County and Municipal	
Aid	<u>\$1,700,000</u>
Total Appropriation, Local	
Highway Facilities	<u>\$1,700,000</u>
State Aid:	
County and municipal aid	
for lighting	(\$1,700,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

Capital construction funds are available for allotment by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts hereinabove are available for capital construction projects as the Commissioner of Transportation shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other requirement of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Total Appropriation, Department	
of Transportation	<u><u>\$1,700,000</u></u>

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*75 *State Subsidies and Financial Aid—State Aid*

28-2077 County Boards of	
Taxation	\$659,000
29-2088 Locally Provided	
Services	14,645,000*
30-2081 Railroad Property	
Taxes	809,000

31-2082 Business Personal Property Tax Replacement	158,704,000
35-2087 Consolidated Police and Firemen's Pension Fund	3,682,000*
36-2081 Municipal Purposes Tax Assistance Program	<u>30,000,000*</u>
Total Appropriation, State Subsidies and Financial Aid	<u>\$208,499,000*</u>
Personal Services:	
County Tax Board members (69)	(\$659,000)
State Aid:	
Payments to municipalities for services to State- owned property	(13,500,000)
Payments to municipalities to replace property tax on business personalty	(158,704,000)
Pinelands Municipal Property Tax Stabilization Fund	(650,000)
Payments to municipalities pursuant to Municipal Purposes Tax Assistance Program, P.L. 1980, c. 12 (C. 54:1-46 et seq.)	(30,000,000)*
Tuition payments for local assessors	(75,000)
State contribution to Consolidated Police and Firemen's Pension Fund	(3,682,000)
Payments to municipalities in lieu of railroad property tax pursuant to P.L. 1941, c. 291 (C. 54:29A-1 et seq.)	(809,000)
Grants to counties from the State Planning Commission	(420,000)

Notwithstanding the provisions of P.L. 1945, c. 162 (C. 54:10A-1 et seq.) there are appropriated so much of the proceeds derived from the taxes collected from banking corporations pursuant to

the Corporation Business Tax Act and the "Business Personal Property Tax Act," P.L. 1966, c. 136 (C. 54:11A-1) as may be required for payment to the local taxing districts; provided, however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the "Financial Business Tax Law (1946)," P.L. 1946, c. 174 (C. 54:10B-1 et seq.), there are appropriated so much of the proceeds derived from the imposition of the financial business tax as may be required for payment to the local taxing districts; provided, however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of P.L. 1941, c. 291 (C. 54:29A-1 et seq.), the sum hereinabove appropriated for payments to municipalities in lieu of railroad property tax shall be paid only to those municipalities in which Class II railroad property owned by New Jersey Transit Corporation is located.

There is appropriated from the Salem Municipal Port Authority Assistance Fund created pursuant to P.L. 1987, c. 51, an amount, not to exceed \$120,000, to assist the City of Salem Municipal Port Authority to make timely payments of the principal and interest payable within 1988 on the debt issued by the authority and known as the "City of Salem Municipal Port Authority Port Development Bond Series of 1985," and such other amounts as may be required for reasonable expenses associated with the administration of the fund.

The amount hereinabove appropriated for grants to counties, county planning boards or other designated entities to negotiate cross-acceptance under the State Planning Act, P.L. 1985, c. 398 (C. 52:18A-196 et seq.) shall be allocated by the Office of State Planning to the counties, planning boards or other entities designated by the State Planning Commission, as appropriate, for the costs related to negotiating cross-acceptance of the preliminary State Development and Redevelopment Plan developed by the commission under the State Planning Act. The amount allocated from the appropriation to any one county, planning board or other designated entity shall not exceed \$20,000.

There are appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may

be required for payment to the local taxing districts pursuant to P.L. 1945, c. 132 (C. 54:18A-1 et seq.).

The amount hereinabove appropriated for payments to municipalities for services to State-owned property shall be apportioned and distributed without regard to the provisions of section 22 of P.L. 1981, c. 211 (C. 54:4-2.2e1).

Of the sum appropriated for payments to municipalities for services to State-owned property, \$7,993,200 shall be distributed on November 1, 1987 to qualified municipalities and shall be distributed in such manner that no municipality which received an extraordinary payment for municipal services and in lieu of taxes under P.L. 1977, c. 137 shall receive for the tax year 1987 less than the amount it received under that act.

Notwithstanding the provisions of P.L. 1981, c. 190, P.L. 1981, c. 399, and section 22 of P.L. 1981, c. 211 (C. 54:4-2.2e1), the city of Camden shall receive the full prorated share of the in lieu of tax payments in fiscal year 1988.

There are appropriated so much of the proceeds of taxes on fire insurance premiums, received or receivable, as may be required for payment to the New Jersey Firemen's Home and the New Jersey State Firemen's Association under R.S. 54:17-4.

The unexpended balance as of June 30, 1987 from the taxes collected pursuant to P.L. 1940, c. 4 (C. 54:30A-16 et seq.) and P.L. 1940, c. 5 (C. 54:30A-49 et seq.) shall lapse.

Notwithstanding the provisions of section 2 of P.L. 1980, c. 10 (C. 54:30A-24.1) and section 4 of P.L. 1980, c. 11 (C. 54:30A-61.1), the payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes during calendar year 1987 shall be \$685,000,000 and the payments due in June, 1988 shall be limited to \$105,000,000; provided, however, that amounts collected in excess of those sums shall be anticipated as revenue for general State purposes.

Total Appropriation, Department of the Treasury	<u>\$208,499,000*</u>
Total Appropriation, State Aid	<u>\$2,471,909,000*</u>

Whenever any county, municipality, or school district entitled to receive State aid from appropriations made herein withholds

funds from State agencies entitled to payment for services, the Director of the Division of Budget and Accounting is authorized to withhold State aid payments to that county, municipality, or school district and transfer the same as payment for funds so withheld.

Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support such expenditure.

Notwithstanding any other law which establishes a payment date for any State aid hereinabove appropriated, the State Treasurer is authorized to pay to any municipality, on or before December 31, 1987, an amount not exceeding the additional State aid to which it would be entitled prior to June 30, 1988. Such payment shall be made only upon written notification of the Director of the Division of Local Government Services in the Department of Community Affairs and the approval of the State Treasurer, not later than December 31, 1987, and shall be paid solely from funds hereinabove appropriated for distribution to that municipality for which a payment date falling on or after January 1, 1987 is fixed by law.

If the sum provided hereinabove for a State aid payment pursuant to formula is insufficient to meet the full requirement of the formula, all recipients of the State aid shall have their allocation proportionately reduced.

CAPITAL CONSTRUCTION

01 LEGISLATURE

70 Government Direction, Management and Control

71 Legislative Activities

The unexpended balance as of June 30, 1987 in this account is appropriated.

10 DEPARTMENT OF AGRICULTURE
 40 *Community Development and Environmental Management*
 42 *Natural Resource Management*

Capital Project:

Beneficial Pest Laboratory—
 Storage building (\$125,000)

50 *Economic Planning, Development and Security*
 51 *Economic Planning and Development*

The unexpended balance as of June 30, 1987 in this account is appropriated.

52 *Economic Regulation*

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation, Department
 of Agriculture \$125,000

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 *Economic Planning, Development and Security*
 51 *Economic Planning and Development*

The unexpended balance as of June 30, 1987 in this account is appropriated.

26 DEPARTMENT OF CORRECTIONS
 10 *Public Safety and Criminal Justice*
 16 *Detention and Rehabilitation*

Capital Project:

State Prison, Trenton, kitchen
 replacement (\$7,200,000)

Total Appropriation, Department
 of Corrections \$7,200,000

The unexpended balance as of June 30, 1987 in this account is appropriated.

30 DEPARTMENT OF DEFENSE
 10 *Public Safety and Criminal Justice*
 14 *Military Services*

Capital Projects:

Deferred maintenance	(\$900,000)
Renovations and improvements	(100,000)
Total Appropriation, Department of Defense	<u>\$1,000,000</u>

The unexpended balance as of June 30, 1987 in this account is appropriated.

34 DEPARTMENT OF EDUCATION
 30 *Educational, Cultural and Intellectual Development*
 32 *Operation and Support of Educational Institutions*
 5010 *Division of Direct Services*

Capital Project:

Newark Skills Center Improvements and renovations	(\$52,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

5011 Marie H. Katzenbach School for the Deaf

Capital Projects:

Physical Plant Improvements and renovations	(\$300,000)
Demolition of building No. 2	(272,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

37 Cultural and Intellectual Development Services
5070 Division of State Library

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation, Department of Education	<u>\$624,000</u>

38 DEPARTMENT OF ENERGY
 30 *Educational, Cultural and Intellectual Development*
 37 *Cultural and Intellectual Development Services*
 4050 *New Jersey Public Broadcasting Authority*

Capital Project:

Purchase and replacement of equipment	(\$1,000,000)
Total Appropriation, Department of Energy	<u>\$1,000,000</u>

The unexpended balance as of June 30, 1987 in this account is appropriated.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 40 *Community Development and Environmental Management*
 42 *Natural Resource Management*

Capital Projects:

Fish, Game and Wildlife Recreational development ..	(\$250,000)
Nienstedt Island erosion	(18,000)
Shore protection	(12,000,000)
Flood control	(3,000,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

44 Hazardous and Toxic Pollution Control

Capital Project:

Hazardous site mitigation statewide	(\$40,000,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

45 Recreational Resource Management

Capital Projects:

Parks and Forestry Multiple use historic sites	(\$1,300,000)
Development	(13,000,000)
Waterloo Village, maintenance and improvements	(500,000)

Major maintenance and rehabilitation program	(4,000,000)
Twin Lights Lighthouse	(50,000)
Allaire State Park, historic chapel	(75,000)
State land acquisition	(10,000,000)

Notwithstanding the provisions of P.L. 1954, c. 48 (C. 52:34-6 et seq.), the Department of Environmental Protection may enter into a contract, in an amount not to exceed \$400,000, with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village.

The unexpended balance as of June 30, 1987 in this account is appropriated.

*45 Recreational Resource Management
4876 Palisades Interstate Park Commission*

Capital Project:

Parkway improvements and safety fencing	(\$700,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

46 Environmental Planning and Administration

Capital Project:

Mosquito Control Commission	
Mosquito control and equipment replacement ..	(\$255,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation, Department
of Environmental
Protection

\$85,148,000

46 DEPARTMENT OF HEALTH
 20 *Physical and Mental Health*
 21 *Health Services*

Capital Project:

Laboratory equipment	(\$500,000)
Total Appropriation, Department of Health	<u>\$500,000</u>

The unexpended balance as of June 30, 1987 in this account is appropriated.

50 DEPARTMENT OF HIGHER EDUCATION
 30 *Educational, Cultural and Intellectual Development*
 36 *Higher Educational Services*
 5400 *Office of the Chancellor*

Capital Project:

Renewal and replacement projects	(\$12,000,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

5494 State College Construction

The unexpended balance as of June 30, 1987 in this account is appropriated.

5600 Rutgers, The State University

The unexpended balance as of June 30, 1987 in this account is appropriated.

5630 University of Medicine and Dentistry of New Jersey

Capital Projects:

Environmental and Occupational Health Sciences Institute building—planning	(\$2,000,000)
Coriell Center	(750,000)

The amount hereinabove appropriated for the Coriell Center account shall be available for expenditure on a 50/50 non-State fund matching basis.

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation, Department of Higher Education	<u>\$14,750,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*

23 *Mental Health Services*

7700 *Division of Mental Health and Hospitals*

The unexpended balance as of June 30, 1987 in this account is appropriated.

30 *Educational, Cultural and Intellectual Development*

32 *Operation and Support of Educational Institutions*

7600 *Division of Developmental Disabilities*

The unexpended balance as of June 30, 1987 in this account is appropriated.

33 *Supplemental Education and Training Programs*

7560 *Commission for the Blind and Visually Impaired*

The unexpended balance as of June 30, 1987 in this account is appropriated.

50 *Economic Planning, Development and Security*

55 *Related Social Services Programs*

7570 *Division of Youth and Family Services*

The unexpended balance as of June 30, 1987 in this account is appropriated.

70 *Government Direction, Management and Control*

76 *Management and Administration*

Capital Projects:

Physical plant renovations
and improvements,

statewide	(\$4,738,000)

Roads and approaches	(2,200,000)

Accreditation improvements .	(2,266,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

80 Special Government Services
83 Services to Veterans
7520 Division of Veterans' Services

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation, Department of Human Services	<u>\$9,204,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
11 Vehicular Safety

Capital Project:

DMV Master Plan land acquisition, lane construction and renovations	(\$4,000,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

12 Law Enforcement

Capital Projects:

State Police

Edison station, purchase option	(\$232,000)
West Trenton, warehouse	(6,073,000)

Marine Police

Burlington Station	(311,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

19 Central Planning, Direction and Management

The unexpended balance as of June 30, 1987 in this account is appropriated.

80 Special Government Services
82 Protection of Citizens' Rights

Capital Project:

Volumetric laboratory—weights and measures equipment ...	(\$124,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation, Department
of Law and Public
Safety

\$10,740,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

Capital Projects:

Morven renovations (\$285,000)

Replace seats at State
planetarium (23,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

70 Government Direction, Management and Control
74 General Government Services

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation, Department
of State

\$308,000

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

Capital Project:

Transportation Trust

Fund Account (\$201,000,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

From the amount hereinabove there are allocated such amounts as the Commissioner of Transportation may determine, with the approval of the Director of the Division of Budget and Accounting, 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.

Any appropriation herein or heretofore made for projects and programs within the purview of the "emergency transportation tax act," P.L. 1961, c. 32 (C. 54:8A-1 et seq.), as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Fund established in that law.

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1987 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

The sum provided hereinabove for the Transportation Trust Fund Account shall be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, from increases in fees charged for commercial motor vehicles, and from funds received or receivable from the various transportation-oriented authorities.

The department shall be permitted to transfer funds in the amount, as approved by the Director of the Division of Budget and Accounting, from the Capital Construction accounts to Direct State Services for highway maintenance.

In addition to the amount hereinabove for State Highway Facilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-Departmental Accounts for employee benefits, shall be considered as appropriated on behalf of State highway construction and transportation construction engineering and be available for matching federal funds.

62 Public Transportation

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation, Department of Transportation	<u>\$201,000,000</u>

There is appropriated the sum of \$323,000,000* from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for transportation capital purposes.

Notwithstanding the provisions of subsection i. of section 9 of the New Jersey Transportation Trust Fund Authority Act of 1984, P.L. 1984, c. 73 (C. 27:1B-9), the amount hereinabove appropriated in excess of \$143,000,000 shall not affect the restric-

tions with regard to the aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness of the authority as provided in that act.

The unexpended balances as of June 30, 1987 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Sums received from the Transportation Trust Fund Authority are appropriated for programs approved for financing by the authority and shall be described in a Construction Program prepared by the Commissioner of Transportation and not be expended without the approval of the Director of the Division of Budget and Accounting and the Governor.

From the amount hereinabove for the New Jersey Transportation Trust Fund Authority, there are allocated such amounts as the Commissioner of Transportation may determine with the approval of the Director of the Division of Budget and Accounting, 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.

In order that there be flexibility in the handling of appropriations out of the New Jersey Transportation Trust Fund Authority, the department may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any program appropriation to any other program appropriation. If the Director of the Division of Budget and Accounting shall consent thereto, the director shall transmit the request to the Legislative Budget and Finance Officer for approval or disapproval and return to the Director of the Division of Budget and Accounting. If within 20 working days of the receipt of the request, the Legislative Budget and Finance Officer does not disapprove the request and so informs the director, the request shall be deemed to be approved. The Joint Budget Oversight Committee or its successor is empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct the Legislative Budget and Finance Officer to approve or disapprove any transfer.

82 DEPARTMENT OF THE TREASURY
 70 *Government Direction, Management and Control*
 74 *General Government Services*

Capital Projects:

Capitol Complex:

Deferred maintenance	(\$3,920,000)
Interior planning and renovations	(5,006,000)
Capital replacement	(2,400,000)
Capital improvements	(1,065,000)
Land bank revolving fund	(500,000)

Statewide Programs:

Fire and life safety and hazardous material removal	(5,000,000)
Roof repairs	(2,000,000)
Marine Science Consortium Laboratory	(4,000,000)

Total Appropriation, Department of the Treasury	<u>\$23,891,000</u>

The unexpended balance as of June 30, 1987 in this account is appropriated.

90 MISCELLANEOUS EXECUTIVE COMMISSIONS
 40 *Community Development and Environmental Management*
 43 *Environmental Quality*
 9140 *Delaware River Basin Commission*

Capital Project:

Amortization of multipurpose dams	(\$2,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

70 *Government Direction, Management and Control*
 72 *Governmental Review and Oversight*
 9150 *New Jersey Commission on Capital Budgeting and Planning*

Capital Project:

Program planning revolving loan fund	(\$250,000)

The unexpended balance as of June 30, 1987 in this account is appropriated.

Total Appropriation, Miscellaneous Executive Commissions	<u>\$252,000</u>
Total Appropriation, Capital Construction	<u>\$355,742,000</u>

Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities for use by that department, subject to the approval of the Director of the Division of Budget and Accounting.

DEBT SERVICE

10 DEPARTMENT OF AGRICULTURE

70 Government Direction, Management and Control

76 Management and Administration

99-3370 Interest on Bonds	\$661,000
99-3370 Bond Redemption	<u>650,000</u>
Total Appropriation, Department of Agriculture	<u>\$1,311,000</u>
Special Purpose:	
Interest:	
Farmland Preservation Bonds (P.L. 1981, c. 276)	(\$661,000)
Redemption:	
Farmland Preservation Bonds (P.L. 1981, c. 276)	(650,000)

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development

99-2910 Interest on Bonds	\$3,009,000
99-2910 Bond Redemption	<u>1,695,000</u>
Total Appropriation, Department of Commerce and Economic Development	<u>\$4,704,000</u>

Special Purpose:

Interest:

Energy Conservation Bonds (P.L. 1980, c. 68)	(\$1,369,000)
Community Development Bonds (P.L. 1981, c. 486)	(1,292,000)
Community Development Refunding Bonds (P.L. 1985, c. 74)	(348,000)

Redemption:

Energy Conservation Bonds (P.L. 1980, c. 68)	(865,000)
Community Development Bonds (P.L. 1981, c. 486)	(755,000)
Community Development Refunding Bonds (P.L. 1985, c. 74)	(75,000)

22 DEPARTMENT OF COMMUNITY AFFAIRS

70 *Government Direction, Management and Control*76 *Management and Administration*

99-8070 Interest on Bonds	\$1,468,000
99-8070 Bond Redemption	<u>1,378,000</u>
Total Appropriation, Department of Community Affairs	<u><u>\$2,846,000</u></u>

Special Purpose:

Interest:

State Housing Assistance Bonds (P.L. 1968, c. 127)	(\$234,000)
State Mortgage Assistance Bonds (P.L. 1976, c. 94)	(863,000)
State Mortgage Assistance Refunding Bonds (P.L. 1985, c. 74)	(371,000)

Redemption:

State Housing Assistance Bonds (P.L. 1968, c. 127)	(500,000)
State Mortgage Assistance Bonds (P.L. 1976, c. 94)	(540,000)
State Mortgage Assistance Refunding Bonds (P.L. 1985, c. 74)	(338,000)

26 DEPARTMENT OF CORRECTIONS
 10 *Public Safety and Criminal Justice*
 19 *Central Planning, Direction and Management*

99-7000 Interest on Bonds	\$20,333,000
99-7000 Bond Redemption	<u>13,377,000</u>
Total Appropriation, Department of Corrections	<u>\$33,710,000</u>
Special Purpose:	
Interest:	
State Institution	
Construction Bonds	
(P.L. 1960, c. 156)	(\$28,000)
New Jersey Institutions	
Construction Bonds	
(P.L. 1964, c. 144)	(51,000)
Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(507,000)
Institutions Construction Bonds	
(P.L. 1976, c. 93)	(1,544,000)
Institutional Construction Bonds	
(P.L. 1978, c. 79)	(676,000)
Public Purpose Buildings	
Construction Bonds	
(P.L. 1980, c. 119)	(3,351,000)
Correctional Facilities	
Construction Bonds	
(P.L. 1982, c. 120)	(9,833,000)
Institutions Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(789,000)
Institutional Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(1,304,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(860,000)
Correctional Facilities	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(1,390,000)

Redemption:

State Institution	
Construction Bonds	
(P.L. 1960, c. 156)	(188,000)
New Jersey Institutions	
Construction Bonds	
(P.L. 1964, c. 144)	(1,080,000)
Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(786,000)
Institutions Construction Bonds	
(P.L. 1976, c. 93)	(1,100,000)
Institutional Construction Bonds	
(P.L. 1978, c. 79)	(653,000)
Public Purpose Buildings	
Construction Bonds	
(P.L. 1980, c. 119)	(2,948,000)
Correctional Facilities	
Construction Bonds	
(P.L. 1982, c. 120)	(4,060,000)
Institutions Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(657,000)
Institutional Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(1,092,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(512,000)
Correctional Facilities	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(301,000)

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

35 Education Administration and Management

99-5095 Interest on Bonds	\$1,348,000
99-5095 Bond Redemption	4,097,000
Total Appropriation, Department	
of Education	<u>\$5,445,000</u>

Special Purpose:

Interest:

Public Buildings

Construction Bonds

(P.L. 1968, c. 128) (\$657,000)

State Facilities for the

Handicapped Bonds

(P.L. 1973, c. 149) (262,000)

Institutional Construction Bonds

(P.L. 1978, c. 79) (147,000)

Institutional Construction

Refunding Bonds

(P.L. 1985, c. 74) (282,000)

Redemption:

Public Buildings

Construction Bonds

(P.L. 1968, c. 128) (1,019,000)

State Facilities for the

Handicapped Bonds

(P.L. 1973, c. 149) (2,700,000)

Institutional Construction Bonds

(P.L. 1978, c. 79) (141,000)

Institutional Construction

Refunding Bonds

(P.L. 1985, c. 74) (237,000)

38 DEPARTMENT OF ENERGY

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

99-4050 Interest on Bonds \$179,000

99-4050 Bond Redemption 278,000

Total Appropriation, Department
of Energy \$457,000

Special Purpose:

Interest:

Public Buildings

Construction Bonds

(P.L. 1968, c. 128) (\$179,000)

Redemption:

Public Buildings

Construction Bonds

(P.L. 1968, c. 128) (278,000)

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 40 *Community Development and Environmental Management*
 46 *Environmental Planning and Administration*

99-4800 Interest on Bonds	\$53,036,000
99-4800 Bond Redemption	51,149,000
Total Appropriation, Department of Environmental Protection	<u>\$104,185,000</u>
Special Purpose:	
Interest:	
Water Development Bonds (P.L. 1958, c. 35)	(\$33,000)
State Recreation and Conservation Land Acquisition Bonds (P.L. 1961, c. 46)	(148,000)
Water Conservation Bonds (P.L. 1969, c. 127)	(5,766,000)
State Recreation and Conservation Land Acquisition Bonds (P.L. 1971, c. 165)	(2,286,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L. 1974, c. 102)	(5,601,000)
Clean Waters Bonds (P.L. 1976, c. 92)	(5,219,000)
Beaches and Harbors Bonds (P.L. 1977, c. 208)	(1,395,000)
Emergency Flood Control Bonds (P.L. 1978, c. 78)	(530,000)
State Land Acquisition and Development Bonds (P.L. 1978, c. 118)	(3,207,000)
Natural Resources Bonds (P.L. 1980, c. 70)	(3,658,000)
Water Supply Bonds (P.L. 1981, c. 261)	(5,856,000)
1983 New Jersey Green Acres Bonds (P.L. 1983, c. 354)	(2,863,000)
Shore Protection Bonds (P.L. 1983, c. 356)	(1,525,000)

Water Conservation	
Refunding Bonds	
(P.L. 1985, c. 74)	(348,000)
State Recreation and Conservation	
Land Acquisition and	
Development Refunding Bonds	
(P.L. 1985, c. 74)	(4,329,000)
Clean Waters Refunding Bonds	
(P.L. 1985, c. 74)	(232,000)
Beaches and Harbors	
Refunding Bonds	
(P.L. 1985, c. 74)	(463,000)
Emergency Flood Control	
Refunding Bonds	
(P.L. 1985, c. 74)	(232,000)
State Land Acquisition and	
Development Refunding Bonds	
(P.L. 1985, c. 74)	(5,566,000)
Natural Resources Refunding Bonds	
(P.L. 1985, c. 74)	(1,043,000)
Water Supply Refunding Bonds	
(P.L. 1985, c. 74)	(801,000)
1983 New Jersey Green	
Acres Refunding Bonds	
(P.L. 1985, c. 74)	(463,000)
Shore Protection Refunding Bonds	
(P.L. 1985, c. 74)	(232,000)
Wastewater Treatment Bonds	
(P.L. 1985, c. 329)	(1,240,000)
Redemption:	
Water Development Bonds	
(P.L. 1958, c. 35)	(1,000,000)
State Recreation and Conservation	
Land Acquisition Bonds	
(P.L. 1961, c. 46)	(1,000,000)
Water Conservation Bonds	
(P.L. 1969, c. 127)	(11,305,000)
State Recreation and Conservation	
Land Acquisition Bonds	
(P.L. 1971, c. 165)	(5,180,000)

State Recreation and Conservation Land Acquisition and Development Bonds (P.L. 1974, c. 102)	(5,430,000)
Clean Waters Bonds (P.L. 1976, c. 92)	(4,350,000)
Beaches and Harbors Bonds (P.L. 1977, c. 208)	(1,305,000)
Emergency Flood Control Bonds (P.L. 1978, c. 78)	(600,000)
State Land Acquisition and Development Bonds (P.L. 1978, c. 118)	(3,450,000)
Natural Resources Bonds (P.L. 1980, c. 70)	(3,940,000)
Water Supply Bonds (P.L. 1981, c. 261)	(1,890,000)
1983 New Jersey Green Acres Bonds (P.L. 1983, c. 354)	(2,225,000)
Shore Protection Bonds (P.L. 1983, c. 356)	(520,000)
Water Conservation Refunding Bonds (P.L. 1985, c. 74)	(75,000)
State Recreation and Conservation Land Acquisition and Development Refunding Bonds (P.L. 1985, c. 74)	(3,669,000)
Clean Waters Refunding Bonds (P.L. 1985, c. 74)	(50,000)
Beaches and Harbors Refunding Bonds (P.L. 1985, c. 74)	(100,000)
Emergency Flood Control Refunding Bonds (P.L. 1985, c. 74)	(50,000)
State Land Acquisition and Development Refunding Bonds (P.L. 1985, c. 74)	(4,307,000)
Natural Resources Refunding Bonds (P.L. 1985, c. 74)	(225,000)

Water Supply Refunding Bonds	
(P.L. 1985, c. 74)	(328,000)
1983 New Jersey Green Acres	
Refunding Bonds	
(P.L. 1985, c. 74)	(100,000)
Shore Protection Refunding Bonds	
(P.L. 1985, c. 74)	(50,000)

46 DEPARTMENT OF HEALTH
 20 *Physical and Mental Health*
 25 *Health Administration*

99-4210 Interest on Bonds	\$31,000
99-4210 Bond Redemption	48,000
Total Appropriation, Department of Health	<u>\$79,000</u>
Special Purpose:	
Interest:	
Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(\$31,000)
Redemption:	
Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(48,000)

50 DEPARTMENT OF HIGHER EDUCATION
 30 *Educational, Cultural and Intellectual Development*
 36 *Higher Educational Services*

99-5400 Interest on Bonds	\$15,262,000
99-5400 Bond Redemption	23,475,000
Total Appropriation, Department of Higher Education	<u>\$38,737,000</u>
Special Purpose:	
Interest:	
State Higher Education	
Construction Bonds	
(P.L. 1964, c. 142)	(\$102,000)
Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(4,836,000)

Higher Education Building	
Construction Bonds	
(P.L. 1971, c. 164)	(4,099,000)
Medical Education Facilities Bonds	
(P.L. 1977, c. 235)	(4,697,000)
Jobs, Science and Technology Bonds	
(P.L. 1984, c. 99)	(1,528,000)
Redemption:	
State Higher Education	
Construction Bonds	
(P.L. 1964, c. 142)	(2,800,000)
Public Buildings Construction Bonds	
(P.L. 1968, c. 128)	(7,500,000)
Higher Education Building	
Construction Bonds	
(P.L. 1971, c. 164)	(8,900,000)
Medical Education Facilities Bonds	
(P.L. 1977, c. 235)	(4,000,000)
Jobs, Science and Technology Bonds	
(P.L. 1984, c. 99)	(275,000)

54 DEPARTMENT OF HUMAN SERVICES

70 Government Direction, Management and Control

76 Management and Administration

99-7500 Interest on Bonds	\$15,143,000
99-7500 Bond Redemption	16,304,000
Total Appropriation, Department of Human Services	<u>\$31,447,000</u>
Special Purpose:	
Interest:	
State Institution Construction Bonds	
(P.L. 1960, c. 156)	(\$46,000)
New Jersey Institutions	
Construction Bonds	
(P.L. 1964, c. 144)	(119,000)
Public Buildings Construction Bonds	
(P.L. 1968, c. 128)	(1,850,000)
Institutions Construction Bonds	
(P.L. 1976, c. 93)	(1,433,000)
Institutional Construction Bonds	
(P.L. 1978, c. 79)	(1,330,000)

Public Purpose Buildings	
Construction Bonds	
(P.L. 1980, c. 119)	(4,601,000)
Human Services Facilities	
Construction Bonds	
(P.L. 1984, c. 157)	(1,287,000)
Institutions Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(732,000)
Institutional Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(2,564,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(1,181,000)
Redemption:	
State Institution Construction Bonds	
(P.L. 1960, c. 156)	(313,000)
New Jersey Institutions	
Construction Bonds	
(P.L. 1964, c. 144)	(2,520,000)
Public Buildings Construction Bonds	
(P.L. 1968, c. 128)	(2,870,000)
Institutions Construction Bonds	
(P.L. 1976, c. 93)	(1,020,000)
Institutional Construction Bonds	
(P.L. 1978, c. 79)	(1,283,000)
Public Purpose Buildings	
Construction Bonds	
(P.L. 1980, c. 119)	(4,047,000)
Human Services Facilities	
Construction Bonds	
(P.L. 1984, c. 157)	(790,000)
Institutions Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(610,000)
Institutional Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(2,148,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(703,000)

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
19 Central Planning, Direction and Management

99-1050 Interest on Bonds	\$297,000
99-1050 Bond Redemption	262,000
Total Appropriation, Department of Law and Public Safety .	<u>\$559,000</u>

Special Purpose:

Interest:

Institutional Construction Bonds
(P.L. 1978, c. 79) (\$101,000)

Institutional Construction
Refunding Bonds
(P.L. 1985, c. 74) (196,000)

Redemption:

Institutional Construction Bonds
(P.L. 1978, c. 79) (98,000)

Institutional Construction
Refunding Bonds
(P.L. 1985, c. 74) (164,000)

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs
64 Planning and General Management Support
61 State Highway Facilities

99-6000 Interest on Bonds	\$35,134,000
99-6000 Bond Redemption	37,471,000
Total Appropriation, State Highway Facilities	<u>\$72,605,000</u>

Special Purpose:

Interest:

Highway Improvement and Grade
Crossing Elimination Bonds
(P.L. 1930, c. 228) (\$18,000)

State Transportation Bonds
(P.L. 1968, c. 126) (11,201,000)

Transportation Rehabilitation
and Improvement Bonds
(P.L. 1979, c. 165) (14,447,000)

New Jersey Bridge Rehabilitation
and Improvement Bonds
(P.L. 1983, c. 363) (2,714,000)

Transportation Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(6,175,000)
New Jersey Bridge Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(579,000)
Redemption:	
Highway Improvement and Grade Crossing Elimination Bonds (P.L. 1930, c. 228)	(260,000)
State Transportation Bonds (P.L. 1968, c. 126)	(21,259,000)
Transportation Rehabilitation and Improvement Bonds (P.L. 1979, c. 165)	(9,996,000)
New Jersey Bridge Rehabilitation and Improvement Bonds (P.L. 1983, c. 363)	(1,140,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(4,691,000)
New Jersey Bridge Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(125,000)

62 Public Transportation

99-6000 Interest on Bonds	\$14,737,000
99-6000 Bond Redemption	16,462,000
Total Appropriation, Public Transportation	<u>\$31,199,000</u>
Special Purpose:	
Interest:	
State Transportation Bonds (P.L. 1968, c. 126)	(\$5,032,000)
Transportation Rehabilitation and Improvement Bonds (P.L. 1979, c. 165)	(6,799,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(2,906,000)

Redemption:

State Transportation Bonds	
(P.L. 1968, c. 126)	(9,551,000)
Transportation Rehabilitation and	
Improvement Bonds	
(P.L. 1979, c. 165)	(4,704,000)
Transportation Rehabilitation and	
Improvement Refunding Bonds	
(P.L. 1985, c. 74)	(2,207,000)
Total Appropriation, Department	
of Transportation	<u>\$103,804,000</u>

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*73 *Financial Administration*

99-2070 Interest on Bonds	<u>\$21,125,000</u>
Total Appropriation, Department	
of the Treasury	<u>\$21,125,000</u>
Special Purpose:	
For payment of interest	
on bond sales	(\$21,125,000)
Total Appropriation, Debt	
Service	<u>\$348,409,000</u>

Such sums as may be needed for the payment of interest and/or principal due from the issuance of any bonds authorized under the several bond acts of the State are appropriated and shall first be charged to the earnings from the investments of such bond proceeds.

There are appropriated such sums as may be needed for the payment of debt service administrative costs.

FEDERAL FUNDS

06 OFFICE OF THE CHIEF EXECUTIVE

07 *Government Direction, Management and Control*76 *Management and Administration*

01-0300 Executive Management	<u>\$1,380,000</u>
Total Appropriation, Management	
and Administration	<u>\$1,380,000</u>

Special Purpose:

Drug-free schools and communities act	(\$1,380,000)	
Total Appropriation, Office of the Chief Executive		<u>\$1,380,000</u>

10 DEPARTMENT OF AGRICULTURE

40 *Community Development and Environmental Management*42 *Natural Resource Management*

01-3310 Animal Disease Control		\$33,000
02-3320 Plant Pest and Disease Control		<u>628,000</u>
Total Appropriation, Natural Resource Management		<u>\$661,000</u>
Personal Services:		
Salaries and wages	(\$129,000)	
Employee benefits	(28,000)	
Materials and Supplies	(5,000)	
Services Other Than Personal .	(22,000)	
Maintenance and Fixed Charges	(20,000)	
Special Purpose:		
Cooperative gypsy moth suppression	(450,000)	
Brucellosis eradication	(5,000)	
Plant pest survey and detection program	(2,000)	
50 <i>Economic Planning, Development and Security</i>		
51 <i>Economic Planning and Development</i>		
06-3360 Marketing Services		\$5,000
07-3360 Commodity Distribution		<u>1,350,000</u>
Total Appropriation, Economic Planning and Development		<u>\$1,355,000</u>
Personal Services:		
Salaries and wages	(\$70,000)	
Services Other Than Personal .	(588,000)	
Maintenance and Fixed Charges	(67,000)	
Special Purpose:		
Jobs bill	(630,000)	

52 Economic Regulation

05-3350 Other Commodity		
Regulation		<u>\$44,000</u>
Total Appropriation, Economic		
Regulation		<u>\$44,000</u>
Personal Services:		
Salaries and wages	(\$26,000)	
Employee benefits	(7,000)	
Services Other Than Personal	(2,000)	
Special Purpose:		
Cooperative inspection		
service	(9,000)	
Total Appropriation, Department		
of Agriculture		<u><u>\$2,060,000</u></u>

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

*40 Community Development and Environmental Management**42 Natural Resource Management*

05-2820 Energy Resource		
Management		<u>\$2,160,000</u>
Total Appropriation, Natural		
Resource Management		<u>\$2,160,000</u>
Special Purpose:		
State energy conservation		
program	(\$435,000)	
Energy extension service	(135,000)	
Institutional conservation		
program—schools and		
hospitals	(1,126,000)	
Statewide traffic control		
program	(464,000)	
Total Appropriation, Department		
of Commerce and Economic		
Development		<u><u>\$2,160,000</u></u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*41 *Community Development Management*

02-8020 Housing Services		<u>\$46,955,000</u>
Total Appropriation,		
Community Development		
Management		<u>\$46,955,000</u>
Personal Services:		
Salaries and wages	(\$3,188,000)	
Positions funded from		
a special purpose		
appropriation	(2,000)	
Employee benefits	(794,000)	
Materials and Supplies	(133,000)	
Services Other Than Personal .	(476,000)	
Maintenance and Fixed Charges	(275,000)	
Special Purpose:		
Small cities block		
grant program	(16,000)	
Section 8 voucher		
certificate project	(24,000)	
Moderate rehabilitation		
housing assistance	(39,000)	
Rental assistance for low		
income families	(207,000)	
State Aid and Grants:		
Housing voucher		
demonstration	(4,090,000)	
Moderate rehabilitation		
housing assistance	(3,209,000)	
Rental assistance for low		
income families	(25,315,000)	
Small cities block		
grant program	(9,161,000)	
Additions, Improvements and		
Equipment	(26,000)	

*50 Economic Planning, Development and Security**55 Related Social Service Programs*

05-8050 Human Resources		\$20,923,000
08-8060 Programs for the		
Aging		<u>27,600,000</u>
Total Appropriation, Related		
Social Service Programs		<u>\$48,523,000</u>
Personal Services:		
Salaries and wages	(\$1,670,000)	
Employee benefits	(415,000)	
Materials and Supplies	(49,000)	
Services Other Than Personal .	(168,000)	
Maintenance and Fixed Charges	(74,000)	
Special Purpose:		
Purchase of legal		
services	(3,000)	
Older Americans Act—		
Title III	(79,000)	
Food distribution—		
Title VII	(3,600,000)	
Home energy assistance		
program	(11,000)	
Community services		
block grant	(25,000)	
Weatherization assistance		
program	(32,000)	
State Aid and Grants:		
Older Americans Act—		
Title III	(22,900,000)	
Weatherization assistance		
program	(4,442,000)	
Community services		
block grant	(9,517,000)	
Home energy assistance		
program	(4,105,000)	
Purchase of legal		
services	(1,382,000)	
Additions, Improvements and		
Equipment	(51,000)	
Total Appropriation,		
Department of		
Community Affairs		<u><u>\$95,478,000</u></u>

26 DEPARTMENT OF CORRECTIONS
 10 *Public Safety and Criminal Justice*
 16 *Detention and Rehabilitation*
 7040 *State Prison, Trenton*

10-7040 Education Program	<u>\$34,000</u>
Total Appropriation, State Prison, Trenton	<u>\$34,000</u>
Special Purpose:	
Education Consolidation and Improvement Act (ECIA), Chapter I	(\$27,000)
Chapter II block grant	(7,000)

7050 State Prison, Rahway

10-7050 Education Program	<u>\$27,000</u>
Total Appropriation, State Prison, Rahway	<u>\$27,000</u>
Special Purpose:	
ECIA, Chapter I	(\$11,000)
Vocational education grant—basic	(16,000)

7065 Southern State Correctional Facility

10-7065 Education Program	<u>\$32,000</u>
Total Appropriation, Southern State Correctional Facility	<u>\$32,000</u>
Special Purpose:	
ECIA, Chapter I, State institutions—delinquent	(\$3,000)
Vocational education grant—basic	(29,000)

7070 Mid-State Correctional Facility

10-7070 Education Program	<u>\$1,000</u>
Total Appropriation, Mid-State Correctional Facility	<u>\$1,000</u>
Special Purpose:	
ECIA, Chapter I, State institutions—delinquent	(\$1,000)

7075 Riverfront State Prison

10-7075 Education Program	<u>\$25,000</u>
Total Appropriation, Riverfront State Prison	<u>\$25,000</u>
Special Purpose:	
Vocational education grant—basic	(\$25,000)

7080 Correctional Institution for Women, Clinton

10-7080 Education Program	<u>\$34,000</u>
Total Appropriation, Correctional Institution for Women, Clinton	<u>\$34,000</u>
Special Purpose:	
ECIA, Chapter I	(\$9,000)
Vocational education grant—basic	(25,000)

7090 Adult Diagnostic and Treatment Center, Avenel

10-7090 Education Program	<u>\$23,000</u>
Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	<u>\$23,000</u>
Special Purpose:	
ECIA, Chapter I	(\$1,000)
Vocational education grant—basic	(22,000)

7110 Youth Reception and Correction Center, Yardville

10-7110 Education Program	<u>\$219,000</u>
Total Appropriation, Youth Reception and Correction Center, Yardville	<u>\$219,000</u>
Personal Services:	
Salaries and wages	(\$203,000)
Special Purpose:	
Vocational education grant—basic	(16,000)

7120 Youth Correctional Institution, Bordentown

10-7120 Education Program		<u>\$101,000</u>
Total Appropriation, Youth Correctional Institution, Bordentown		<u>\$101,000</u>
Personal Services:		
Salaries and wages	(\$76,000)	
Materials and Supplies	(10,000)	
Special Purpose:		
Vocational education grant—basic	(15,000)	

7130 Youth Correctional Institution, Annandale

10-7130 Education Program		<u>\$185,000</u>
Total Appropriation, Youth Correctional Institution, Annandale		<u>\$185,000</u>
Personal Services:		
Salaries and wages	(\$185,000)	

7210 Training School for Boys, Skillman

10-7210 Education Program		<u>\$204,000</u>
Total Appropriation, Training School for Boys, Skillman		<u>\$204,000</u>
Personal Services:		
Salaries and wages	(\$204,000)	

7220 Training School for Boys, Jamesburg

10-7220 Education Program		<u>\$284,000</u>
Total Appropriation, Training School for Boys, Jamesburg		<u>\$284,000</u>
Personal Services:		
Salaries and wages	(\$259,000)	
Special Purpose:		
Vocational education grant—basic	(25,000)	

7225 Juvenile Medium Security Center

10-7225 Education Program		<u>\$121,000</u>
Total Appropriation, Juvenile Medium Security Center ...		<u>\$121,000</u>
Personal Services:		
Salaries and wages	(\$92,000)	
Employee benefits	(20,000)	
Materials and Supplies	(1,000)	
Maintenance and Fixed Charges	(1,000)	
Services Other Than Personal .	(1,000)	
Special Purpose:		
Other special purpose	(5,000)	
Additions, Improvements and Equipment	(1,000)	

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

03-7010 Parole		<u>\$371,000</u>
Total Appropriation, Office of Parole and Community Programs		<u>\$371,000</u>
Personal Services:		
Salaries and wages	(\$290,000)	
Employee benefits	(46,000)	
Materials and Supplies	(4,000)	
Services Other Than Personal .	(9,000)	
Maintenance and Fixed Charges	(22,000)	

*18 Juvenile Correctional Services**7270 Juvenile Community Programs*

12-7270 Residential Care		<u>\$589,000</u>
Total Appropriation, Juvenile Community Programs		<u>\$589,000</u>
Personal Services:		
Salaries and wages	(\$467,000)	
Materials and Supplies	(26,000)	
Special Purpose:		
Project HELP developmental disability grant	(71,000)	
Vocational education grant—basic	(25,000)	

*19 Central Planning, Direction and Management
7000 Division of Management and General Support*

01-7000 Planning, Management and General Support		\$258,000
99-7000 Management and Administrative Services		<u>213,000</u>
Total Appropriation, Division of Management and General Support		<u>\$471,000</u>
Personal Services:		
Salaries and wages	(\$388,000)	
Employee benefits	(32,000)	
Services Other Than Personal .	(32,000)	
Special Purpose:		
Chapter II block grant	(19,000)	
Total Appropriation, Department of Corrections		<u>\$2,721,000</u>

*30 DEPARTMENT OF DEFENSE
10 Public Safety and Criminal Justice
14 Military Services*

01-3600 National Guard Training, Operations and Administration		\$180,000
02-3600 Management of National Guard Installations		<u>\$5,310,000</u>
Total Appropriation, Military Services		<u>\$5,490,000</u>
Personal Services:		
Salaries and wages	(\$1,813,000)	
Employee benefits	(222,000)	
Materials and Supplies	(1,499,000)	
Services Other Than Personal .	(406,000)	
Maintenance and Fixed Charges	(300,000)	
Special Purpose:		
Army facilities—		
Service contract	(71,000)	
Facilities management—Office of Support Personnel	(252,000)	
National guard communication services	(24,000)	

Training and equipment	
pool sites	(183,000)
ANG security agreement—	
Atlantic City	(16,000)
Additions, Improvements and	
Equipment	(704,000)
Total Appropriation, Department	
of Defense	<u>\$5,490,000</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

03-5120 Miscellaneous Grants-	
in-Aid	\$12,984,000
04-5064 Adult and Continuing	
Education Programs	3,144,000
05-5066 Bilingual Education	322,000
05-5120 Bilingual Education	1,000,000
06-5066 Compensatory	
Education	1,695,000
06-5120 Compensatory	
Education	118,532,000
07-5064 Special Education	
Programs	9,687,000
07-5120 Special Education	
Programs	<u>50,235,000</u>
Total Appropriation, Direct	
Educational Services	
and Assistance	<u>\$197,599,000</u>
Personal Services:	
Salaries and wages	(\$3,329,000)
Employee benefits	(791,000)
Materials and Supplies	(272,000)
Services Other Than Personal .	(533,000)
Maintenance and Fixed Charges	(147,000)
Special Purpose:	
Adult basic education—	
administration	(58,000)
Transition program for	
refugee children,	
administration	(3,000)

ECIA, Chapter I, administration	(155,000)
Elementary and Secondary Education Act (ESEA), Title VI (handicapped), administration	(312,000)
Bilingual education, SEA project—coordinating technical assistance	(8,000)
Emergency immigrants education assistance— administration	(15,000)
Services to deaf/blind children	(80,000)
Title VI-B LRC North	(94,000)
Title VI-B LRC North Satellite	(77,000)
Title VI-B LRC South	(32,000)
Title VI-B LRC Central	(52,000)
Job Training Partnership Act	(5,000)
Preschool incentive grant— administration	(372,000)
Early intervention— administration	(200,000)
Migrant educational program— administration	(54,000)
State Aid and Grants: Education block grant— Chapter II— programmatic	(12,984,000)
ECIA, Chapter I, LEA disadvantaged	(115,841,000)
ECIA, Chapter I, State institutions, handicapped ..	(1,161,000)
Emergency immigrants education assistance program	(1,000,000)
Migrant education— programmatic	(1,530,000)
Adult basic education— programmatic	(2,659,000)
Transition program for refugee children—programmatic	(254,000)

Preschool incentive grant	(5,315,000)
ESEA, Title VI (handicapped)	(48,435,000)
Services for deaf/blind children—programmatic	(31,000)
Early intervention— programmatic	(1,800,000)

32 Operation and Support of Educational Institutions

12-5011 Educational Institutions for the Handicapped	\$362,000
12-5012 Millburn Regional School for the Handicapped	133,000
12-5014 Morris Regional School for the Handicapped	23,000
13-5010 Newark Skills Center ..	<u>75,000</u>
Total Appropriation, Operation and Support of Educational Institutions	<u>\$593,000</u>
Personal Services:	
Salaries and wages	(\$420,000)
Employee benefits	(112,000)
Materials and Supplies	(14,000)
Special Purpose:	
ESEA Title VI— handicapped	(2,000)
Services to deaf/blind children	(35,000)
Additions, Improvements and Equipment	(10,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational Education	<u>\$19,601,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$19,601,000</u>
Personal Services:	
Salaries and wages	(\$1,890,000)
Employee benefits	(454,000)
Materials and Supplies	(60,000)

Services Other Than Personal .	(200,000)
Maintenance and Fixed Charges	(4,000)
Special Purpose:	
Veterans readjustment	
benefits	(29,000)
Consumer and useful homemaking—	
administration	(53,000)
Career education—research and	
development	(132,000)
Job Training Partnership	
Act	(25,000)
Vocational education—Basic	
grants-administration	(171,000)
Vocational education—Title II B	
leadership activities	(118,000)
Vocational education—Title II B	
technical committee	(56,000)
Vocational education—Title II	
county coordinator efforts .	(39,000)
Community based organizations—	
administrative	(12,000)
State Aid and Grants:	
Consumer and useful homemaking—	
programmatic	(836,000)
Vocational education—Basic	
grants—programmatic	(15,328,000)
Community based organizations—	
programmatic	(184,000)
Additions, Improvements and	
Equipment	(10,000)

34 Educational Support Services

30-5063 General Academic	
Education	\$1,710,000
30-5120 General Academic	
Education	4,576,000
33-5067 Service to Local	
Districts	895,000
33-5068 Service to Local	
Districts	484,000
34-5067 Equal Educational	
Opportunities	882,000

37-5120 School Nutrition	
Programs	87,975,000
38-5120 Facilities Planning and	
School Building Aid	<u>1,524,000</u>
Total Appropriation, Educational	
Support Services	<u>\$98,046,000</u>
Personal Services:	
Salaries and wages	(\$2,961,000)
Employee benefits	(710,000)
Materials and Supplies	(86,000)
Services Other Than Personal .	(324,000)
Maintenance and Fixed Charges	(21,000)
Special Purpose:	
Education for Economic Security	
Act (EESA)—Title II—	
administration	(2,000)
Race desegregation	(14,000)
Child nutrition—	
administration	(174,000)
Child nutrition—nutrition	
education training	
program	(22,000)
ECIA, Chapter II, Block	
grant—administration	(66,000)
EESA, Title II—Math/science	
training dissemination	(103,000)
Drug-free schools and communities—	
administration	(227,000)
ESEA, Title VI,	
handicapped	(19,000)
EESA, Title II—Math/	
science-administration	(7,000)
Byrd scholarship program	(480,000)
Removal of architectural	
barriers—administration	(61,000)
Removal of architectural	
barriers—programmatic	(1,463,000)
Preschool incentive grant	(153,000)
Child nutrition program—Summer	
administration	(19,000)
Civil rights—National origin	
desegregation	(28,000)

Sex desegregation	(10,000)
Other special purpose	(7,000)
Title VI child study supervisors	(13,000)
State Aid and Grants:	
Special milk	(1,000,000)
School breakfast	(5,000,000)
Child care food	(12,000,000)
Child care sponsor administration	(300,000)
Cash for commodities	(700,000)
Child nutrition programs	(63,000,000)
Child nutrition program—Summer programmatic	(4,500,000)
Education for Economic Security Act (EESA)—Title II— programmatic	(1,425,000)
EESA—Title II— administration	(130,000)
Drug-free schools and communities— programmatic	(3,021,000)

35 Education Administration and Management

42-5120 School Finance and Auditing	\$534,000
99-5090 Management and Administrative Services	884,000
99-5095 Management and Administrative Services	<u>1,287,000</u>
Total Appropriation, Education Administration and Management	<u>\$2,705,000</u>
Personal Services:	
Salaries and wages	(\$1,704,000)
Employee benefits	(409,000)
Materials and Supplies	(54,000)
Services Other Than Personal .	(180,000)
Maintenance and Fixed Charges	(20,000)

Special Purpose:

ECIA, Chapter II—Block grant—administration	(315,000)
Child nutrition—Adult contract	(8,000)
ECIA, Chapter I, administration	(5,000)
ESEA, Title VI, handicapped	(10,000)

37 Cultural and Intellectual Development Services

51-5070 Library Services	<u>\$3,469,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$3,469,000</u>
Personal Services:	
Salaries and wages	(\$809,000)
Employee benefits	(198,000)
Materials and Supplies	(25,000)
Services Other Than Personal	(167,000)
Special Purpose:	
Library Services and Construction Act (LSCA)— Title I Public library	(160,000)
LSCA Title III Interlibrary cooperation	(22,000)
Libraries, literacy and urban communities programs	(25,000)
State Aid and Grants:	
LSCA II Library construction	(706,000)
LSCA Title III Interlibrary cooperation	(277,000)
Public library services— programmatic	(1,080,000)
Total Appropriation, Department of Education	<u>\$322,013,000</u>

38 DEPARTMENT OF ENERGY

30 *Economic Planning, Development and Security*52 *Economic Regulation*

02-4020 Service Adequacy and Safety		\$114,000
Total Appropriation, Economic Regulation		<u>\$114,000</u>
Special Purpose:		
Natural gas pipeline safety program	(\$114,000)	
Total Appropriation, Department of Energy		<u>\$114,000</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*42 *Natural Resource Management*

05-4840 Water Supply and Watershed Management		\$730,000
11-4870 Forest Resource Management		209,000
13-4880 Hunters' and Anglers' License Fund		2,158,000
14-4885 Shellfish and Marine Fisheries Management		560,000
15-4890 Marine Lands Management		<u>2,150,000</u>
Total Appropriation, Natural Resource Management		<u>\$5,807,000</u>
Personal Services:		
Salaries and wages	(\$2,149,000)	
Employee benefits	(494,000)	
Materials and Supplies	(469,000)	
Services Other Than Personal .	(877,000)	
Maintenance and Fixed Charges	(277,000)	
Special Purpose:		
Coastal zone management 4th year implementation	(218,000)	
Inventory of New Jersey coastal waters	(18,000)	
Marine fisheries investigation and management	(23,000)	

Anadromous herring run	
restoration	(1,000)
Fisheries management	
council	(5,000)
Forest resource management—	
Cooperative forest	
fire control	(19,000)
Consolidated forest	
management	(7,000)
Northeast regional biomass	
program	(4,000)
Hunters' and Anglers'	
License Fund	(265,000)
Hunter safety training	(141,000)
Endangered species	(16,000)
Trapper education project	(2,000)
Shellfish research and	
inventory	(10,000)
Marine fisheries	
coordination	(9,000)
Water supply—safe drinking	
water	(120,000)
Wellhead protection	(110,000)
State Aid and Grants:	
Coastal zone management 4th	
year implementation	(343,000)
Additions, Improvements and	
Equipment	(230,000)

43 Environmental Quality

02-4825 Air Pollution Control ..	\$3,536,000
07-4850 Water Monitoring and	
Planning	11,400,000
08-4855 Water Enforcement	2,750,000
09-4860 Public Wastewater	
Facilities	5,000,000
22-4861 Geological Survey	8,750,000
Total Appropriation,	
Environmental Quality	<u>\$31,436,000</u>
Personal Services:	
Salaries and wages	(\$7,444,000)
Employee benefits	(848,000)

Materials and Supplies	(211,000)
Services Other Than Personal .	(1,727,000)
Maintenance and Fixed Charges	(102,000)
Special Purpose:	
Construction grants	
program	(788,000)
Monitoring and planning	(178,000)
Underground injection	
control	(19,000)
Underground storage tanks	
notification	(39,000)
Clean Lakes program	(10,000,000)
Groundwater program	(150,000)
Lake Hopatcong restoration	
project	(300,000)
Non-point source	
control	(900,000)
Underground storage tank	
trust	(8,500,000)
Additions, Improvements and	
Equipment	(230,000)

44 Hazardous and Toxic Pollution Control

01-4820 Radiation Protection ...	\$52,000
04-4835 Pesticide Control	212,000
19-4815 Spill Prevention,	
Response and Site	
Cleanup	82,000,000
23-4910 Waste Management	<u>15,300,000</u>
Total Appropriation, Hazardous	
and Toxic Pollution	
Control	<u>\$97,564,000</u>
Personal Services:	
Salaries and wages	(\$6,305,000)
Employee benefits	(1,545,000)
Materials and Supplies	(250,000)
Services Other Than Personal .	(78,393,000)
Maintenance and Fixed Charges	(39,000)

Special Purpose:

Cooperative pesticide enforcement	(25,000)
Environmental monitoring program	(8,000)
Pesticide technology	(4,000)
RCRA—Hazardous waste	(808,000)
Superfund grants	(985,000)
RCRA 3012 inventory of hazardous waste sites	(8,753,000)
Northeast Hazardous Waste Coordination Committee, E.P.A.	(300,000)
Additions, Improvements and Equipment	(149,000)

45 Recreational Resource Management

12-4875 Parks Management	<u>\$1,250,000</u>
Total Appropriation, Recreational Resource Management	<u>\$1,250,000</u>
Personal Services:	
Salaries and wages	(\$125,000)
Employee benefits	(30,000)
Materials and Supplies	(26,000)
Services Other Than Personal .	(2,000)
Special Purpose:	
Survey and planning operational/State administration	(386,000)
Survey and planning operational/State aid	(91,000)
State Aid and Grants:	
Survey and planning operational/State administration	(94,000)
Survey and planning operational/State aid	(72,000)
Historic preservation	(420,000)
Additions, Improvements and Equipment	(4,000)

46 Environmental Planning and Administration

99-4800 Management and Administrative Services	\$15,600,000
Total Appropriation, Environmental Planning and Administration	<u>\$15,600,000</u>
Special Purpose:	
Land and Water Conservation Fund	(\$15,600,000)
Total Appropriation, Department of Environmental Protection	<u>\$151,657,000</u>

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

01-4215 Vital Statistics	\$251,000
02-4220 Local and Community Health Services	55,639,000
03-4230 Epidemiology and Disease Control	3,445,000
04-4240 Narcotic and Drug Abuse Control	22,844,000
05-4250 Alcoholism Control	4,547,000
08-4280 Diagnostic Services	209,000
09-4290 Clinical Laboratory Services	56,000
11-4235 Occupational and Environmental Health Control	<u>371,000</u>
Total Appropriation, Health Services	<u>\$87,362,000</u>
Personal Services:	
Salaries and wages	(\$9,158,000)
Employee benefits	(2,158,000)
Materials and Supplies	(46,000)
Services Other Than Personal .	(213,000)
Maintenance and Fixed Charges	(3,000)
Special Purpose:	
Supplemental food program— W.I.C.	(35,445,000)
Herbicide worker study	(159,000)

Effects of exposure to toxic waste sites on reproductive outcomes	(30,000)
Asbestos assessment protocol	(34,000)
Venereal disease project	(375,000)
Social services block grant— alcohol rehabilitation program	(10,000)
Automation of IDRC data base	(11,000)
Alcohol, drug abuse and mental health block grant— alcohol programs	(482,000)
Counseling and testing sites	(17,000)
AIDS studies	(135,000)
Anti-drug abuse	(5,000,000)
Alcohol, drug abuse and mental health block grant— drug programs	(402,000)
Toxic shock syndrome	(19,000)
Migrant dental health	(21,000)
Nutrition facilities inspections	(11,000)
Social services block grant— Family planning	(20,000)
Longitudinal study of HIV infection on drug abusers	(2,000,000)
Health education/risk reduction, testing and counseling	(1,800,000)
Community-based AIDS outreach and intervention: Jersey City, Newark and Paterson	(3,000,000)
Community-based AIDS programs: Jersey City, Newark and Paterson	(3,000,000)
Patterns of IV use among street users	(334,000)
Homemaker-home health aide training	(13,000)

Diabetes control program	(26,000)
Preventive health and health services block grant	(303,000)
Food inspection program	(20,000)
Emergency medical service— training project— highway safety	(4,000)
Child nutrition program— inspection services	(7,000)
Vital statistics component	(73,000)
Maternal and child health block grant	(7,541,000)
Tuberculosis control program	(13,000)
Health insurance benefits	(11,000)
Family planning program— Title X	(1,868,000)
Tumors among blacks	(118,000)
Capacity building—Occupational safety and health	(21,000)
Health program for Indo- Chinese refugees	(56,000)
SEER project	(181,000)
Immunization project	(218,000)
AIDS surveillance	(20,000)
Miscellaneous local and community health service	(272,000)
State Aid and Grants:	
Migrant dental health	(56,000)
Preventive health services block grant	(1,385,000)
Social services block grant— Family planning	(1,991,000)
Energy assistance block grant—Maternal and child health services	(438,000)
Social services block grants— Alcoholism services	(633,000)
Alcohol, drug abuse, and mental health block grant— Alcoholism services	(1,566,000)

Alcohol, drug abuse and mental health block grant—	
Narcotic and drug abuse control	(4,901,000)
Counseling and testing sites	(379,000)
AIDS studies	(66,000)
Tuberculosis control program	(62,000)
Venereal disease project	(182,000)
Nutrition facilities inspections	(20,000)
Diabetes control program	(188,000)
Effects of exposure to toxic waste sites on reproductive outcomes	(160,000)
Genetic counseling and testing	(201,000)
Sexually transmitted disease training center program	(255,000)
Emergency medical services— Training project—	
Highway safety	(68,000)
Homemaker-home health aide training	(17,000)
AIDS surveillance	(146,000)

22 Health Planning and Evaluation

06-4260 Health Facilities	
Evaluation	<u>\$1,282,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$1,282,000</u>
Personal Services:	
Salaries and wages	(\$998,000)
Employee benefits	(69,000)
Special Purpose:	
Certification of Titles XVIII and XIX eligibility	(215,000)
Total Appropriation, Department of Health	<u>\$88,644,000</u>

50 DEPARTMENT OF HIGHER EDUCATION
 30 *Educational, Cultural and Intellectual Development*
 36 *Higher Educational Services*
 5400 *Office of the Chancellor*

04-5400 Student Financial		
Support Services		\$2,525,000
05-5400 Student Financial		
Assistance Administration		10,570,000
99-5400 Management and		
Administrative Services		<u>3,716,000</u>
Total Appropriation, Office		
of the Chancellor		<u>\$16,811,000</u>
Personal Services:		
Salaries and wages	(\$3,285,000)	
Employee benefits	(765,000)	
Materials and Supplies	(322,000)	
Services Other Than Personal .	(2,448,000)	
Maintenance and Fixed Charges	(212,000)	
Special Purpose:		
Education for Economic Security		
Act—Title II	(2,000)	
Student loan administrative cost		
deduction and allowance ...	(3,666,000)	
Congressional teacher scholarship		
program	(525,000)	
State Aid and Grants:		
Education for Economic Security		
Act—Title II	(752,000)	
Vocational education	(2,609,000)	
State student incentive		
grant program	(2,000,000)	
Additions, Improvements and		
Equipment	(225,000)	

Rutgers, The State University
5600 General University

17-5600 Institutional Support ..	<u>\$50,000</u>
Total Appropriation, General University	<u>\$50,000</u>
Special Purpose:	
Bankhead-Jones Fund	(\$50,000)
Total Appropriation, Department of Higher Education	<u>\$16,861,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700 Community Services ...	<u>\$10,950,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$10,950,000</u>
Personal Services:	
Salaries and wages	(\$789,000)
Employee benefits	(183,000)
Materials and Supplies	(6,000)
Services Other Than Personal .	(14,000)
Special Purpose:	
Community services	(75,000)
State Aid and Grants:	
Mental health block grant services	(9,883,000)

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management	\$40,586,000
22-7540 General Medical Services	<u>714,265,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$754,851,000</u>

Personal Services:	
Salaries and wages	(\$12,035,000)
Materials and Supplies	(121,000)
Services Other Than Personal .	(4,338,000)
Maintenance and Fixed Charges	(1,007,000)
Special Purpose:	
Payments to fiscal	
agents	(14,691,000)
Eligibility determination	(1,127,000)
Professional standard review	
organization—Utilization	
review	(2,556,000)
Alcoholism services	
project	(39,000)
Health facilities rate	
setting	(785,000)
Health facilities	
inspections	(1,087,000)
Compensation awards	(37,000)
Affirmative action and	
equal employment	
opportunity program	(16,000)
Long-term billing	
system	(360,000)
Third-party liability	
system	(188,000)
On-line eligibility	
system	(2,130,000)
State Aid and Grants:	
Medical assistance	(620,737,000)
Peer grouping	(28,078,000)
AIDS initiative	(8,000,000)
Medicaid expansion	
SOBRA	(57,322,000)
Health care case management	
and preadmission	
screening	(128,000)
Additions, Improvements and	
Equipment	(69,000)

30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions
7600 Division of Developmental Disabilities

01-7600 Purchased Residential Care		\$17,014,000
02-7600 Social Supervision and Consultation		6,317,000
03-7600 Adult Activities		27,243,000
04-7600 Education and Day Training		397,000
99-7600 Management and Administrative Services		<u>7,254,000</u>
Total Appropriation, Division of Developmental Disabilities		<u>\$58,225,000</u>
Personal Services:		
Salaries and wages	(\$15,197,000)	
Materials and Supplies	(81,000)	
Services Other Than Personal .	(118,000)	
Maintenance and Fixed Charges	(72,000)	
Special Purpose:		
Foster grandparents	(725,000)	
Developmental disabilities	(3,000)	
State Aid and Grants:		
Community care waiver (purchased residential care)	(16,702,000)	
Intermediate care facilities— mental retardation (adult activities)	(23,361,000)	
Developmental disabilities	(341,000)	
Day-care services	(530,000)	
Citizen advocacy program	(145,000)	
Work-study training program for caseworkers	(950,000)	

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation	\$2,082,000
06-7610 Health Services	520,000
07-7610 Education and Training	403,000
98-7610 Physical Plant and Support Services	769,000
99-7610 Management and Administrative Services	565,000
Total Appropriation, Green Brook Regional Center	<u>\$4,339,000</u>
Personal Services:	
Salaries and wages	(\$4,339,000)

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation	\$9,242,000
06-7620 Health Services	3,273,000
98-7620 Physical Plant and Support Services	772,000
99-7620 Management and Administrative Services	939,000
Total Appropriation, Vineland Developmental Center	<u>\$14,226,000</u>
Personal Services:	
Salaries and wages	(\$14,226,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation	\$3,424,000
06-7630 Health Services	1,784,000
98-7630 Physical Plant and Support Services	391,000
99-7630 Management and Administrative Services	683,000
Total Appropriation, North Jersey Developmental Center	<u>\$6,282,000</u>
Personal Services:	
Salaries and wages	(\$6,282,000)

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation	\$6,089,000
06-7640 Health Services	1,305,000
98-7640 Physical Plant and Support Services	1,149,000
99-7640 Management and Administrative Services	661,000
Total Appropriation, Woodbine Developmental Center	<u>\$9,204,000</u>
Personal Services:	
Salaries and wages	(\$9,204,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation	\$9,531,000
06-7650 Health Services	2,923,000
98-7650 Physical Plant and Support Services	1,348,000
99-7650 Management and Administration	759,000
Total Appropriation, New Lisbon Developmental Center	<u>\$14,561,000</u>
Personal Services:	
Salaries and wages	(\$14,561,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care	\$8,309,000
06-7660 Health Services	613,000
98-7660 Physical Plant and Support Services	259,000
99-7660 Management and Administrative Services	1,036,000
Total Appropriation, Woodbridge Developmental Center	<u>\$10,217,000</u>
Personal Services:	
Salaries and wages	(\$10,217,000)

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation	\$4,084,000
06-7670 Health Services	950,000
98-7670 Physical Plant and Support Services	1,120,000
99-7670 Management and Administrative Services	<u>929,000</u>
Total Appropriation, Hunterdon Developmental Center	<u>\$7,083,000</u>
Personal Services:	
Salaries and wages	(\$7,083,000)

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation	\$236,000
06-7680 Health Services	146,000
98-7680 Physical Plant and Support Services	26,000
99-7680 Management and Administrative Services	<u>70,000</u>
Total Appropriation, Edward R. Johnstone Training and Research Center	<u>\$478,000</u>
Personal Services:	
Salaries and wages	(\$478,000)

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation	\$5,104,000
06-7690 Health Services	744,000
98-7690 Physical Plant and Support Services	615,000
99-7690 Management and Administrative Services	<u>695,000</u>
Total Appropriation, North Princeton Developmental Center	<u>\$7,158,000</u>
Personal Services:	
Salaries and wages	(\$7,158,000)

*33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired*

11-7560 Habilitation and Rehabilitation	\$7,211,000
12-7560 Instruction, Community Programs and Prevention	339,000
99-7560 Management and Administrative Services	<u>2,167,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$9,717,000</u>
Personal Services:	
Salaries and wages	(\$3,878,000)
Materials and Supplies	(177,000)
Services Other Than Personal ..	(605,000)
Maintenance and Fixed Charges	(556,000)
Special Purpose:	
New rehabilitation center	(171,000)
Compensation awards	(10,000)
Rehabilitation Act—	
section 120	(125,000)
Vocational rehabilitation—	
Independent living	(283,000)
Social services block grant	(319,000)
State Aid and Grants:	
Vocational rehabilitation—	
direct services	(3,456,000)
Additions, Improvements and Equipment	(137,000)

*50 Economic Planning, Development and Security
53 Economic Assistance and Security
7550 Division of Public Welfare*

15-7550 Income Maintenance ...	\$436,626,000
99-7550 Management and Administrative Services	<u>18,587,000</u>
Total Appropriation, Division of Public Welfare	<u>\$455,213,000</u>

Personal Services:	
Salaries and wages	(\$6,988,000)
Materials and Supplies	(84,000)
Services Other Than Personal .	(890,000)
Maintenance and Fixed Charges	(897,000)
Special Purpose:	
Work incentive program	(659,000)
Automated child support	
enforcement program	(6,502,000)
Employment programs	(2,000,000)
Implementation of family	
assistance management	
information system	(3,070,000)
Compensation awards	(4,000)
Affirmative action and	
equal employment	
opportunity program	(8,000)
Supplemental security	
income	(8,000,000)
Welfare reform	(500,000)
State Aid and Grants:	
Refugee resettlement	
program	(968,000)
Food stamp program—county	
administration	(30,000,000)
Title XIX—county	
administration	(12,000,000)
Refugee resettlement program/	
Cuban-Haitian entrant	
program—county	
administration	(185,000)
Social services block grant—	
county administration	(22,840,000)
Child support and paternity	
program—county	
administration	(12,000,000)
Dependent children assistance—	
county administration	(47,000,000)
Dependent children	
assistance	(241,080,000)
Low income energy assistance—	
county administration	(5,112,000)

Low income energy assistance	(53,475,000)
Work incentive program	(924,000)
Additions, Improvements and Equipment	(27,000)

*55 Related Social Services Programs
7570 Division of Youth and Family Services*

16-7570 Initial Response/ Case Management	\$23,743,000
17-7570 Substitute Care	13,347,000
18-7570 General Social Services	32,563,000
99-7570 Management and Administrative Services	14,797,000
Total Appropriation, Division of Youth and Family Services	<u>\$84,450,000</u>
Personal Services:	
Salaries and wages	(\$19,184,000)
Materials and Supplies	(2,433,000)
Services Other Than Personal .	(12,267,000)
Maintenance and Fixed Charges	(9,543,000)
State Aid and Grants:	
Initial response/Case management	(1,254,000)
Medicaid payment for children in institutions	(1,387,000)
Restricted grants	(398,000)
Title IV-E	(6,750,000)
Title IV-B child welfare services	(288,000)
General social services	(124,000)
Social services block grant—Purchase of service contracts	(22,474,000)
Low income energy assistance	(1,865,000)
Cuban-Haitian entrant program	(4,251,000)

National Center for Child Abuse and Neglect	(494,000)
Additions, Improvements and Equipment	(1,738,000)

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

99-7500 Management and Administrative Services	<u>\$26,343,000</u>
Total Appropriation, Division of Management and Budget	<u>\$26,343,000</u>
Personal Services:	
Salaries and wages	(\$490,000)
Employee benefits	(11,104,000)
Materials and Supplies	(2,000)
Services Other Than Personal .	(190,000)
Special Purpose:	
Public assistance administration	(126,000)
Vocational education basic grant	(262,000)
Adult basic education	(31,000)
ECIA, Chapter II Block grant	(35,000)
Migrant education program—administration	(95,000)
ECIA, Chapter I—State institutions—handicapped	(1,482,000)
Deaf-blind training grant—Title VI-C	(214,000)
Grant diversion project	(1,000)
Intermediate care facilities—mental retardation	(3,722,000)
Teenage parent program	(1,442,000)
Human services programs	(3,541,000)
Title IV-A	(135,000)
Medical assistance administration	(1,614,000)

Rehabilitation Act—	
section 120	(113,000)
Title IV-G	(30,000)
Social services block	
grant	(1,484,000)
Food stamp	
administration	(195,000)
State Aid and Grants:	
AFDC homemaker/home health	
and demonstration	
project—Title XIX	(33,000)
Additions, Improvements and	
Equipment	(2,000)
Total Appropriation, Department	
of Human Services	<u>\$1,473,297,000</u>

62 DEPARTMENT OF LABOR

50 *Economic Planning, Development and Security*51 *Economic Planning and Development*

18-4570 Planning and Research	\$4,652,000
99-4565 Management and	
Administrative Services	<u>22,238,000</u>
Total Appropriation, Economic	
Planning and	
Development	<u>\$26,890,000</u>
Personal Services:	
Salaries and wages	(\$15,939,000)
Employee benefits	(4,028,000)
Materials and Supplies	(334,000)
Services Other Than Personal .	(3,546,000)
Maintenance and Fixed Charges	(1,873,000)
Special Purpose:	
Finance and controller	(632,000)
Current employment	
statistics	(6,000)
Occupational informational	
coordinating program	(7,000)
OSHA 200-S survey	(2,000)
Reports and analysis—	
Unemployment insurance ..	(7,000)
Planning and research	(99,000)

ES 202 covered employment and wages	(4,000)
Local area unemployment statistics	(2,000)
Occupational employment statistics	(2,000)
Labor market information— ES	(10,000)
State/local planning information	(2,000)
Alien certification—Planning and research	(1,000)
Management and administration	(16,000)
Compensation awards	(8,000)
Additions, Improvements and Equipment	(372,000)

52 Economic Regulation

12-4550 Enforcement of Workplace Standards	\$1,417,000
Total Appropriation, Economic Regulation	<u>\$1,417,000</u>
Personal Services:	
Salaries and wages	(\$958,000)
Employee benefits	(249,000)
Materials and Supplies	(12,000)
Services Other Than Personal .	(101,000)
Maintenance and Fixed Charges	(78,000)
Special Purpose:	
OSHA on-site consultation	(19,000)

53 Economic Assistance and Security

01-4510 Unemployment Insurance	\$39,838,000
02-4515 Disability Determination	<u>27,000,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$66,838,000</u>

Personal Services:	
Salaries and wages	(\$35,902,000)
Employee benefits	(9,624,000)
Materials and Supplies	(693,000)
Services Other Than Personal .	(8,283,000)
Maintenance and Fixed Charges	(6,837,000)
Special Purpose:	
Old age and survivors'	
insurance—Disability	
determination	(1,020,000)
Compensation awards	(66,000)
State Aid and Grants:	
Old age and survivors'	
insurance—Disability	
determination	(4,089,000)
Additions, Improvements and	
Equipment	(324,000)

54 Manpower and Employment Services

07-4535 Vocational	
Rehabilitation	\$27,771,000
08-4540 Work Incentive	
Program	2,163,000
09-4545 Employment Services ..	25,650,000
10-4545 Employment Development	
Services	68,487,000
Total Appropriation, Manpower	
and Employment	
Services	<u>\$124,071,000</u>
Personal Services:	
Salaries and wages	(\$27,936,000)
Employee benefits	(6,931,000)
Materials and Supplies	(218,000)
Services Other Than Personal .	(3,869,000)
Maintenance and Fixed Charges	(3,745,000)
Special Purpose:	
Drug addicts and	
alcoholic program—	
SSI	(25,000)
Job Training Partnership	
Act—Title II-B, Summer	
youth employment and	
training program	(20,000,000)

New Jersey State Library

Job Training Partnership Act—	
Title III, Dislocated	
workers	(3,500,000)
Compensation awards	(21,000)
Vocational rehabilitation	
services	(434,000)
DVR federal refunds	(250,000)
Work incentive program	
public service	
employment	(608,000)
Employment services	(450,000)
Disabled veterans' outreach	
program	(50,000)
Job Training Partnership	
Act—job search	
assistance	(6,000)
State Aid and Grants:	
Vocational rehabilitation	
services	(11,700,000)
Comprehensive services for	
independent living	(200,000)
Job Training Partnership Act—	
Title IV-C—Veterans'	
Employment and Training	
Program	(210,000)
Job Training Partnership Act—	
Title II-A—training	
services for the	
disadvantaged	(41,505,000)
Work activity centers	(464,000)
Independent living	
program	(350,000)
Work incentive program	
public service	
employment	(94,000)
Employment services	(1,200,000)
Rehabilitation of supplemental	
security income	
beneficiaries	(75,000)
Additions, Improvements and	
Equipment	(230,000)
Total Appropriation, Department	
of Labor	<u>\$219,216,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**11 Vehicular Safety*

03-1110 Driver Control		<u>\$4,810,000</u>
Total Appropriation, Vehicular Safety		<u>\$4,810,000</u>
Personal Services:		
Salaries and wages	(\$574,000)	
Employee benefits	(141,000)	
Materials and Supplies	(175,000)	
Services Other Than Personal .	(223,000)	
Maintenance and Fixed Charges	(47,000)	
Special Purpose:		
Federal highway safety program—State match	(48,000)	
Highway safety—Traffic records	(16,000)	
Planning and administration	(25,000)	
Highway safety—Fatal accident reporting system	(3,000)	
Selective enforcement management	(6,000)	
Highway safety—Safety belt public awareness	(5,000)	
Highway safety—Safety restraints program management	(7,000)	
Highway safety—Alcohol education and public awareness coordinators	(8,000)	
Alcohol education materials	(2,000)	
State Aid and Grants:		
Highway safety program— Local accounts	(3,527,000)	
Additions, Improvements and Equipment	(3,000)	

12 Law Enforcement

06-1200 Patrol Activities and Crime Control		\$502,000
08-1020 Emergency Services		1,971,000
09-1020 Criminal Justice		2,200,000
24-1200 Marine Police		
Operations		<u>756,000</u>
Total Appropriation, Law Enforcement		<u>\$5,429,000</u>
Special Purpose:		
State of New Jersey		
improvement grant	(\$25,000)	
National shelter survey	(45,000)	
Nuclear civil protection		
planning	(170,000)	
Emergency management training and education—State		
match	(102,000)	
Recreational boating safety		
financial assistance	(756,000)	
Radiological defense officer		
project	(127,000)	
FEMA State assistance		
program	(77,000)	
Medicaid fraud unit	(1,900,000)	
Northeast Hazardous Waste		
Coordination Committee ...	(300,000)	
Supplemental patrol traffic		
accident reduction	(480,000)	
Northwestern University		
police administration		
training program	(22,000)	
State Aid and Grants:		
Emergency management		
assistance program	(1,425,000)	

13 Special Law Enforcement Activities

18-1430 Law Enforcement	
Planning	\$9,800,000
Total Appropriation, Special Law Enforcement Activities	<u>\$9,800,000</u>
State Aid and Grants:	
Juvenile justice administration and grants	(\$1,300,000)
Justice Assistance Act— grants	(6,200,000)
Victim assistance grants	(2,300,000)

*80 Special Government Services**82 Protection of Citizens' Rights*

16-1350 Protection of Civil Rights	\$530,000
19-1440 Violent Crimes Compensation	<u>2,150,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$2,680,000</u>
Special Purpose:	
New charge resolution project	(\$388,000)
Age discrimination project	(85,000)
Fair housing assistance program	(57,000)
Expansion of victim services— SLEPA	(150,000)
Victim compensation award	(2,000,000)
Total Appropriation, Department of Law and Public Safety	<u>\$22,719,000</u>

70 DEPARTMENT OF THE PUBLIC ADVOCATE

80 *Special Government Services*82 *Protection of Citizens' Rights*

01-8310 Mental Health		
Advocacy		\$255,000
08-8350 Advocacy for the		
Developmentally Disabled		<u>624,000</u>
Total Appropriation, Protection		
of Citizens' Rights		<u>\$879,000</u>
Personal Services:		
Salaries and wages	(\$565,000)	
Employee benefits	(135,000)	
Materials and Supplies	(15,000)	
Services Other Than Personal .	(121,000)	
Maintenance and Fixed Charges	(3,000)	
Special Purpose:		
Advocacy for the		
developmentally disabled ..	(16,000)	
Clients' assistance		
project	(12,000)	
Mental health protection		
and advocacy	(12,000)	
Total Appropriation, Department		
of the Public		
Advocate		<u><u>\$879,000</u></u>

74 DEPARTMENT OF STATE

37 *Cultural and Intellectual Development Services*

05-2530 Support of the		
Arts		\$729,000
06-2535 Museum Services		275,000
07-2540 Development of		
Historical Resources		<u>108,000</u>
Total Appropriation, Cultural		
and Intellectual		
Development Services		<u>\$1,112,000</u>
Personal Services:		
Salaries and wages	(\$432,000)	
Materials and Supplies	(2,000)	
Services Other Than Personal .	(3,000)	

Special Purpose:		
Basic grant	(10,000)	
Arts in school	(117,000)	
NEA art in public places	(76,000)	
NEA arts: Basic to education	(20,000)	
NEH historical exhibition	(100,000)	
NEA arts expansion	(100,000)	
IMS general support	(75,000)	
NEH papers of William Livingston	(38,000)	
Papers of William Livingston— NHPRC	(20,000)	
NEH Black migration project	(50,000)	
NEA local test	(50,000)	
State Aid and Grants:		
Basic block grant	(19,000)	
Total Appropriation, Department of State		<u>\$1,112,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*61 *State Highway Facilities*

10-6200 Federal Aid Interstate Highway Projects	\$95,000,000
12-6200 Federal Aid Interstate 4R Projects	45,000,000
20-6200 Federal Aid Urban System Highway Projects	29,000,000
25-6200 Federal Aid Consolidated Primary Highway Projects	55,000,000
28-6200 Federal Demonstration Projects	11,550,000
30-6200 Federal Aid Rural Secondary Projects	6,000,000
40-6200 Federal Aid Bridge Projects	65,000,000
41-6200 Federal Aid Hazard Elimination Projects	6,000,000

43-6200 Federal Aid Rail	
Highway Crossings	3,600,000
65-6200 Federal Aid Rail	
Freight Lines	5,000,000
71-6200 Transportation	
Construction Engineering	750,000
15-6220 Interstate Transfer	
Program Funds	<u>50,000,000</u>
Total Appropriation, State	
Highway Facilities	<u>\$371,900,000</u>
Special Purpose:	
Interstate highway	
projects	(\$95,000,000)
Interstate resurfacing	(45,000,000)
Interstate transfer	
program fund	(50,000,000)
Urban system projects	(29,000,000)
Consolidated primary	
projects	(55,000,000)
Rail highway crossings	(3,600,000)
Rural secondary projects	(6,000,000)
Supportive services highway	
construction training	
program	(750,000)
Hazard elimination	
projects	(6,000,000)
Bridge replacement	
projects	(65,000,000)
Rail freight lines	(5,000,000)
Federal demonstration	
projects	(11,550,000)

64 Planning and General Management Support

02-6030 Planning	\$11,300,000
03-6040 Research and	
Demonstration	1,500,000
05-6070 Modal Services	<u>17,000,000</u>
Total Appropriation, Planning	
and General Management	
Support	<u>\$29,800,000</u>

Personal Services:		
Salaries and wages	(\$3,573,000)	
Materials and Supplies	(106,000)	
Services Other Than Personal .	(566,000)	
Maintenance and Fixed Charges	(42,000)	
Special Purpose:		
Metropolitan planning		
studies	(2,885,000)	
Planning and research		
payroll	(2,295,000)	
New Jersey Statewide public		
transportation grant		
(NJ 09-8007)	(1,800,000)	
Research—Federal payroll	(1,500,000)	
Airport Fund	(17,000,000)	
Additions, Improvements and		
Equipment	(33,000)	
Total Appropriation, Department		
of Transportation		<u>\$401,700,000</u>

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

05-9730 Family Courts	<u>\$20,050,000</u>
Total Appropriation, Judicial	
Services	<u>\$20,050,000</u>
Special Purpose:	
Child support and paternity	
program	(\$20,000,000)
CASAS—Work with citizens'	
review board	(50,000)
Total Appropriation,	
The Judiciary	<u>\$20,050,000</u>
Total Appropriation,	
Federal Funds	<u>\$2,827,551,000</u>

In addition to the federal funds appropriated in this act, there are appropriated the following funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required except, for the purpose of

this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; grants to State colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey, and the New Jersey Institute of Technology for research or other scholarly activity not related to expansion of course curricula; and Basic Educational Opportunity Grants (Pell Grants), Supplemental Educational Opportunity Grants, National Direct Student Loans, and College Work Study Funds in excess of the amount specifically appropriated, except that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of these grants; and all other grants of \$200,000 or less which have been awarded competitively.

For the purposes of federal funds appropriations, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, county or municipal authorities, regional authorities or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or who receives the allocation; and "grants" refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The accounts receivable balances as of June 30, 1987, of federal funds are reestablished and appropriated for the same purposes, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting who shall inform the Legislative Budget and Finance Officer by September 1, 1987 of accounts receivable balances which are established and reappropriated.

The unexpended balances as of June 30, 1987, of federal funds are appropriated for the same purpose. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 1987 of any unexpended balances which are reappropriated.

The Director of the Division of Budget and Accounting shall promulgate and enforce uniform accounting procedures applicable to all State agencies receiving and expending federal funds.

The appropriate executive agencies shall prepare and submit to the Senate Revenue, Finance and Appropriations Committee and

the Assembly Appropriations Committee, or their successors, by March 1, 1988, reports on proposed expenditures during fiscal year 1989 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the job training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities grant; and the social services block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide service under the block grants.

The amounts hereinabove appropriated are available, subject to the approval of the Director of the Division of Budget and Accounting, for the payment of obligations and the reimbursement of expenditures applicable to prior fiscal years.

Total Appropriation,	
General Fund	<u>\$10,184,727,000*</u>

PROPERTY TAX RELIEF FUND
DIRECT STATE SERVICES
82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
73 Financial Administration

15-2080 Processing and Administration	\$29,176,000
Total Appropriation, Financial Administration	<u>\$29,176,000</u>
Special Purpose:	
Administrative costs of the collection of the gross income tax	(\$22,466,000)
Administrative costs of paying homestead exemptions	(6,710,000)

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are appropriated such additional sums as may be required for collection of the gross income tax and the administration of the homestead rebate act, P.L. 1976, c. 72 (C. 54:4A-3.80 et seq.), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury	\$29,176,000
Total Appropriation, Direct State Services	<u>\$29,176,000</u>

STATE AID

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

01-5120 General Formula Aid ..	\$1,553,391,000
03-5120 Miscellaneous Grants- in-Aid	59,000,000
05-5120 Bilingual Education	30,434,000
06-5120 Compensatory Education	148,909,000
07-5120 Special Education	<u>272,665,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$2,064,399,000</u>

State Aid:

Current expense equalization aid	(\$1,553,391,000)
Minimum teacher starting salary	(59,000,000)
Bilingual education aid	(30,434,000)
Compensatory education aid	(148,909,000)
Special education aid	(272,665,000)

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to the State Facilities Education Act of 1979, P.L. 1979, c. 207, to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

34 Educational Support Services—State Aid

36-1120 Pupil Transportation ...	\$158,037,000
38-5120 Facilities Planning and School Building Aid	<u>81,864,000</u>
Total Appropriation, Educational Support Services	<u>\$239,901,000</u>
State Aid:	
Transportation aid	(\$158,037,000)
School building aid	(81,864,000)

The amount appropriated hereinabove for transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1985-86 school year.

Total Appropriation, Department of Education	<u>\$2,304,300,000</u>

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In the event that sufficient funds are not appropriated to fully fund general formula aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are needed to fund adjustments, by utilizing the same method used in distributing general formula aid and school building aid in the 1986-87 school year.

In the event that sufficient funds are not appropriated to fully fund any grant-in-aid, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

82 DEPARTMENT OF THE TREASURY
 70 *Government Direction, Management and Control*
 75 *State Subsidies and Financial Aid—State Aid*

32-2071 Revenue Sharing	\$50,000,000
33-2076 Homestead Rebates	299,000,000
34-2078 Reimbursement—Senior Citizens and Veterans	<u>47,300,000</u>
Total Appropriation, State Subsidies and Financial Aid	<u>\$396,300,000</u>

State Aid:

Distribution of revenue sharing funds to qualifying municipalities	(\$50,000,000)
Payments to homeowners for homestead rebates	(209,000,000)
State reimbursement to municipalities for senior/ disabled citizens' property tax exemptions	(25,900,000)
State reimbursement for veterans' property tax exemptions	(21,400,000)

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for the senior/disabled citizens' and veterans' property tax exemptions and for additional payments to homeowners qualifying for homestead rebates.

Notwithstanding the provisions of section 4 of P.L. 1976, c. 73 (C. 54A:10-4), the amount of revenue sharing paid by the State to municipalities for the calendar year 1987 shall be the same amount which was paid during calendar year 1986.

Total Appropriation, Department of the Treasury	<u>\$396,300,000</u>
Total Appropriation, State Aid	<u>\$2,700,600,000</u>
Total Appropriation, Property Tax Relief Fund	<u>\$2,729,776,000</u>

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**13 Special Law Enforcement Activities*

30-1460 Gaming Enforcement ..		<u>\$34,233,000</u>
Total Appropriation, Special		
Law Enforcement		
Activities		<u>\$34,233,000</u>
Personal Services:		
Salaries and wages	(\$17,691,000)	
New positions	(374,000)	
Cash in lieu of		
maintenance	(811,000)	
Employee benefits	(5,625,000)	
Materials and Supplies	(990,000)	
Services Other Than Personal .	(3,567,000)	
Maintenance and Fixed Charges	(2,440,000)	
Special Purpose:		
Compensation awards	(31,000)	
Indirect costs	(1,290,000)	
Additions, Improvements and		
Equipment	(1,414,000)	

The amount hereinabove for Gaming Enforcement is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for Gaming Enforcement, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department	
of Law and Public	
Safety	<u>\$34,233,000</u>

82 DEPARTMENT OF THE TREASURY
 70 *Government Direction, Management and Control*
 73 *Financial Administration*

25-2095 Administration of	
Casino Gambling	<u>\$23,900,000</u>
Total Appropriation, Financial	
Administration	<u>\$23,900,000</u>
Personal Services:	
Chairman and	
commissioners	(\$455,000)
Salaries and wages	(15,117,000)
New positions	(324,000)
Employee benefits	(3,935,000)
Materials and Supplies	(330,000)
Services Other Than Personal .	(1,764,000)
Maintenance and Fixed Charges	(1,361,000)
Special Purpose:	
Compensation awards	(1,000)
Other special purpose	(496,000)
Additions, Improvements and	
Equipment	(117,000)

The amount hereinabove for Administration of Casino Gambling is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 53 of P.L. 1977, c. 110 (C. 5:12-53), each member of the Casino Control Commission shall receive compensation of \$90,000.00 per annum. The chairman shall receive \$5,000.00 per annum in addition to his compensation as a member of the commission.

Total Appropriation, Department	
of the Treasury	<u>\$23,900,000</u>
Total Appropriation, Casino	
Control Fund	<u>\$58,133,000</u>

CASINO REVENUE FUND
DIRECT STATE SERVICES
22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management

12-8025 Boarding House Regulation and Assistance	<u>\$4,800,000</u>
Total Appropriation, Community Development Management	<u>\$4,800,000</u>
Special Purpose:	
Boarding House Rental Assistance Fund	(\$4,800,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to section 17 of P.L. 1983, c. 530 (C. 55:14K-17), and subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security
55 Related Social Services Programs

08-8060 Programs for the Aging	<u>\$4,950,000*</u>
Total Appropriation, Related Social Services Programs ..	<u>\$4,950,000*</u>
Personal Services:	
Salaries and wages	(\$75,000)
Employee benefits	(25,000)
Special Purpose:	
Congregate housing support services	(1,750,000)
Senior citizen housing— safe housing and transportation	(3,000,000)
Task force study: housing options for seniors	(100,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of Community Affairs	<u>\$9,750,000*</u>

46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services*

02-4220 Local and Community Health Services	<u>\$2,380,000</u>
Total Appropriation, Health Services	<u>\$2,380,000</u>

Special Purpose:

Aging health—Home health care	(\$100,000)
Demonstration adult day care center program—Alzheimer's disease	(1,100,000)
Statewide birth defects registry	(580,000)

Grants:

Geriatric Health Assessment Centers	(600,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of Health	<u>\$2,380,000</u>

54 DEPARTMENT OF HUMAN SERVICES
20 *Physical and Mental Health*
24 *Special Health Services*

7540 *Division of Medical Assistance and Health Services*

21-7540 Health Services Administration and Management	\$1,523,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled	<u>53,693,000*</u>
Total Appropriation, Special Health Services	<u>\$55,216,000*</u>

Personal Services:	
Salaries and wages	(\$911,000)
Employee benefits	(210,000)
Materials and Supplies	(26,000)
Services Other Than Personal .	(313,000)
Maintenance and Fixed Charges	(184,000)
Special Purpose:	
Payments to fiscal	
agents	(596,000)
Eligibility determination	(327,000)
Payments to fiscal agents	
(PAAD)	(886,000)
Compensation awards	(2,000)
Other special purpose	(176,000)
Grants:	
Pharmaceutical Assistance	
to the Aged and Disabled—	
Claims, P.L. 1975, c. 194	
(C. 30:4D-20 et seq.)	(51,564,000)*
Additions, Improvements and	
Equipment	(21,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for claims.

All funds recovered under P.L. 1968, c. 413 (C. 30:4D-1 et seq.) during the fiscal year ending June 30, 1988 are appropriated.

Effective July 1, 1987, any single resident of this State who is either a recipient of federal Social Security Disability Insurance benefits or 65 years of age and over, whose annual income is less than \$13,650, or any married resident whose annual income combined with that of his spouse is less than \$16,750 shall be eligible for "Pharmaceutical Assistance to the Aged and Disabled," if he is not otherwise qualified for assistance under P.L. 1975, c. 194 (C. 30:4D-20 et seq.).

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7600 Division of Developmental Disabilities*

01-7600 Purchased Residential Care		\$11,135,000
02-7600 Social Supervision and Consultation		168,000
03-7600 Adult Activities		<u>8,697,000</u>
Total Appropriation, Division of Developmental Disabilities		<u>\$20,000,000</u>
Special Purpose:		
Family Care	(\$68,000)	
Homemaker services	(30,000)	
Grants:		
Private institutional care	(237,000)	
Group homes	(10,684,000)	
Skill development homes	(146,000)	
Home assistance	(138,000)	
Purchase of adult activity services	(8,697,000)	

The amount hereinabove is appropriated from the Casino Revenue Fund.

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7540 Division of Medical Assistance and Health Services*

28-7540 Lifeline Programs		<u>\$73,431,000*</u>
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$73,431,000*</u>
Personal Services:		
Salaries and wages	(\$2,823,000)	
Employee benefits	(652,000)	
Materials and Supplies	(58,000)	
Services Other Than Personal	(634,000)	
Maintenance and Fixed Charges	(176,000)	
Special Purpose:		
Lifeline fiscal agent PAAD reimbursement	(58,000)	
Compensation awards	(6,000)	

Other special purpose	(480,000)
Grants:	
Payments for lifeline	
credits	(40,769,000)*
Payments for tenants' assistance	
rebates	(27,752,000)
Additions, Improvements and	
Equipment	(23,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for payments to persons qualifying for lifeline programs.

50 Economic Planning Development and Security
55 Related Social Services Programs
7570 Division of Youth and Family Services

18-7570 General Social	
Services	<u>\$1,500,000</u>
Total Appropriation, Division	
of Youth and Family	
Services	<u>\$1,500,000</u>
Special Purpose:	
Protective services for	
the elderly and	
disabled	(\$1,500,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

70 Government Direction, Management and Control
76 Management and Administration
7500 Division of Management and Budget

99-7500 Management and	
Administrative Services	<u>\$1,100,000</u>
Total Appropriation, Division	
of Management and	
Administration	<u>\$1,100,000</u>
Special Purpose:	
Respite care of the	
elderly	(\$1,100,000)

Total Appropriation, Department of Human Services	<u>\$151,247,000*</u>
Total Appropriation, Direct State Services—Casino Revenue Fund	<u>\$163,377,000*</u>

STATE AID

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*24 *Special Health Services*

22-7540 General Medical Services	<u>\$56,230,000</u>
Total Appropriation, Special Health Services	<u>\$56,230,000</u>
State Aid:	
Payments for medical assistance recipients (State share)	(\$19,547,000)
Health care case management and preadmission screening	(128,000)
Medicaid expansion— SOBRA	(27,055,000)
Home care expansion— State only	(8,000,000)
Hearing aid assistance for the aged and disabled	(1,500,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for the payment of claims, subject to the approval of the Director of the Division of Budget and Accounting.

From the sums appropriated hereinabove for Medicaid Expansion—SOBRA, such sums as are necessary, not to exceed 10% of the amount appropriated for this program, are allocated for the administration of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services	<u>\$56,230,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*62 *Public Transportation—State Aid*

04-6050 Railroad and Bus	
Operations	<u>\$13,950,000</u>
Total Appropriation, Public	
Transportation	<u>\$13,950,000</u>
State Aid:	
Transportation assistance	
for senior citizens and	
disabled residents	(\$13,950,000)
The amount hereinabove is appropriated from the Casino Revenue Fund.	
The unexpended balance as of June 30, 1987 in this account is appropriated.	
Total Appropriation, Department	
of Transportation	<u>\$13,950,000</u>

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*75 *State Subsidies and Financial Aid—State Aid*

34-2076 Reimbursement—Senior	
Citizens and Veterans	<u>\$17,900,000</u>
Total Appropriation, State	
Subsidies and Financial	
Aid	<u>\$17,900,000</u>
State Aid:	
Reimbursements to municipalities	
for senior and disabled	
citizens' tax	
exemptions	(\$17,900,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for reimbursements to municipalities qualifying for such payments or reimbursements.

Total Appropriation, Department of the Treasury	<u>\$17,900,000</u>
Total Appropriation, State Aid—Casino Revenue Fund	<u>\$88,080,000</u>
Total Appropriation, Casino Revenue Fund	<u>\$251,457,000*</u>
Grand Total Appropriation, All Funds	<u>\$13,224,093,000*</u>

2. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received or receivable for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 1987 of such funds.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1987 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; and sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such sums as may be required for the collection of debts owed to the State, subject to the allotment by the Director of the Division of Budget and Accounting.

7. The unexpended balances as of June 30, 1987 in the accounts of the several departments and agencies heretofore appropriated or

established in the category of Additions, Improvements and Equipment are appropriated.

8. Unless otherwise provided, balances remaining as of June 30, 1987 in accounts of appropriations enacted subsequent to April 1, 1987 are appropriated.

9. 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; providing that such transfer is not between or among a State Aid, Direct State Services, Capital Construction or a Debt Service account, except as hereinafter provided. Such application shall be made only during the current year for which the appropriation was made. If the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount transferred to the credit of the item designated and notify the Legislative Budget and Finance Officer upon the effective date thereof. Cumulative transfers or allotments in excess of \$200,000 from or to any account and any transfer or allotment regardless of amount, to or from a line item in the category of accounts identified as Grant or Special Purpose, other than those in the category of Salary and Other Benefits and the Special Purpose appropriation to the Governor under the State Contingency Fund for emergency or necessity, both in the Inter-Departmental Accounts, shall be transmitted to the Legislative Budget and Finance Officer for his approval or disapproval and returned to the Director of the Division of Budget and Accounting within 10 working days. In all cases where, by the provisions of this act, a request for transfer or allotment of any funds, or any other action, requires approval of the Legislative Budget and Finance Officer, the request shall be deemed to be approved by the Legislative Budget and Finance Officer, if, within 20 working days of the physical receipt of the request, the Legislative Budget and Finance Officer does not disapprove the request and so inform the requesting officer. Except as otherwise provided, no sum appropriated for any capital improvement shall be used for maintenance or for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance. However, any item for capital improvement may be transferred to any other item of capital improvement. Transfers or allotments between or among State Aid, Direct State Services, Capital Construction, or Debt Ser-

vice accounts may be made only if approved by the Legislative Budget and Finance Officer at the direction of the Joint Budget Oversight Committee or its successor. The Joint Budget Oversight Committee or its successor is empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any such transfer.

10. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and he is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. Where such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be his duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

11. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, leased telephone, motor pool, insurance, postage, lease payments on equipment purchases and compensation awards to credit or transfer to the Department of the Treasury, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

12. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in

accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including 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 Legislative Budget and Finance Officer, upon the effective date of the ruling.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal Insurance Administration requirements.

15. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

16. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

17. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

18. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting shall be transmitted to the Department of the Treasury for credit to the General Fund; provided, however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

19. Notwithstanding the provisions of P.L. 1954, c. 48 (C. 52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJEEN) as if they were State government agencies pursuant to subsection (a) of section 5 of P.L. 1954, c. 48 (C. 52:34-10); provided, however, that any expenditure with NJEEN shall be subject to the prior approval of the Director of the Division of Budget and Accounting.

20. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$250 due and owing to the State.

21. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$1,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding \$1,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

22. The unexpended balances as of June 30, 1987 in any account which represent funding from the Inter-Departmental Accounts for

the continuation and expansion of data processing systems are appropriated for the same purpose.

23. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

24. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from the fund. Such receipts shall be forwarded monthly by such custodian, to the Director of the Division of Budget and Accounting for audit, and said director shall likewise make regulations governing disbursement from petty cash funds.

25. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Recommendation Document dated February 2, 1987.

26. Receipts in excess of those anticipated from employee maintenance deductions are appropriated for the purpose of maintenance of employee housing units, subject to allotment by the Director of the Division of Budget and Accounting.

27. State agencies shall prepare and submit a timely copy of their departmental budget requests, budget planning documents and spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer, including quarterly updated spending plans on January 1 and April 1, 1988. The spending plans shall account for any changes in departmental spending which differ

from this appropriation act and all supplements to this act. The plans and requests shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

28. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

29. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposals or grant applications, with the exception of research grants awarded to State colleges, which do not require a State match and which will not commit or require State support after the grant's expiration, prior to the director's approval or disapproval of the application.

30. As a result of taxpayer reactions to changes in the federal Internal Revenue Code, made by the "Tax Reform Act of 1986," Pub.L. 99-514 (26 U.S.C. §1 et seq.), it is apparent that receipts recently collected under the "New Jersey Gross Income Tax Act," N.J.S. 54A:1-1 et seq., are far in excess of the level of receipts reasonable of anticipation, and that this level of receipts should not be available as State resources for expenditure until the effects on fiscal year 1988 revenues are more clearly determined. In the interest of sound fiscal policy it is incumbent upon the State government to reserve such amounts pending that determination. Therefore, the balance in the Property Tax Relief Fund resulting from gross income tax revenue collections for fiscal year 1987 in excess of \$2,320,000,000.00 is set aside as a designated restricted balance within the Property Tax Relief Fund and that balance shall not be anticipated as part of resources available for appropriation for fiscal year 1988 except as may be otherwise provided by law.

31. This act shall take effect July 1, 1987.

Approved June 30, 1987.

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

Statement to Chapter 154
(Senate Bill No. 3401)

I am today returning Senate Bill No. 3401 with my signature, along with certain constitutionally permitted modifications set forth in the statement appended thereto.

This budget is basically the one which I delivered to the Legislature on February 2, 1987. It is responsible and prudent. It invests wisely in our continued growth and prosperity. This budget will provide:

- A total of \$5.2 billion in State aid to ease the pressure on local property taxes, including \$3.2 billion in school aid, an increase of \$252 million from last year. This is the second largest increase in history and is by far the single largest increase in the budget. Since I have been in office we have invested \$4.5 billion in new money for education.
- An increase of over \$200 million for the Department of Human Services for a total State commitment of \$2.1 billion. These funds, together with almost \$1.5 billion in federal dollars, will permit us to expand significantly our services to the elderly, the disabled and the poor. Some of the most significant improvements to be made include:
 - the reform of our welfare system through the REACH program;
 - the initiation of a counseling program for troubled teenagers;
 - the expansion of services for over 10,000 homeless families;
 - an expansion of community services for the mentally ill and developmentally disabled; and
 - the significant expansion of health care, particularly for the aged, disabled and pregnant women.
- An increase of over \$60 million for the operation of correctional facilities to meet the increase in the number of inmates incarcerated in State and county facilities.
- An increase of \$42.3 million for a total appropriation of almost \$900 million for our public colleges and universities. We are expanding our challenge grants to community colleges, Rutgers, New Jersey Institute of Technology and the University of Medicine and Dentistry of New Jersey, as well as continuing our challenge grant program for State colleges and providing ad-

ditional funding to strengthen minority recruitment and retention.

- A pay-as-you-go capital program of more than \$355 million, including \$40 million for hazardous waste cleanup activities.

This budget also includes smaller but just as critical increases in State support for mass transit, treatment and research of AIDS, cultural activities, aid to families in distress, and drug education and treatment.

I appreciate the cooperation of the Legislature, particularly the Appropriation Committees of the Senate and Assembly and their respective chairmen in providing the necessary tools for State government to operate in an efficient and effective manner. They have taken my basic recommendations, fine-tuned them and added some enhancements of their own. While the Legislature and I may disagree on certain of the modifications made to this budget, the end product of their deliberations, with certain revisions I now make, is one that serves the State and its citizens well. The process has worked.

My single major disappointment in terms of long-term budget planning is the absence of any Legislative agreement on a stable funding source for the maintenance of the State's natural resources and for the construction of the needed transportation projects. All agree a solution must be found and I pledge to continue to work with the Legislature to provide stable resources for these vital programs. The \$58 million appropriation for transportation projects provided in this budget together with an increase in the bonding capacity of the Transportation Trust Fund Authority will permit a transportation program of only \$323 million in State funds and \$480 million in federal funds for a total capital construction program of \$803 million for fiscal year 1988; there is no provision for subsequent years. This is a bare bones, stop-gap program. We must continue our efforts to fund a permanent solution. The crisis still looms close at hand; the day of reckoning has merely been postponed.

However, on balance, I am most pleased to sign into law this budget for fiscal year 1988. It is a wise investment in our future and an investment which maintains the State's fiscal integrity and prudent financial practices.

Revenue Certification

In accordance with the provision of the State Constitution, I hereby certify that the resources listed below or contained in Senate Bill No. 3401 are available to support appropriations made by Senate Bill No. 3401 for the fiscal year ending June 30, 1988.

General Fund:

Undesignated Fund Balance, July 1, 1987	\$ 346,147,215
Major Taxes:	
All Major Taxes same as S-3401	\$ 5,991,000,000
Miscellaneous Taxes, Fees and Revenues:	
Marina Rentals	\$ 400,000
All Miscellaneous Taxes, etc., same as S-3401	\$ 711,527,645
Interfund Transfers:	
Unemployment Auxiliary Fund	\$ 20,000,000
All Other Interfund Transfers same as S-3401	\$ 551,718,140
Total General Fund Revenues	\$ 7,274,645,785
Total Resources, General Fund	\$ 7,620,793,000

Property Tax Relief Fund

All Resources same as S-3401	\$ 2,734,776,000

Casino Revenue Fund

All Resources same as S-3401	\$ 345,222,000

Casino Control Fund

All Resources same as S-3401	\$ 58,133,000

Gubernatorial Elections Fund

All Resources same as S-3401	\$ 186,319
Grand Total Resources	<u>\$10,759,110,319</u>

Federal Funds

Uncertainty over the amount of federal aid which may be available to the State prevents me from making a like certification in the case of federal funds. Federal monies specified in the appropriations bill cannot be regarded as immediately available for expenditure. Pursuant to C. 52:27B-26, I direct that expenditures be permitted under these appropriations only upon determination by the Director of the Division of Budget and Accounting that federal funds to support any expenditure are receivable or have been received by the State.

"Direct State Services"
"Department of Agriculture"

<i>Page</i>		
26	"03-3330 Resource Development Services	\$1,706,000."
	This item is reduced to \$1,456,000.	
26	"Total Appropriation, Natural Resource Management	4,569,000."
	This item is reduced to \$4,319,000.	
27	"Grants to soil conservation districts	(531,000)."
	This item is reduced to \$481,000.	
27	"Non-point source pollution program	(100,000)."
	This item is deleted in its entirety.	
27	"Agriculture in the classroom	(100,000)."
	This item is deleted in its entirety.	
30	"Total Appropriation, Department of Agriculture	9,637,000."
	This item is reduced to \$9,387,000.	

"Department of Commerce and Economic Development"

32	"21-2850 International Trade	\$ 2,329,000."
	This item is reduced to \$2,304,000.	
33	"Total Appropriation, Economic Planning and Development	17,485,000."
	This item is reduced to \$17,460,000.	

Page

33	“Governor’s Commission on International Trade	(150,000).”
	This item is reduced to \$125,000.	
35	“24-2890 New Jersey Commission on Science and Technology	19,195,000.”
	This item is reduced to \$18,945,000.	
35	“Total Appropriation, New Jersey Commission on Science and Technology	19,195,000.”
	This item is reduced to \$18,945,000.	
36	“Advanced manufacturing engineering systems center	(250,000).”
	This item is deleted in its entirety.	
36	“Total Appropriation, Department of Commerce and Economic Development	38,769,000.”
	This item is reduced to \$38,494,000.	

“Department of Corrections”

44	“13-7025 Institutional Program Support	\$ 54,935,000.”
	This item is reduced to \$53,435,000.	
44	“Total Appropriation, System-Wide Program Support	54,935,000.”
	This item is reduced to \$53,435,000.	
44	“Purchase of service for inmates incarcerated in county penal facilities —Accelerated reimbursement program ..	(1,500,000).”
	This item is deleted in its entirety.	
46	“The amount appropriated hereinabove for Purchase of service for inmates incarcerated in county penal facilities —Accelerated reimbursement program shall be expended for the purpose of reimbursing the county providing such service beginning with the 11th day of inmate incarceration.” The quoted language is deleted in its entirety.	

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- 58 "Total Appropriation, Department of
Corrections 368,151,000."
This item is reduced to \$366,651,000.

"Department of Education"

- 64 "99-5090 Management and Administrative
Services \$ 1,340,000."
This item is reduced to \$1,240,000.
- 64 "Total Appropriation, Education
Administration and Management 7,571,000."
This item is reduced to \$7,471,000.
- 65 "Martin Luther King, Jr.
Commemorative Commission (350,000)."
This item is reduced to \$250,000.
- 66 "Total Appropriation, Department
of Education 40,459,000."
This item is reduced to \$40,359,000.

"Department of Energy"

- 67 "10-4050 Public Broadcasting
Services \$ 8,473,000."
This item is reduced to \$7,968,000.
- 67 "Total Appropriation, Cultural and
Intellectual Development Services 8,473,000."
This item is reduced to \$7,968,000.
- 67 "Grant to WNET (450,000)."
This item is deleted in its entirety.
- 67 "Grant to WBGO (100,000)."
This item is reduced to \$45,000.
- 69 "Total Appropriation, Department
of Energy 21,718,000."
This item is reduced to \$21,213,000.

*"Department of Environmental Protection"**Page*

73	"02-4825 Air Pollution Control	\$ 6,834,000."
	This item is reduced to \$5,934,000.	
73	"07-4850 Water Monitoring and Planning	2,148,000."
	This item is reduced to \$1,548,000.	
73	"Total Appropriation, Environmental Quality	17,173,000."
	This item is reduced to \$15,673,000.	
73	"New Positions	(850,000)."
	This item is deleted in its entirety.	
73	"Expansion of air pollution control programs	(650,000)."
	This item is deleted in its entirety.	
79	"An amount not to exceed [\$2,000,000] is appropriated from the New Jersey Spill Compensation Fund for emergency response to toxic releases, subject to the approval of the Director of Budget and Accounting." The amount in brackets is reduced to \$1,500,000.	
80	"10-4865 Marina Operations	848,000."
	This item is reduced to \$400,000.	
80	"Total Appropriation, Recreational Resource Management	20,592,000."
	This item is reduced to \$20,144,000.	
80	"Salaries and Wages	(12,605,000)."
	This item is reduced to \$12,369,000.	
80	"Materials and Supplies	(1,994,000)."
	This item is reduced to \$1,896,000.	
81	"Services Other Than Personal	(1,183,000)."
	This item is reduced to \$1,160,000.	
81	"Maintenance and Fixed Charges	(1,259,000)."
	This item is reduced to \$1,226,000.	

Page

- 81 "Additions, Improvements and
Equipment (1,089,000)."
This item is reduced to \$1,031,000.
- 82 "Receipts in excess of (\$848,000)
from Marina Operations are appropriated
for maintenance and security of marina
facilities."
The amount in parentheses is reduced to
\$400,000.
- 84 "Total Appropriation, Department of
Environmental Protection 92,485,000."
This item is reduced to \$90,537,000.

"Department of Health"

- 84 "02-4220 Local and Community
Health Services \$20,075,000."
This item is reduced to \$20,050,000.
- 84 "05-4250 Alcoholism Control 2,753,000."
This item is reduced to \$2,653,000.
- 84 "Total Appropriation, Health Services .. 63,761,000."
This item is reduced to \$63,636,000.
- 86 "MCOSS Nursing Services, Inc. (100,000)."
This item is reduced to \$75,000.
- 86 "Compulsive gambling program, JFK
Medical Center, Edison (50,000)."
This item is deleted in its entirety.
- 86 "Somerset County Council on
Alcoholism (100,000)."
This item is reduced to \$50,000.
- 91 "Total Appropriation, Department
of Health 80,300,000."
This item is reduced to \$80,175,000.

*"Department of Higher Education"**Page*

92	"02-5400 Support to Independent Institutions	\$30,982,000."
	This item is reduced to \$29,982,000.	
92	"Total Appropriation, Office of the Chancellor	136,098,000."
	This item is reduced to \$135,098,000.	
93	"Aid to independent colleges and universities	(22,245,000)."
	This item is reduced to \$21,245,000.	
97	"13-5500 Extension and Public Services	764,000."
	This item is reduced to \$624,000.	
97	"Sub-Total General Operations	34,012,000."
	This item is reduced to \$33,872,000.	
97	"Total All Operations	42,963,000."
	This item is reduced to \$42,823,000.	
98	"Total Appropriation, Glassboro State College	26,934,000."
	This item is reduced to \$26,794,000.	
98	"Camden Urban Center	(764,000)."
	This item is reduced to \$624,000	
118	"12-5620 Sponsored Programs and Research	(11,141,000)."
	This item is reduced to \$10,891,000.	
118	"Sub-Total General Operations	17,364,000."
	This item is reduced to \$17,114,000.	
118	"Total All Operations	28,706,000."
	This item is reduced to \$28,456,000.	
118	"Sub-Total Appropriation	17,364,000."
	This item is reduced to \$17,114,000.	
118	"Renovate laboratories	(1,000,000)."
	This item is reduced to \$750,000.	

Page

119	“Total Appropriation, Rutgers, The State University	223,174,000.”
	This item is reduced to \$222,924,000.	
124	“Total Appropriation, Department of Higher Education	732,084,000.”
	This item is reduced to \$730,694,000.	
<i>“Department of Human Services”</i>		
125	“08-7700 Community Services	\$ 77,689,000.”
	This item is reduced to \$77,629,000.	
125	“Total Appropriation, Division of Mental Health and Hospitals	81,376,000.”
	This item is reduced to \$81,316,000.	
126	“Irvington Mental Health Center	(60,000).”
	This item is deleted in its entirety.	
134	“99-7600 Management and Administrative Services	14,051,000.”
	This item is reduced to \$13,925,000.	
134	“Total, Division of Developmental Disabilities	180,197,000.”
	This item is reduced to \$180,071,000.	
135	“Total Appropriation, Division of Developmental Disabilities	101,972,000.”
	This item is reduced to \$101,846,000.	
136	“Bureau of Special Residential Services—Counseling positions	(86,000).”
	This item is deleted in its entirety.	
136	“Hudson County Association of Retarded Citizens	(90,000).”
	This item is reduced to \$50,000.	
144	“99-7560 Management and Administrative Services	2,276,000.”
	This item is reduced to \$1,956,000.	

Page

144	“Total Appropriation, Commission for the Blind and Visually Impaired	10,786,000.”
	This item is reduced to \$10,466,000.	
144	“CBVI State Use Program	(250,000).”
	This item is deleted in its entirety.	
144	“Recording for the blind	(70,000).”
	This item is deleted in its entirety.	
148	“18-7570 General Social Services	75,302,000.”
	This item is reduced to \$73,227,000.	
148	“Total, Division of Youth and Family Services	200,328,000.”
	This item is reduced to \$198,253,000.	
148	“Total Appropriation, Division of Youth and Family Services	115,769,000.”
	This item is reduced to \$113,694,000.	
149	“County Human Services Advisory Boards—formula funding	(10,787,000).”
	This item is reduced to \$8,787,000.	
149	“LIFT, Inc.	(50,000).”
	This item is deleted in its entirety.	
149	“Martin Luther King Youth Center, Bridgewater	(50,000).”
	This item is reduced to \$25,000.	
151	“Of the amount hereinabove for Purchase of services, \$2,000,000 shall be used to increase wages of day care center employees, meet staffing deficiencies, and provide transportation services.” The quoted language is deleted in its entirety.	
152	“19-7520 Management and Field Services	2,273,000.”
	This item is reduced to \$2,062,000.	

Page

- 152 "Total Appropriation, Division of
Veterans' Services 3,162,000."
This item is reduced to \$2,951,000.
- 153 "Halfway house for homeless
veterans (211,000)."
This item is deleted in its entirety.
- 155 "Total Appropriation, Department of
Human Services 805,646,000."
This item is reduced to \$802,854,000.

"Department of Labor"

- 162 "Of the amounts hereinabove for the
Unemployment Insurance program
classification, an amount not to exceed
(\$8,409,000) is appropriated
from the Unemployment Compensation
Auxiliary Fund."
The amount in parentheses is reduced to
\$4,409,000.

"Department of Public Advocate"

- 183 "This amount hereinabove for Rate
Counsel operations shall be payable
from receipts from Rate Counsel services.
(If receipts from assessments against
rate charging entities requesting
rate changes are less than anticipated,
the appropriation shall be reduced
proportionately.)"
The language in parentheses is deleted.

"Department of State"

- 184 "05-2530 Support of the Arts \$ 19,921,000."
This item is reduced to \$19,801,000.
- 184 "Total Appropriation, Cultural and
Intellectual Development Services 23,581,000."
This item is reduced to \$23,461,000.

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185	"Trenton Visual Art Center	(120,000)."
	This item is reduced to \$60,000.	
185	"Arts Foundation of New Jersey	(135,000)."
	This item is reduced to \$75,000.	
188	"Total Appropriation, Department of State	36,564,000."
	This item is reduced to \$36,444,000.	
	<i>"Department of Transportation"</i>	
189	"71-6200 Transportation Construction Engineering	\$ 28,023,000."
	This item is reduced to \$27,998,000.	
189	"Total Appropriation, State Highway Facilities	122,638,000."
	This item is reduced to \$122,613,000.	
189	"Operation Lifesaver Program	(25,000)."
	This item is deleted in its entirety.	
191	"03-6040 Research and Demonstration	921,000."
	This item is reduced to \$721,000.	
191	"Total Appropriation, Planning and General Management Support	23,466,000."
	This item is reduced to \$23,266,000.	
191	"Study of the use of ground tire for road construction	(200,000)."
	This item is deleted in its entirety.	
192	"The amount hereinabove appropriated in the Study for use of ground tire for road construction account shall be expended for a joint study with the Department of Environmental Protection subject to the approval of the Director of the Division of Budget and Accounting." The quoted language is deleted in its entirety.	

Page

- 192 "Total Appropriation, Department of
Transportation 321,104,000."
This item is reduced to \$320,879,000.
- 215 "Total Appropriation, Direct State
Services 4,190,346,000."
This item is reduced to \$4,181,116,000.

*"STATE AID"**"Department of Community Affairs"*

- 216 "02-8020 Housing Services \$ 25,800,000."
This item is reduced to \$25,475,000.
- 216 "04-8030 Local Government Services 186,379,000."
This item is reduced to \$186,289,000.
- 216 "Total Appropriation, Community
Development Management 212,225,000."
This item is reduced to \$211,810,000
- 217 "Relocation Assistance for Fire
Victims (925,000)."
This item is reduced to \$600,000.
- 217 "Grant to Camden anti-graffiti
campaign (15,000)."
This item is deleted in its entirety.
- 218 "Municipal Clerks Training (75,000)."
This item is deleted in its entirety.
- 218 "The amount hereinabove for Relocation
Assistance shall be available to
municipalities qualifying for
assistance; provided, however, that
each recipient municipality match its
grant with an equal amount, except for
those municipalities exempted by rules and
regulations promulgated by the Department.
(The amount also may be used by qualifying
municipalities for the relocation of fire
victims, with no matching funds required.)"
The language in parentheses is deleted.

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221	"05-8050 Community Resources	7,822,000."
	This item is reduced to \$7,134,000.	
221	"Total Appropriation, Related Social Services Programs	10,045,000."
	This item is reduced to \$9,357,000.	
221	"State Legal Services	(2,200,000)."
	This item is reduced to \$1,750,000.	
222	"Grant for recreational facilities in Somerdale, Barrington and Bellmawr ...	(50,000)."
	This item is deleted in its entirety.	
222	"Grant to Institute of Citizen Involvement in Education	(100,000)."
	This item is deleted in its entirety.	
222	"Grant to La Casa de Don Pedro	(80,000)."
	This item is reduced to \$60,000.	
222	"Grant to Newark YM/YWCA	(68,000)."
	This item is reduced to \$50,000.	
223	"Grant to ASPIRA—Trenton Hispanic youths	(100,000)."
	This item is reduced to \$50,000.	
224	"Total Appropriation, Department of Community Affairs	226,790,000."
	This item is reduced to \$225,687,000.	

"Department of Education"

224	"03-5120 Miscellaneous Grants- in-Aid	\$ 19,748,000."
	This item is reduced to \$19,743,000.	
224	"Total Appropriation, Direct Educational Services and Assistance	88,437,000."
	This item is reduced to \$88,432,000.	
225	"Focus on Literacy	(25,000)."
	This item is reduced to \$20,000.	

Page

- 227 "The sum hereinabove appropriated for nonpublic aid for asbestos shall be expended for reimbursement to eligible nonpublic schools for asbestos removal or encapsulation, pursuant to a program which shall be established by the Department of Education in cooperation with the Department of Health. Reimbursements shall be made in amounts equal to [the lesser of:] 75% of the actual cost of removal or encapsulation [; or 75% of the square footage of ceiling or other sprayed surfaces to be replaced or renovated, multiplied by a rate set by the Commissioner of the Department of Education]. Reimbursements or payments shall be allocated in the order in which applications are received by the commissioner, except that applications of schools currently planning or undertaking asbestos removal or encapsulation shall be granted priority over the applications of schools that have completed or substantially completed projects."
- The language in brackets is deleted.
- 227 "20-5062 General Vocational Education Programs 9,146,000."
This item is reduced to \$8,646,000.
- 227 "Total Appropriation, Supplemental Education and Training Programs 17,030,000."
This item is reduced to \$16,530,000.
- 227 "District and regional vocational education (2,000,000)."
This item is reduced to \$1,500,000.
- 230 "51-5070 Library Services 15,200,000."
This item is reduced to \$14,924,000.

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230	"Total Appropriation, Cultural and Intellectual Development Services	15,200,000."
	This item is reduced to \$14,924,000.	
230	"Library network	(5,160,000)."
	This item is reduced to \$4,934,000.	
230	"Library development aid	(650,000)."
	This item is reduced to \$600,000.	
230	"Total Appropriation, Department of Education	866,351,000."
	This item is reduced to \$865,570,000.	

"Department of Environmental Protection"

231	"15-4890 Marine Lands Management ...	\$ 650,000."
	This item is reduced to \$380,000.	
231	"Total Appropriation, Natural Resource Management	650,000."
	This item is reduced to \$380,000.	
231	"Alberta Lake—rehabilitation and silt removal	(100,000)."
	This item is reduced to \$60,000.	
231	"Wesley Lake—rehabilitation and silt removal	(250,000)."
	This item is reduced to \$120,000	
231	"Repairs to Lake Como	(200,000)."
	This item is reduced to \$100,000.	
232	"08-4855 Water Enforcement	100,000."
	This item is reduced to \$50,000.	
232	"Total Appropriation, Environmental Quality	16,050,000."
	This item is reduced to \$16,000,000.	
232	"Sylvan Lake Cleanup	(100,000)."
	This item is reduced to \$50,000.	
234	"12-4875 Parks Management	257,000."
	This item is reduced to \$192,000.	

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234	“Total Appropriation, Recreational Resource Management	3,257,000.”
	This item is reduced to \$3,192,000.	
234	“Grant to Monmouth Museum	(25,000).”
	This item is reduced to \$10,000.	
234	“Grant for construction—Long Branch Community Club	(25,000).”
	This item is reduced to \$10,000.	
234	“Grant to Manasquan Railroad Station Museum	(25,000).”
	This item is reduced to \$10,000.	
234	“Grant to Spring Lake Historical Society	(25,000).”
	This item is reduced to \$10,000.	
234	“Grant to Strauss Museum—Atlantic Highlands	(15,000).”
	This item is reduced to \$10,000.	
235	“Total Appropriation, Department of Environmental Protection	25,553,000.”
	This item is reduced to \$25,168,000.	
<i>“Department of Higher Education”</i>		
236	“06-5400 Aid to County Colleges	\$107,623,000.”
	This item is reduced to \$107,523,000.	
236	“Total Appropriation, Office of the Chancellor	107,623,000.”
	This item is reduced to \$107,523,000.	
236	“Union County College—Urban Education Center	(100,000).”
	This item is deleted in its entirety.	
237	“Total Appropriation, Department of Higher Education	107,623,000.”
	This item is reduced to \$107,523,000.	

*"Department of Labor"**Page*

243	"10-4545 Employment Development Services	\$ 50,000."
	This item is deleted in its entirety.	
243	"Total Appropriation, Manpower and Employment Services	50,000."
	This item is deleted in its entirety.	
243	"Job Transportation Program	(50,000)."
	This item is deleted in its entirety.	
243	"Total Appropriation, Department of Labor	50,000."
	This item is deleted in its entirety.	

"Department of State"

244	"01-2505 Administration	\$ 1,493,000."
	This item is deleted in its entirety.	
244	"Total Appropriation, General Government Services	1,493,000."
	This item is deleted in its entirety.	
244	"Election worker salary increase	(1,493,000)."
	This item is deleted in its entirety.	
244	"Total Appropriation, Department of State	3,074,000."
	This item is reduced to \$1,581,000.	

"Department of the Treasury"

245	"29-2088 Locally Provided Services	\$21,495,000."
	This item is reduced to \$14,645,000.	
245	"35-2087 Consolidated Police and Fireman's Pension Fund	11,182,000."
	This item is reduced to \$3,682,000.	
245	"36-2081 Municipal Purposes Tax Assistance Fund	60,000,000."
	This item is reduced to \$30,000,000.	

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- 245 "Total Appropriation, State Subsidies
and Financial Aid 252,849,000."
This item is reduced to \$208,499,000.
- 246 "Payments to municipalities pursuant
to Municipal Purpose Tax Assistance
Program, P.L. 1980, c. 12
(C. 54:1-46 et seq.) (60,000,000)."
This item is reduced to \$30,000,000.
- 246 "Municipal Services Assistance
Program (6,500,000)."
This item is deleted in its entirety.
- 246 "Payments to municipalities for
increased payments to Police and
Fireman's Pension Fund (7,500,000)."
This item is deleted in its entirety.
- 246 "In lieu of tax payment—
Ewing Township (350,000)."
This item is deleted in its entirety.
- 249 "Of the amount appropriated above
for payments to the municipalities
pursuant to the Municipal Purpose
Tax Assistance Program, P.L. 1980,
c. 12 (C. 54:1-46 et seq.), 25% shall be
distributed to eligible municipalities on
July 5, 1987, 25% shall be distributed to
eligible municipalities on October 1,
1987 and 50% shall be distributed to
eligible municipalities on March 15,
1988, the provisions of section 7 of
P.L. 1980, c. 12 (C. 54:1-52)
notwithstanding."
The quoted language is deleted in its
entirety.
- 249 "Of the amount appropriated hereinabove
for the Municipal Services Assistance
Program account, the sum of \$5,000,000
shall be distributed among those
municipalities not eligible to receive

payments pursuant to the Municipal Purpose Tax Assistance Program, P.L. 1980, c. 12 (C. 54:1-46 et seq.), and the amount payable to each municipality shall be the same portion of this \$5,000,000 as the proportion that the population of each municipality bears to the aggregate population of all municipalities entitled to share in this distribution, where 'population' means the 1985 population estimates published by the New Jersey Department of Labor. The remaining sum of \$1,500,000 shall be distributed among those municipalities entitled to receive payments under the Payments to municipalities for services to State-owned property account, and the amount payable to each of those municipalities shall be equal to the full amount of payment that would be made if that program were fully funded for calendar year 1987, reduced by: a. the amount actually to be paid under that program for calendar year 1987, b. the amount which each of the municipalities will receive from the amount appropriated in excess of \$30,000,000 for the payments to municipalities pursuant to the Municipal Purpose Tax Assistance Program payable on March 15, 1988, and c. the amount, if any, that each of these municipalities are entitled to receive from the distribution of \$5,000,000 under the Municipal Services Assistance Program account as prescribed hereinabove. The amounts to be distributed to each eligible municipality from the \$6,500,000 appropriation hereinabove for the Municipal Services Assistance Program account shall be determined by the Director of the Division of Taxation on or before December 15, 1987 and a written notice of entitlement shall be sent to the governing body of each municipality on or before

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January 10, 1988. It shall be lawful for any municipality receiving a written notice of entitlement to anticipate that amount in the municipal budget for calendar year 1988, and that amount shall be reflected therein as a direct offset to the amount to be raised by property taxes for that year. The amounts set forth in the written notice of entitlement shall be paid, upon warrant of the Director of the Division of Budget and Accounting, to the governing body of each municipality entitled to a payment, on or before March 15, 1988.” The quoted language is deleted in its entirety.

- 251 “Total Appropriation, Department of the Treasury 252,849,000.”
This item is reduced to \$208,499,000.
- 251 “Total Appropriation, State Aid 2,520,171,000.”
This item is reduced to \$2,471,909,000.

“CAPITAL”

“Department of Environmental Protection”

- 257 “Notwithstanding the provisions of P.L. 1954, c. 48 (C. 52:34-6 et seq.), the Department of Environmental Protection may enter into a contract, in an amount not to exceed \$400,000, with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village. [In awarding contracts, the Waterloo Foundation shall be subject to the provisions of P.L. 1954, c. 48 (C. 52:34-6 et seq.) unless the contract is for a historic restoration project which meets the following requirements:
a. the project requires a unique application of specialized planning, management and operational strategies, skills, and

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techniques; b. certain construction management personnel, engineers, architects and contractors must be employed due to their skill and expertise in identifying, displaying and protecting the historical significance of a project; and c. the project must be completed in a timely and efficient manner.]"

The language in brackets is deleted.

"Department of Transportation"

266	"There is appropriated the sum of (((\$458,000,000)) from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for transportation capital purposes [as follows:	
	Federal Aid Inter-State and Dedesignation Projects	(50,000,000)
	Federal Aid Urban System Highway Projects	(11,000,000)
	Federal Aid Consolidated Primary Projects	(9,000,000)
	Federal Aid Rural Highway Projects	(3,000,000)
	Federal Aid Bridge and Highway Safety Projects	(20,000,000)
	Non-Federal Aid Transportation Projects, including Grade Crossing, Physical Plant and Rail Freight Projects	(75,000,000)
	Betterments:	
	Construction, reconstruction, improvements or rebuilding of State highways including resurfacing and major bridge repairs and rehabilitation	(25,000,000)
	Non-Federal local aid program	(70,000,000)
	Municipal aid program	(35,000,000)

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Local Federal Aid Bridge Projects	(7,000,000)
Local and unassigned bridges	(45,000,000)
Public transportation projects	(100,000,000)
Bridge painting	(8,000,000)"]

The amount in double parentheses is reduced to \$323,000,000 and the language in brackets is deleted in its entirety.

- 335 "Total Appropriation, General Fund 10,242,219,000."
This item is reduced to \$10,184,727,000.

"CASINO REVENUE FUND"
"Department of Community Affairs"

- 343 "08-8060 Programs for the Aging \$ 5,950,000."
This item is reduced to \$4,950,000.
- 343 "Total Appropriation, Related Social Services Programs 5,950,000."
This item is reduced to \$4,950,000.
- 344 "Meals on Wheels Grant Program 1,000,000."
This item is deleted in its entirety.
- 344 "Total Appropriation, Department of Community Affairs 10,750,000."
This item is reduced to \$9,750,000.

"Department of Human Services"

- 345 "24-7540 Pharmaceutical Assistance to the Aged and Disabled \$55,393,000."
This item is reduced to \$53,693,000.
- 345 "Total Appropriation, Special Health Services 56,916,000."
This item is reduced to \$55,216,000.
- 345 "Expand PAAD program (100,000)."
This item is deleted in its entirety.
- 345 "Pharmaceutical Assistance to the Aged and Disabled—Claims, P.L. 1975, c. 194 (C. 30:4D-20 et seq.) (53,164,000)."
This item is reduced to \$51,564,000.

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346	“Notwithstanding the provisions of P.L. 1975, c. 194 (C. 30:4D-20 et seq.), effective July 1, 1987 any single resident of this State who is a recipient of disability benefits under the federal ‘Railroad Retirement Act of 1974,’ (45 U.S.C. 231 et seq.) or the federal civil service retirement program (5 U.S.C. 8331 et seq.) or who is rated as 60% disabled or higher pursuant to any federal law administered by the United States Veterans’ Administration, whose annual income is less than \$13,650.00 or any married resident whose annual income combined with that of his spouse is less than \$16,750.00 shall be eligible for the ‘Pharmaceutical Assistance to the Aged and Disabled’ program.” The quoted language is deleted in its entirety.	
347	“28-7540 Lifeline Programs	74,961,000.”
	This item is reduced to \$73,431,000.	
347	“Total Appropriation, Division of Medical Assistance and Health Services	74,961,000.”
	This item is reduced to \$73,431,000.	
348	“Expand lifeline program	(78,000).”
	This item is deleted in its entirety.	
348	“Payments for lifeline credits	(42,221,000).”
	This item is reduced to \$40,769,000.	
349	“Total Appropriation, Department of Human Services	154,477,000.”
	This item is reduced to \$151,247,000.	
349	“Total Appropriation, Direct State Services—Casino Revenue Fund	167,607,000.”
	This item is reduced to \$163,377,000.	
351	“Total Appropriation, Casino Revenue Fund	255,687,000.”
	This item is reduced to \$251,457,000.	

*"GENERAL PROVISIONS"**Page*

- 351 "Grand Total Appropriation,
All Funds 13,285,815,000.
This item is reduced to \$13,224,093,000.
- 359 Section 27, "State agencies shall prepare and submit a timely copy of their departmental budget requests, (budget planning documents) and spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer, including quarterly updated spending plans on January 1 and April 1, 1988. The spending plans shall account for any changes in departmental spending which differ from this appropriation act and all supplements to this act. The plans and requests shall be submitted on forms specified by the Director of the Division of Budget and Accounting."
The language in parentheses is deleted.

SUMMARY

This appropriation bill, with my line item veto adjustments, provides a spending plan for fiscal year 1988. The total appropriation for all State funds is \$10.397 billion, an increase of approximately \$1 billion over the fiscal year 1987 adjusted appropriation. This appropriation is less than the amount recommended by the Legislature by approximately \$61.7 million.

More than half of the budget is directed to State aid to local governments, with the largest single State aid appropriation being \$3.2 billion for aid to local school districts—\$252 million more than is currently funded. The second largest increase is \$62.5 million to provide needed health services for the poor, the elderly and the disabled. More importantly, the Medicaid appropriation will permit the State to take advantage of new federal regulations to expand further our health services for the elderly, the disabled and pregnant women.

The third largest increase is \$60 million for the operation of correctional facilities to meet the increase in the number of inmates maintained in State and county facilities. Other significant increases in the budget are for community programs for youth; for the mentally ill and for the developmentally disabled; for environmental programs; for aid to distressed cities; for aid to the homeless; and for improvements in the State's welfare programs.

This budget is consistent with my belief that a budget of \$10.4 billion must have an adequate surplus. This budget provides for an undesignated fund balance in the General and Property Tax Relief Funds of \$269 million, and \$93.7 million in the Casino Revenue Fund.

I have reduced funds for the following programs in the amounts indicated for the stated reasons.

“DIRECT STATE SERVICES”

Department of Agriculture

\$50,000	The Legislature added \$100,000 to an existing appropriation of \$431,000 for Grants to Soil Conservation Districts. An increase of \$50,000 will provide sufficient funds to expand this program.
100,000	Funds for the Non-Point Source Pollution Program are eliminated. This program would be duplicative as the State Department of Environmental Protection has several pollution control programs which include non-point source pollution, as well as the enforcement powers necessary to control pollution.
100,000	Funds for Agriculture in the Classroom are eliminated. The intent of this program is to interest children in farming by developing curricula toward this end. The development of curricula should be a responsibility of local Boards of Education and the State Department of Education.

Department of Commerce and Economic Development

\$25,000	This provides funds for the Governor's Commission on International Trade. The enabling statute requires the Department to provide for incidental costs associated with the Commission's activities. The reduced amount along with existing Departmental appropriations is sufficient to meet necessary expenses of the Commission.

250,000 This provides funds for an Advanced Manufacturing Engineering Systems Center. This item is currently being reviewed by a peer review council and no final report has been submitted or definitive action taken by the Commission on Science and Technology to support this request. Any funding commitment should await the Commission's recommendation.

Department of Corrections

\$1,500,000 These funds were added for the Purchase of Service for Inmates Incarcerated in County Penal Facilities—Accelerated Reimbursement Program, which would reimburse the counties beginning with the 11th day of inmate incarceration as contrasted to the current 16th day. This is in conflict with existing statutes and is eliminated for that reason. Any amendment to the statutes should be considered in separate legislation. Also, 15 days is not an excessive period to allow for the State to either move the inmates to State facilities or to begin to pay.

Department of Education

\$100,000 The amount remaining after the veto provides funding for the Martin Luther King Jr. Commemorative Commission at a level of \$50,000 greater than provided in fiscal year 1987. Also, given that the fiscal year 1987 appropriation contained one-time funding for the establishment of a lasting memorial to Dr. King, this, in effect, provides an increase of \$100,000 for operational costs—a 66 percent increase over fiscal year 1987. In addition, carry-forward language has been added which will make available additional resources to meet operational costs.

Department of Energy

\$450,000 This line item would provide public funding to WNET. WNET is a New Jersey based FCC licensee and has certain responsibilities and obligations as a licensee to this State. Before State monies are made available to WNET, there should be a clear commitment on the part of WNET to fulfill its obligation to New Jersey.

55,000 This would fund a grant to WBGO, the public radio station in New Jersey, located in Newark. There has been a grant to WBGO for several years. In fiscal year

1986 \$60,000 was appropriated. In fiscal year 1987 \$30,000 in capital construction funds and an operating grant of \$30,000 were appropriated. If the \$30,000 operations grant is continued this year, \$75,000 will be available for operating costs, an increase of \$45,000 over fiscal year 1987.

Department of Environmental Protection

\$600,000	These funds would be used to expand the New Jersey Pollution Discharge Elimination System (NJPDDES) program by establishing twenty (20) new positions in the compliance monitoring unit. This program is totally supported by fees derived from industrial discharge permits, and is scheduled for a fee increase in FY 1988 to generate an additional \$7.0 million. The growth in fees anticipated for this program can be assigned to increase compliance monitoring activities within this program.
250,000	These funds would be used to expand the enforcement unit within the Worker and Community Right to Know program by establishing new positions. This program has been entirely supported by industry assessments, with \$1.2 million allocated to the Department of Environmental Protection in FY 1988 to fully fund their responsibilities under the legislation. This represents an increase of \$640,000 or 53% over the FY 1987 funding level.
650,000	These funds would be used to hire additional personnel to reduce a 500 case backlog in permit applications and increase the frequency of control inspections within the air pollution control program. The air pollution control program is presently supported from a combination of funding sources, including State, federal and fees derived from air permit applications. These air permit fees have been growing rapidly, with in excess of \$4.0 million anticipated in FY 1988. This represents a \$1.0 million or 33% increase from current year levels. This growth in fees can be allocated to reduce both the permit backlog and expand the control inspections within this program.
448,000	This reduction reflects a contractual agreement between the Department of Environmental Protection

and Trump Associates for the lease of Farley Marina in Atlantic City. Since the State will no longer be obligated to provide for the maintenance and security of this marina under the terms of the contract, this decrease represents those amounts which were appropriated for this purpose.

Department of Health

\$25,000 This leaves \$75,000 for a grant to MCOSS Nursing Services, Inc. The Department of Health has \$4.5 million in the budget for maternal and child health programs. If this program requires additional support, it should apply to the Department of Health for a competitive grant.

50,000 This item provides a grant to the John F. Kennedy Medical Center in Edison for a compulsive gambling treatment program. The Governor's budget increased the compulsive gambling account \$75,000 to \$275,000 in fiscal year 1987. With the amount added by the Legislature, this act gives an increase of \$90,000 in fiscal year 1988 bringing the total to \$365,000. This Center traditionally has been funded through appropriations made to the Division of Alcoholism.

50,000 This leaves \$50,000 for a grant to the Somerset County Council on Alcoholism. The Governor's budget includes \$4,000,000 for alcohol treatment and education to 40 facilities. Another \$8,500,000 is available from the Alcohol Education, Rehabilitation and Enforcement Trust Fund. The Somerset County Council on Alcoholism may submit an application to the Department of Health and apply for additional funding on a competitive basis.

Department of Higher Education

\$1,000,000 These funds would have provided for full funding of the Independent Colleges and University Assistance Act. This reduction leaves an appropriation of \$21,245,000 for this program which reflects an increase of \$3.1 million over the current year's appropriation. It increases the present level of State support from 91% to 95.5% of full funding of the formula.

140,000 These funds are for a librarian and other related costs at Glassboro State College—Urban Campus. The fiscal

year 1988 appropriation already provides an increase of \$907,000 for the college, from which funds can be reallocated for this purpose.

250,000 These funds would be used to renovate laboratories at the Agricultural Experimental Station; the fiscal year 1988 appropriation already includes an increase of \$750,000 to initiate the renovation project.

Department of Human Services

\$60,000 This would provide funding to the Irvington Mental Health Center. This facility is currently one of 120 agencies under contract with the Department of Human Services to provide community mental health services and received \$166,869 in fiscal year 1987. The budget includes over \$65 million for community mental health programs. The agency should submit an application for funding to the Department of Human Services; it should not receive a direct appropriation which circumvents the grant process.

86,000 This would fund additional positions for the Bureau of Special Residential Services in the Department of Human Services to be used in the youth residential centers. These positions should be included in contracts with providers of services for which funding has been included in the budget.

40,000 This would provide funding in the area of early intervention with children with developmental disabilities in Hudson County. An appropriation of \$50,000 is included in the budget for this agency. Additional funding may be available and should be sought through the Department of Human Services' competitive grant award process.

250,000 This would allow the Commission for the Blind and Visually Impaired to continue funding for the central non-profit agency which implements the Commodities and Services Council and State Use Law. Assembly Bill 1826, which was recently signed into law, provided a supplemental appropriation for this program. These funds will carry forward into fiscal year 1988 to support this program.

70,000 This would provide a grant to Recording for the Blind. Funding for programs to assist the blind is included in

the Commission for the Blind's budget. A grant may be available for these services if the agency applies to the Commission and if the proposal meets the Commission's priorities.

2,000,000 This budget provides substantially increased funding for expansion and development of locally-based programs offering a range of preventive and supportive services for families. County Human Services Advisory Boards' funding represents an increase of 18 percent over fiscal year 1987.

25,000 This provides a specific grant for the Martin Luther King Youth Center. The budget includes \$25,000 for the Center and over \$82 million for social services, a more than 9 percent increase. It is recommended that the agency apply to the Division of Youth and Family Services for a competitive grant to meet any additional needs.

50,000 This provides a direct grant to Project LIFT. This project is currently funded through a \$95,000 State aid contract. It is recommended that the agency apply to the Division of Youth and Family Services for a competitive grant to meet its needs.

211,000 This funding would allow the Division of Veterans' Services to establish a halfway house for homeless veterans. Funds for homeless persons are included in Community Affairs (\$3.8 million), the Division of Youth and Family Services (\$4.35 million), and in a Public Welfare initiative of \$8.7 million to prevent homelessness through Emergency Assistance. Homeless veterans may receive services through these programs.

Department of State

\$60,000 This leaves \$60,000 for the Trenton Visual Art Center.

60,000 This leaves \$75,000 for the Arts Foundation of New Jersey. Since fiscal year 1985 through fiscal year 1987, this organization has received an annual grant-award in the amount of \$15,000.

Department of Transportation

\$25,000 This amount would supplement \$30,000 in federal assistance within the current Operation Lifesaver Pro-

gram, which provides educational materials to the public concerning the hazards of freight railroad and highway crossings. New Jersey Transit will spend about \$150,000 on a commuter rail safety program in FY 1988. This is sufficient funding.

- 200,000 Provides for a joint DOT/DEP study of the potential use of ground rubber tire as a road construction material. This proposal may have merit; however, feasibility studies will be available from other states and it is not necessary for New Jersey to duplicate these efforts.

“STATE AID”

Department of Community Affairs

Many of the items listed below represent special aid to municipalities or non-profit organizations which have no relationship to need. The allocation of State aid based upon need, as in the Distressed Cities Program, is a better way to allocate State resources. These items have been vetoed partially or in total because the need has not been justified.

- \$325,000 This would provide an additional \$325,000 to the Relocation Assistance for Fire Victims program. This increase is based upon the local government not sharing in the relocation costs for this particular segment. This program can accomplish its goals at its current level of funding, if locals continue to participate.
- 15,000 This would fund an anti-graffiti program in the City of Camden. Many cities throughout the United States have utilized the resources of community groups and area businesses to address this problem.
- 75,000 This would provide funds to the Municipal Clerks Training Program. The training of the Tax Collectors and the Finance Officers is supported by the State because of demonstrated need. The need for the State to fund this training program has not been established.
- 450,000 This item is reduced to \$1,750,000. The remaining appropriation is an increase of \$500,000, or 40 percent, over current funding for Legal Services. We are disturbed by the fact that New Jersey's legal community

contributes less than 3 percent of Legal Services' overall budget. If there are to be future increases in this item there must be a corresponding demonstration of increased financial commitment on the part of the private bar.

- 50,000 These funds would be targeted for the towns of Barrington, Bellmawr and Somerville for recreational facilities. These towns should seek funding for these projects through municipal fund raising efforts.
- 100,000 A grant would be provided to the Institute for Citizen Involvement in Education at Rutgers University. A program such as this should not be budgeted in this Department because it does not coincide with the objectives of the Department of Community Affairs. This program should continue to be supported through the efforts of Rutgers and the communities involved in the program.
- 20,000 This item is reduced to \$60,000. The remaining appropriation will continue funding to La Casa de Don Pedro at the fiscal year 1987 level.
- 18,000 This item is reduced to \$50,000. The remaining appropriation will enable the Newark YMCA/YWCA to continue providing the educational, cultural, and social programs to the surrounding community.
- 50,000 This item is reduced to \$50,000. This grant will be provided to ASPIRA of Trenton to provide such services as an early intervention program. This appropriation should enable this group to operate while it seeks additional private donations.

Department of Education

- \$5,000 This is a direct grant to a non-profit program that provides literacy services to adults. Given that State and federal funds are available on a competitive basis to programs serving illiterate adults and Focus on Literacy is eligible to receive grants from these existing sources, direct State funding is reduced to the level provided in fiscal year 1987.
- 500,000 The remaining funds represent an increase of \$1.5 million over fiscal year 1987 when no funding was

provided and will be utilized to support those schools offering true job training programs.

226,000 Funding added by the Legislature for Library Network Aid is reduced to the level requested by the Department. The remaining funds represent an increase of \$773,000 over the fiscal year 1987 level. Given the recent consolidation of area library, research library and network aid, some lowering of costs should be expected.

50,000 Funding added by the Legislature for Library Development Aid is reduced to the level requested by the Department. The remaining funds represent an increase of \$400,000 over the fiscal year 1987 level which will be utilized to continue and expand the current program operations.

Department of Environmental Protection

\$40,000 These funds would provide for the rehabilitation and silt removal for Alberta Lake in Neptune Township. Additional funding should be sought from private or local government contributions. The budget contains funding for approximately 50 percent of projected costs.

130,000 These funds would provide for the rehabilitation of Wesley Lake. The remaining funds should cover approximately 50 percent of estimated project costs. Additional funding should be sought from private or local government contributions.

100,000 These funds would provide for the repair of the outfall pipe to prevent local flooding at Lake Como. Additional funding should be sought from private or local government contributions. The budget contains funding for about one-half of the projected costs.

50,000 These funds would provide for the dredging and bulkhead replacement at Sylvan Lake. The budget contains \$50,000 to be applied against the total project costs estimated at \$100,000. Additional funding should be sought from private or local government contributions.

15,000 This leaves \$10,000. These funds provide for additional improvements and for the construction of a junior mu-

seum at Monmouth Museum. Additional funding should be sought from private or local government contributions.

15,000 This leaves \$10,000. These funds provide for capital improvements at the Long Branch Community Club. Additional funding should be sought from private or local government contributions.

15,000 This leaves \$10,000. These funds provide for capital improvements and repairs to the Manasquan Railroad Station Museum. Additional funding should be sought from private or local government contributions.

15,000 This leaves \$10,000. These funds provide a direct grant to the Spring Lake Historical Society to offset operating expenses. Additional funding should be sought from private or local government contributions.

5,000 This leaves \$10,000. These funds provide the restoration of Strauss Museum, operated by the Atlantic Highlands Historical Society. Additional funding should be sought from private or local government contributions.

Department of Higher Education

\$100,000 These funds would be used for an Urban Educational Center at Union County College. An increase of \$6.1 million is included in the FY 1988 appropriation for Operating Aid to County Colleges. Union County College is eligible for funding from this source. It is not appropriate to provide a separate appropriation.

Department of Labor

\$50,000 This proposed funding for the Job Transportation program is deleted in its entirety. This program was funded in fiscal year 1982 but discontinued because of underutilization and cost inefficiencies.

Department of State

\$1,493,000 The District Election Worker Increase appropriation is deleted in its entirety. The Governor conditionally vetoed S-1570 in December, 1986 which would have required the State to fund a \$25.00 increase for every district election worker. The amended version of the

bill requiring counties to fund this increase became law on June 26, 1987, P.L. 1987, chapter 151.

Department of the Treasury

\$30,000,000	This item would increase funding in the Municipal Purpose Tax Assistance Fund from \$30 million to \$60 million. The additional \$30 million, pursuant to language proposed in the bill, would not be distributed to municipalities until calendar year 1988. The Legislature's laudable purpose in increasing MPTAF funding by \$30 million is to avoid a municipal fiscal crisis in calendar year 1988. However, this proposed increase in municipal aid (a) is not of sufficient amount to meet the likely fiscal needs of our municipalities during calendar year 1988, (b) is based on a mechanistic formula approach rather than a "needs based" approach as is our Distressed Cities program (P.L. 1987, c. 75), and (c) does not provide a long range solution to the problems of municipal fiscal distress. All three components must be present in any municipal aid plan to be acceptable. So, while I commend the Legislature for acknowledging this problem and recommending a solution, the solution it has proposed is flawed and cannot be accepted.
6,500,000	These monies are directed to towns which have State owned property within their borders and also to municipalities who are not qualified to receive funding under MPTAF. Again, this type of funding proposal is unacceptable for the reasons stated above.
7,500,000	This is intended to offset local costs associated with recent amendments to the Police and Fireman's Consolidated Pension Fund (P.L. 1987, chapter 128). Those amendments increased benefits by about \$9 million and COLA costs by \$7.5 million. In accordance with the pre-existing formula, the State is responsible for benefits; the local employer for COLA costs. The cost division is permanent law and should not be altered in the Appropriations Act.
350,000	This would provide additional in lieu of tax payments to the Township of Ewing. Under a special provision, Ewing currently receives \$350,000. This amount is not

pro-rated as are the payments to the other municipalities. Under the general formula, Ewing is entitled to receive only \$275,000 even at full funding. This item is not supported because Ewing would receive these funds above the current level and Ewing is already treated in a "special" manner.

Language This language applies to the Municipal Purpose Tax Assistance Program. The language has direct correlation to the appropriation and the distribution of the \$30,000,000 in additional funds to the Municipal Purpose Tax Assistance Fund. Since the additional funds for this program have been eliminated, this section of language is no longer necessary.

Language This language is related to the additional \$6,500,000 for the Municipal Services Assistance Program that has been deleted in its entirety. Since this line item has been deleted, this language is no longer necessary.

"CASINO REVENUE FUND"

Department of Community Affairs

\$1,000,000 This deletes the recommended appropriation to the Expansion of the Meals on Wheels program. With the recent enactment of S-2662 (P.L. 1987, chapter 133), this same program will receive \$1.0 million from the Casino Revenue Fund. With the signing of this legislation after April 1, 1987, the funds are carried forward and can be used in fiscal year 1988, to provide these services on weekends and holidays.

Department of Human Services

The Legislature has proposed in the appropriations bill presented to the Governor to expand eligibility for the PAAD Program to approximately 6,400 persons who are classified as disabled under definitions contained in the Railroad Retirement Act, regulations of the United States Civil Service Commission and the Veterans Administration. Presently social security definitions are the criteria used to determine PAAD eligibility. The merits of this proposed program expansion should be debated in the context of separate legislation rather than included in the Appropriations Act.

- \$100,000 This would provide for additional administrative costs to the Pharmaceutical Assistance for the Aged and Disabled (PAAD) program because of the proposed expansion of the program. Since the expansion is not approved the funds are not needed.
- 1,600,000 This would provide for additional prescription drugs for persons eligible for the Pharmaceutical Assistance for the Aged and Disabled (PAAD) program as a result of expansion of disability definitions. These funds are not necessary absent expansion.
- 78,000 This would provide for additional administrative costs for the Lifeline program resulting from expansion of disability definitions under the Pharmaceutical Assistance for the Aged and Disabled program (PAAD). Persons qualifying for PAAD are eligible to apply for lifeline. Since the expansion is not approved, the funds are not necessary.
- 1,452,000 This would provide for additional Lifeline credits for persons eligible for Lifeline as a result of expansion of disability definitions under the Pharmaceutical Assistance for the Aged and Disabled (PAAD) program. Persons qualifying for PAAD are eligible to apply for Lifeline. Since the expansion is not approved, the funds are not necessary.

“LANGUAGE” (OTHER)

Department of Community Affairs

Language for Relocation Assistance program has been deleted. This language would have eliminated the requirements of a local match.

Department of Corrections

Language specifying that appropriated funds be used to reimburse counties for inmate incarceration beginning with the 11th day of inmate incarceration instead of the current 16th day is eliminated. This language would be in conflict with an existing statute and is eliminated for that reason. Any amendment to the statute should be considered separately.

Department of Education

The Legislature proposed an either/or funding methodology which is complex and would be administratively burdensome. The veto establishes a simple formula for reimbursement, namely 75 percent of reasonable costs incurred.

Department of Environmental Protection

The amount provided from the Spill Compensation Fund for emergency response activities is reduced from \$2,000,000 to \$1,500,000, an amount sufficient to fully operate this program. The Department of Environmental Protection can continue to utilize federal and other non-State monies designated to support this program.

As a result of a contractual agreement between the Department of Environmental Protection and Trump Associates for the lease of Farley Marina, the State is no longer obligated to provide for the maintenance and security of this facility. This reduction corresponds to a decrease in the appropriation.

The deleted language will maximize the flexibility necessary for historic renovations at Waterloo Village.

Department of Labor

Language which would draw down an additional \$4 million from the Unemployment Insurance Auxiliary Fund is modified to reduce the amount to \$4,409,000. This fund may not have sufficient resources to support an additional \$4 million in fiscal year 1988 due to declining balances.

Department of Human Services

This restricts the usage of expanded low income day care funding to increase wages of day care center employees, meet staff deficiencies, and provide transportation services. Additional funding was included in the budget in order to increase the capacity of the State's day care services. This language is inconsistent with that intent and is vetoed accordingly.

This veto deletes the proposed language expanding eligibility for the PAAD and Lifeline programs. As stated above, any program expansion should be considered in the context of separate legislation.

Department of the Public Advocate

Language which requires reduced expenditures by Rate Counsel if receipts are less than anticipated is deleted. Due to utilities challenging bills and not paying, this language provision must be deleted.

Department of Transportation

Language which provides for a joint study of the use of ground tire as a road construction material is deleted, as the appropriation has also been deleted. The information should be obtained from other states.

The total authorization of State dollars for the Transportation Trust Fund is reduced by \$135,000,000, from \$458,000,000 to \$323,000,000. This amount reflects the funding level made possible by the appropriations made in this bill and amendments to the Transportation Trust contained in S-2210 which now awaits action by the Governor.

“GENERAL LANGUAGE”

Section 27 The budget planning documents are internal communications between the Governor and Agency Heads. They do not represent part of the Governor's formal budget submission to the Legislature. The Budget forms provided to the Office of Legislative Services include all the information required under State statute.

As always, I stand ready to work with the Legislature to address the needs of our great State.

Respectfully,

Thomas H. Kean
Governor

CHAPTER 155

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, 1987, and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditure listed below are available, the following sum is appropriated for the purpose specified:

FEDERAL FUNDS

30 DEPARTMENT OF DEFENSE

10 Public Safety and Criminal Justice

14 Military Service

02-3600 Management of National

Guard Installations	\$506,200

Special Purpose:

Operation and Maintenance of

National Guard Armories	(\$506,200)

2. This act shall take effect immediately.

Approved June 30, 1987.

CHAPTER 156

AN ACT concerning the regulation of freshwater wetlands, amending P.L. 1977, c. 74, supplementing Title 13 of the Revised Statutes, and making an appropriation.

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

C. 13:9B-1 Short title.

1. This act shall be known and may be cited as the "Freshwater Wetlands Protection Act."

C. 13:9B-2 Findings, declarations.

2. The Legislature finds and declares that freshwater wetlands protect and preserve drinking water supplies by serving to purify surface water and groundwater resources; that freshwater wetlands provide a natural means of flood and storm damage protection, and thereby prevent the loss of life and property through the absorption and storage of water during high runoff periods and the reduction of flood crests; that freshwater wetlands serve as a transition zone between dry land and water courses, thereby retarding soil erosion; that freshwater wetlands provide essential breeding, spawning, nesting, and wintering habitats for a major portion of the State's fish and wildlife, including migrating birds, endangered species, and commercially and recreationally important wildlife; and that freshwater wetlands maintain a critical baseflow to surface waters through the gradual release of stored flood waters and groundwater, particularly during drought periods.

The Legislature further finds and declares that while the State has acted to protect coastal wetlands, it has not, except indirectly, taken equally vigorous action to protect the State's inland waterways and freshwater wetlands; that in order to advance the public interest in a just manner the rights of persons who own or possess real property affected by this act must be fairly recognized and balanced with environmental interests; and that the public benefits arising from the natural functions of freshwater wetlands, and the public harm from freshwater wetland losses, are distinct from and may exceed the private value of wetland areas.

The Legislature therefore determines that in this State, where pressures for commercial and residential development define the pace and pattern of land use, it is in the public interest to establish a program for the systematic review of activities in and around freshwater wetland areas designed to provide predictability in the protection of freshwater wetlands; that it shall be the policy of the State to preserve the purity and integrity of freshwater wetlands from random, unnecessary or undesirable alteration or disturbance; and that to achieve these goals it is important that the State expeditiously assume the freshwater wetlands permit jurisdiction currently exercised by the United States Army Corps of Engineers pursuant to the Federal Act and implementing regulations.

C. 13:9B-3 Definitions.**3. As used in this act:**

“Bank” means the Wetlands Mitigation Bank established pursuant to section 14 of this act;

“Commissioner” means the Commissioner of the Department of Environmental Protection;

“Council” means the Wetlands Mitigation Council established pursuant to section 14 of this act;

“Department” means the Department of Environmental Protection;

“Environmental commission” means a municipal advisory body created pursuant to P.L. 1968, c. 245 (C. 40:56A-1 et seq.);

“Federal Act” means section 404 of the “Federal Water Pollution Control Act Amendments of 1972” as amended by the “Clean Water Act of 1977” (33 U.S.C. §1344) and the regulations adopted pursuant thereto;

“Freshwater wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided, however, that the department, in designating a wetland, shall use the 3-parameter approach (i.e. hydrology, soils and vegetation) enumerated in the April 1, 1987 interim-final draft “Wetland Identification and Delineation Manual” developed by the United States Environmental Protection Agency, and any subsequent amendments thereto;

“Freshwater wetlands permit” means a permit to engage in a regulated activity issued pursuant to this act;

“Hydrophyte” means plant life adapted to growth and reproduction under periodically saturated root zone conditions during at least a portion of the growing season;

“Linear development” means land uses such as roads, drives, railroads, sewerage and stormwater management pipes, gas and water pipelines, electric, telephone and other transmission lines and the rights-of-way therefor, the basic function of which is to connect two points. Linear development shall not mean residential, commercial, office, or industrial buildings;

“Person” means an individual, corporation, partnership, association, the State, municipality, commission or political subdivision of the State or any interstate body;

“Regulated activity” means any of the following activities in a freshwater wetland:

- (1) The removal, excavation, disturbance or dredging of soil, sand, gravel, or aggregate material of any kind;
- (2) The drainage or disturbance of the water level or water table;
- (3) The dumping, discharging or filling with any materials;
- (4) The driving of pilings;
- (5) The placing of obstructions;
- (6) The destruction of plant life which would alter the character of a freshwater wetland, including the cutting of trees;

“Transition area” means an area of land adjacent to a freshwater wetland which minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem.

C. 13:9B-4 Exemptions from permit, transition area requirements.

4. The following are exempt from the requirement of a freshwater wetlands permit and transition area requirements unless the United States Environmental Protection Agency’s regulations providing for the delegation to the state of the federal wetlands program conducted pursuant to the Federal Act require a permit for any of these activities, in which case the department shall require a permit for those activities so identified by that agency:

a. Normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food and fiber, or upland soil and water conservation practices; construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches; construction or maintenance of farm roads or forest roads constructed and maintained in accordance with best management practices to assure that flow and circulation patterns and chemical and biological characteristics of freshwater wetlands are not impaired and that any adverse effect on the aquatic environment will be minimized;

b. Normal harvesting of forest products in accordance with a forest management plan approved by the State Forester;

c. Areas regulated as a coastal wetland pursuant to P.L. 1970, c. 272 (C. 13:9A-1 et seq.);

d. Projects for which (1) preliminary site plan or subdivision applications have received preliminary approvals from the local authorities pursuant to the "Municipal Land Use Law," P.L. 1975, c. 291 (C. 40:55D-1 et seq.) prior to the effective date of this act, (2) preliminary site plan or subdivision applications have been submitted prior to June 8, 1987, or (3) permit applications have been approved by the U.S. Army Corps of Engineers prior to the effective date of this act, which projects would otherwise be subject to State regulation on or after the effective date of this act, shall be governed only by the Federal Act, and shall not be subject to any additional or inconsistent substantive requirements of this act; provided, however, that upon the expiration of a permit issued pursuant to the Federal Act any application for a renewal thereof shall be made to the appropriate regulatory agency. The department shall not require the establishment of a transition area as a condition of any renewal of a permit issued pursuant to the Federal Act prior to the effective date of this act. Projects not subject to the jurisdiction of the United States Army Corps of Engineers and for which preliminary site or subdivision applications have been approved prior to the effective date of this act shall not require transition areas;

e. The exemptions in subsections a. and b. of this section shall not apply to any discharge of dredged or fill material into a freshwater wetland incidental to any activity which involves bringing an area of freshwater wetlands into a use to which it was not previously subject, where the flow or circulation patterns of the waters may be impaired, or the reach of the waters is reduced.

C. 13:9B-5 Permit process.

5. a. The department shall consolidate the processing of wetlands related aspects of other regulatory programs which affect activities in freshwater wetlands, including, but not limited to, sewer extension approvals required pursuant to P.L. 1977, c. 74 (C. 58:10A-1 et seq.), permits required pursuant to P.L. 1973, c. 185 (C. 13:19-1 et seq.), and any permits and approvals required pursuant to P.L. 1977, c. 75 (C. 58:11A-1 et seq.) and P.L. 1962, c. 19 (C. 58:16A-50 et seq.), with the freshwater wetlands permit process established herein so as to provide a timely and coordinated permit process consistent with the Federal Act.

b. Within 60 days after the department receives comment on a complete application for a permit from the United States En-

vironmental Protection Agency, or upon receipt of notice from the United States Environmental Protection Agency that no comment will be forthcoming, the department may hold a public hearing on the application for a permit. If such a hearing is held, it shall be in the county wherein the freshwater wetland is located whenever practicable. The department may issue or deny a permit without a public hearing, unless there is a significant degree of public interest in the application as manifested by written requests for a hearing within 20 days after the publication of notice of the permit application in the bulletin of the department.

c. The department shall issue or deny a permit within 90 days of receipt of comments, or notice that comments will not be forthcoming, from the United States Environmental Protection Agency, or within 180 days of submittal of a complete application, whichever is later. Until the State assumes the implementation of the Federal Act, the department shall issue or deny a permit within 180 days of submittal of a complete application, except as may otherwise be provided by the Federal Act. The department shall review an application for a permit for completeness, and make any necessary requests for further information, within 30 days of receipt of the application for a permit; provided, however, that this deadline shall not apply to requests for further information made by the department on the basis of comments received from the United States Environmental Protection Agency. If the department issues the permit, the department shall send notice thereof to the applicant. If the department denies, or requests a modification of, the complete permit application, the department shall send notice thereof to the applicant. The department may issue a permit imposing conditions necessary for compliance with this act and the "Water Pollution Control Act," P.L. 1977, c. 74 (C. 58:10A-1 et seq.).

d. The fees authorized pursuant to sections 8, 9, and 17 of this act shall be dedicated to further the specific purposes of this act.

C. 13:9B-6 Meadowlands, Pinelands exemptions.

6. a. Activities in areas under the jurisdiction of the Hackensack Meadowlands Development Commission pursuant to P.L. 1968, c. 404 (C. 13:17-1 et seq.) shall not require a freshwater wetlands permit, or be subject to transition area requirements, except that the discharge of dredged or fill material shall require a permit issued under the provisions of the Federal Act, or under an individual and general permit program administered by the State under the provisions of the Federal Act and applicable State laws.

b. Activities in areas under the jurisdiction of the Pinelands Commission pursuant to P.L. 1979, c. 111 (C. 13:18A-1 et seq.) shall not require a freshwater wetlands permit, or be subject to transition area requirements established in this act, except that the discharge of dredged or fill material shall require a permit issued under the provisions of the Federal Act, or under an individual and general permit program administered by the State under the provisions of the Federal Act and applicable State laws, provided that the Pinelands Commission may provide for more stringent regulation of activities in and around freshwater wetland areas within its jurisdiction.

C. 13:9B-7 Classification system.

7. The department shall develop a system for the classification of freshwater wetlands based upon criteria which distinguish among wetlands of exceptional resource value, intermediate resource value, and ordinary resource value.

a. Freshwater wetlands of exceptional resource value shall be freshwater wetlands which exhibit any of the following characteristics:

(1) Those which discharge into FW-1 waters and FW-2 trout production (TP) waters and their tributaries; or

(2) Those which are present habitats for threatened or endangered species, or those which are documented habitats for threatened or endangered species which remain suitable for breeding, resting, or feeding by these species during the normal period these species would use the habitat. A habitat shall be considered a documented habitat if the department makes a finding that the habitat remains suitable for use by the specific documented threatened and endangered species, based upon information available to it, including but not limited to, information submitted by an applicant for a freshwater wetlands permit. An applicant shall have the opportunity to request the department that a documented habitat not result in the classification of a freshwater wetland as a freshwater wetland of exceptional value if the applicant can demonstrate the loss of one or more requirements of the specific documented threatened or endangered species, including, but not limited to wetlands or overall habitat size, water quality, or vegetation density or diversity.

b. Freshwater wetlands of ordinary value shall be freshwater wetlands which do not exhibit the characteristics enumerated in subsection a. of this section, and which are certain isolated wetlands, man-made drainage ditches, swales, or detention facilities.

c. Freshwater wetlands of intermediate resource value shall be all freshwater wetlands not included in subsection a. or b. of this section.

d. As used in this section "threatened or endangered species" shall be those species identified pursuant to "The Endangered and Nongame Species Conservation Act," P.L. 1973, c. 309 (C. 23:2A-1 et seq.) or which appear on the federal endangered species list, and "FW-1, FW-2, trout production (TP) waters" shall mean those waters delineated as such by the department under regulations adopted pursuant to the "Water Pollution Control Act," P.L. 1977, c. 74 (C. 58:10A-1 et seq.) and the "Water Quality Planning Act," P.L. 1977, c. 75 (C. 58:11A-1 et seq.).

e. The classification system established in this section shall not restrict the department's authority to require the creation or restoration of freshwater wetlands pursuant to the provisions of section 13 of this act.

C. 13:9B-8 Letter of interpretation.

8. a. A person proposing to engage in a regulated activity in a freshwater wetland or in an activity which requires a transition area waiver may, prior to applying for a freshwater wetlands permit or transition area waiver, request from the department a letter of interpretation to establish that the site of the proposed activity is located in a freshwater wetland or transition area.

b. Within 20 days after receipt of a request for a letter of interpretation, the department may require the submission of any additional information necessary to issue the letter of interpretation.

c. If no additional information is required, the department shall issue a letter of interpretation within 30 days after receiving the request.

d. If additional information is required the department shall issue a letter of interpretation within 45 days after receipt of the information.

e. The department may require an applicant for a letter of interpretation to perform and submit to the department an onsite inspection to determine or verify the general location of the freshwater wetland boundary and the applicable transition area. This inspection shall be subject to approval and verification by the department. If the department determines that onsite inspection by the department is necessary, the department shall make the inspection. If an on-site inspection is required by the department the time specified in this

section for issuance of the letter of interpretation shall be extended by 45 days.

f. If a person requesting the letter has not made a reasonable good faith effort to provide the department with information sufficient to make a determination, the department shall issue a letter of interpretation requiring the application for a freshwater wetlands permit or transition area waiver.

g. A person applying for a letter of interpretation may also submit a report of an onsite freshwater wetlands delineation and receive within the time specified in this section a letter of interpretation verifying the actual freshwater wetlands and transition area boundaries.

h. The department may charge a fee not to exceed the costs for reviewing the information submitted, conducting on-site inspections pursuant to subsection e. of this section, and for issuing a letter of interpretation.

i. Any person who requests a letter of interpretation pursuant to the provisions of this act and does not receive a response from the department within the deadlines imposed in this section shall not be entitled to assume that the site of the proposed activity which was the subject of the request for a letter of interpretation is not in a freshwater wetland. A person who receives a letter of interpretation pursuant to this section shall be entitled to rely on the determination of the department, except as provided in subsection j. of this section.

j. The department shall transmit to the United States Environmental Protection Agency a copy of any letter of interpretation determining that the site of a proposed regulated activity is not in a freshwater wetland. Any letter of interpretation which determines that the site of a proposed regulated activity is not in a freshwater wetlands shall be subject to review, modification, or revocation by the United States Environmental Protection Agency.

k. The department shall publish in the bulletin of the department a list indicating the status of each application for a permit submitted to the department pursuant to the provisions of this act.

C. 13:9B-9 Permit application; conditions for issuance.

9. a. A person proposing to engage in a regulated activity shall apply to the department for a freshwater wetlands permit, for a fee not to exceed the cost of reviewing and processing the application, and on forms and in the manner prescribed by the commissioner

pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). An agency of the State proposing to engage in a regulated activity shall also apply to the department for a freshwater wetlands permit on forms and in a manner prescribed by the commissioner, but shall not be required to pay a fee therefor. The application shall include the name and address of the applicant, the purpose of the project, the names and addresses of all owners of property adjacent to the proposed project, and at least the following:

- (1) A preliminary site plan or subdivision map of the proposed development activities, or another map of the site if no preliminary site plan or subdivision map exists, and a written description of the proposed regulated activity, the total area to be modified, and the total area of the freshwater wetland potentially affected;

- (2) Verification that a notice has been forwarded to the clerk, environmental commission, and planning board of the municipality in which the proposed regulated activity will occur, the planning board of the county in which the proposed regulated activity will occur, landowners within 200 feet of the site of the proposed regulated activity, and to all persons who requested to be notified of proposed regulated activities, which notice may be filed concurrently with notices required pursuant to P.L. 1975, c. 291 (C. 40:55D-1 et seq.), describing the proposed regulated activity and advising these parties of their opportunity to submit comments thereon to the department;

- (3) Verification that notice of the proposed activity has been published in a newspaper of local circulation;

- (4) A statement detailing any potential adverse environmental effects of the regulated activity and any measures necessary to mitigate those effects, and any information necessary for the department to make a finding pursuant to subsection b. of this section.

b. The department, after considering the comments of the environmental commission and planning boards of the county and municipality wherein the regulated activity is to take place, federal and State agencies of competent jurisdiction, other affected municipalities and counties, and the general public, shall issue a freshwater wetlands permit only if it finds that the regulated activity:

- (1) Is water-dependent or requires access to the freshwater wetlands as a central element of its basic function, and has no practicable alternative which would not involve a freshwater wetland or which would have a less adverse impact on the aquatic ecosystem,

and which would not have other significant adverse environmental consequences, and also complies with the provisions of paragraphs (3)-(9) of this subsection; or

(2) Is nonwater-dependent and has no practicable alternative as demonstrated pursuant to section 10 of this act, which would not involve a freshwater wetland or which would have a less adverse impact on the aquatic ecosystem, and which would not have other significant adverse environmental consequences; and

(3) Will result in minimum feasible alteration or impairment of the aquatic ecosystem including existing contour, vegetation, fish and wildlife resources, and aquatic circulation of the freshwater wetland; and

(4) Will not jeopardize the continued existence of species listed pursuant to "The Endangered and Nongame Species Conservation Act," P.L. 1973, c. 309 (C. 23:2A-1 et seq.) or which appear on the federal endangered species list, and will not result in the likelihood of the destruction or adverse modification of a habitat which is determined by the Secretary of the United States Department of the Interior or the Secretary of the United States Department of Commerce as appropriate to be a critical habitat under the "Endangered Species Act of 1973," (16 U.S.C. §1531 et al.); and

(5) Will not cause or contribute to a violation of any applicable State water quality standard; and

(6) Will not cause or contribute to a violation of any applicable toxic effluent standard or prohibition imposed pursuant to the "Water Pollution Control Act," P.L. 1977, c. 74 (C. 58:10A-1 et seq.); and

(7) Will not violate any requirement imposed by the United States government to protect any marine sanctuary designated pursuant to the "Marine Protection, Research and Sanctuaries Act of 1972," (33 U.S.C. §1401 et al.); and

(8) Will not cause or contribute to a significant degradation of ground or surface waters; and

(9) Is in the public interest as determined pursuant to section 11 of this act, is necessary to realize the benefits derived from the activity, and is otherwise lawful.

C. 13:9B-10 Rebuttable presumption.

10. a. It shall be a rebuttable presumption that there is a practicable alternative to any nonwater-dependent regulated activity that does not involve a freshwater wetland, and that such an alternative to any regulated activity would have less of an impact on the aquatic ecosystem. An alternative shall be practicable if it is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

b. In order to rebut the presumption established in subsection a. of this section an applicant for a freshwater wetlands permit must demonstrate the following

(1) That the basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on an aquatic ecosystem; and

(2) That a reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs to that of the project as proposed that would avoid, or result in less, adverse impact on an aquatic ecosystem will not accomplish the basic purpose of the project; and

(3) That in cases where the applicant has rejected alternatives to the project as proposed due to constraints such as inadequate zoning, infrastructure, or parcel size, the applicant has made reasonable attempts to remove or accommodate such constraints.

c. In order to rebut the presumption established in subsection a. of this section with respect to wetlands of exceptional resource value, an applicant, in addition to complying with the provisions of subsection b. of this section, must also demonstrate that there is a compelling public need for the proposed activity greater than the need to protect the freshwater wetland that cannot be met by essentially similar projects in the region which are under construction or expansion, or have received the necessary governmental permits and approvals; or that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.

C. 13:9B-11 Determination of public interest.

11. In determining whether a proposed regulated activity in any freshwater wetland is in the public interest, the department shall consider the following:

- a. the public interest in preservation of natural resources and the interest of the property owners in reasonable economic development;
- b. the relative extent of the public and private need for the proposed regulated activity;
- c. where there are unresolved conflicts as to resource use, the practicability of using reasonable alternative locations and methods, including mitigation, to accomplish the purpose of the proposed regulated activity;
- d. the extent and permanence of the beneficial or detrimental effects which the proposed regulated activity may have on the public and private uses for which the property is suited;
- e. the quality of the wetland which may be affected and the amount of freshwater wetlands to be disturbed;
- f. the economic value, both public and private, of the proposed regulated activity to the general area; and
- g. the ecological value of the freshwater wetlands and probable impact on public health and fish and wildlife.

C. 13:9B-12 Accessibility to approved site.

12. If a freshwater wetlands permit is approved and issued pursuant to the provisions of this act the department shall waive or modify the requirement for a transition area to the extent required to provide access to the site of the approved regulated activity.

C. 13:9B-13 Mitigation of adverse environmental impacts.

13. a. The department shall require as a condition of a freshwater wetlands permit that all appropriate measures have been carried out to mitigate adverse environmental impacts, restore vegetation, habitats, and land and water features, prevent sedimentation and erosion, minimize the area of freshwater wetland disturbance and insure compliance with the Federal Act and implementing regulations.

b. The department may require the creation or restoration of an area of freshwater wetlands of equal ecological value to those which will be lost, and shall determine whether the creation or restoration of freshwater wetlands is conducted onsite or offsite. The department shall accept and evaluate a proposal to create or restore an area of

freshwater wetlands only after the department has evaluated the permit application for which the proposal is made, and shall evaluate the proposal to create or restore an area of freshwater wetlands independently of the permit application. The department's evaluation of a proposal to create or restore an area of freshwater wetlands shall be conducted in consultation with the United States Environmental Protection Agency.

c. If the department determines that the creation or restoration of freshwater wetlands onsite is not feasible, the department, in consultation with the United States Environmental Protection Agency, may consider the option of permitting the creation of freshwater wetlands or the restoration of degraded freshwater wetlands offsite on private property with the restriction on these wetlands of any future development, or the making of a contribution to the Wetlands Mitigation Bank. The contribution shall be equivalent to the lesser of the following costs: (1) purchasing and restoring existing degraded freshwater wetlands, resulting in preservation of freshwater wetlands of equal ecological value to those which are being lost; or (2) purchase of property and the cost of creation of freshwater wetlands of equal ecological value to those which are being lost. The applicant may also donate land as part of the contribution if the Wetlands Mitigation Council determines that the donated land has potential to be a valuable component of the freshwater wetlands ecosystem. The department shall permit the donation of land as a part of the contribution to the Wetlands Mitigation Bank only after determining that all alternatives to the donation are not practicable or feasible.

C. 13:9B-14 Wetlands Mitigation Bank; council membership.

14. a. There is established in the Executive Branch of State Government the Wetlands Mitigation Bank. For the purpose of complying with Article V, section IV, paragraph 1 of the New Jersey Constitution, the bank is allocated within the Department of Environmental Protection but, notwithstanding this allocation, the bank shall be independent of any supervision or control by the department or the commissioner, or any other officer or employee thereof.

b. The bank shall be governed by the Wetlands Mitigation Council which shall comprise seven members as follows: the Commissioner of Environmental Protection, who shall serve ex officio; and six members of the general public to be appointed by the Governor with the advice and consent of the Senate, two of whom shall be appointed from persons recommended by recognized building and development

organizations; two of whom shall be appointed from persons recommended by recognized environmental and conservation organizations; and two of whom shall be appointed from institutions of higher learning in the State. Each of the members appointed from the general public shall serve for a term of three years and until a successor is appointed and qualified, except that of the members first appointed, two shall serve terms of one year, and two shall serve terms of two years. All vacancies, except those created through the expiration of term, shall be filled for the unexpired term only, and in the same manner, and with a member having the same class, as the original appointment. Each member shall be eligible for reappointment, but may be removed by the Governor for cause.

c. A majority of the membership of the council shall constitute a quorum for the transaction of council business. Action may be taken and motions and resolutions adopted by the council at any meeting thereof by the affirmative vote of a majority of the full membership of the council.

d. The Governor shall appoint a chairman from the public members and the council may appoint such other officers as may be necessary. The council may appoint such staff or hire such experts as it may require within the limits of appropriations made for these purposes.

e. Members of the council shall serve without compensation, but may be reimbursed for expenses necessarily incurred in the discharge of their official duties.

f. The council may call to its assistance such employees as are necessary and made available to it from any agency or department of the State or its political subdivisions.

g. The council may adopt, pursuant to the "Administrative Procedure Act," and in consultation with the department, any rules and regulations necessary to carry out its responsibilities.

C. 13:9B-15 Powers of Wetlands Mitigation Council.

15. a. The Wetlands Mitigation Council shall be responsible for disbursements of funds from the bank to finance mitigation projects. The council shall have the power to purchase land to provide areas for the restoration of degraded freshwater wetlands, and to preserve freshwater wetlands and transition areas determined to be of critical importance in protecting freshwater wetlands. The council shall not engage in the restoration of degraded freshwater wetlands on public lands, except those lands which are acquired by the bank. The coun-

cil shall assist the department in preparing the portions of the report required pursuant to section 29 of this act which pertain to mitigation.

b. The council may contract with nonprofit organizations, the Division of Fish, Game and Wildlife in the department, the United States Fish and Wildlife Service, and other appropriate agencies to carry out its responsibilities, and may aggregate mitigation actions to achieve economies of scale. Any contract proposed by the council pursuant to this subsection shall be subject to review and approval by the United States Environmental Protection Agency.

c. The council may transfer any funds or lands restricted by deed, easement or other appropriate means to mitigation and freshwater wetlands conservation purposes, to a state or federal conservation agency that consents to the transfer, to expand or provide for:

- (1) Freshwater wetlands preserves;
- (2) Transition areas around existing freshwater wetlands to preserve freshwater wetland quality;
- (3) Future mitigation sites for freshwater wetlands restoration; or
- (4) Research to enhance the practice of mitigation.

C. 13:9B-16 Transition areas.

16. a. There shall be transition areas adjacent only to freshwater wetlands of exceptional resource value and of intermediate resource value. A transition area shall serve as:

- (1) An ecological transition zone from uplands to freshwater wetlands which is an integral portion of the freshwater wetlands ecosystem, providing temporary refuge for freshwater wetlands fauna during high water episodes, critical habitat for animals dependent upon but not resident in freshwater wetlands, and slight variations of freshwater wetland boundaries over time due to hydrologic or climatologic effects; and
- (2) A sediment and storm water control zone to reduce the impacts of development upon freshwater wetlands and freshwater wetlands species.

b. The width of the transition area shall be determined by the department as follows:

- (1) No greater than 150 feet nor less than 75 feet for a freshwater wetland of exceptional resource value;

(2) No greater than 50 feet nor less than 25 feet for a freshwater wetland of intermediate resource value.

c. The minimum width of a transition area established pursuant to this section may be further reduced consistent with a transition area averaging plan approved under section 18 of this act.

C. 13:9B-17 Prohibited activities.

17. a. The following activities, except for normal property maintenance or minor and temporary disturbances of the transition area resulting from, and necessary for, normal construction activities on land adjacent to the transition area, are prohibited in the transition area, except in accordance with a transition area waiver approved by the department pursuant to section 18 of this act:

- (1) Removal, excavation, or disturbance of the soil;
- (2) Dumping or filling with any materials;
- (3) Erection of structures, except for temporary structures of 150 square feet or less;
- (4) Placement of pavements;
- (5) Destruction of plant life which would alter the existing pattern of vegetation.

b. A person proposing to engage in an activity prohibited pursuant to subsection a. of this section within 150 feet of a freshwater wetland of exceptional resource value, or within 50 feet of a freshwater wetland of intermediate resource value, shall apply to the department for a transition area waiver, for a fee not to exceed the cost of reviewing and processing the waiver application, and on forms and in the manner prescribed by the commissioner pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). An agency of the State proposing to engage in such an activity in a transition area shall also apply to the department for a transition area waiver on forms and in a manner prescribed by the commissioner but shall not be required to pay a fee therefor. The waiver application shall include at least the following:

- (1) A preliminary site plan or subdivision map of the site, or another map of the site if no preliminary site plan or subdivision map exists, containing proposed activities and a written description of the proposed activity, the total areas to be modified, and the total area of the transition area potentially affected; and

(2) Verification that a notice has been forwarded to the clerk, environmental commission, and planning board of the municipality, and the planning board of the county wherein the activity is to occur, which notice shall describe the activity and advise these instrumentalities of local government of their opportunity to submit comments thereon to the department; and

(3) A statement detailing any potential adverse environmental effects of the activity on the freshwater wetlands and any measures that may be necessary to mitigate those effects; and

(4) A transition area averaging plan, if an averaging plan is required in connection with a transition area waiver requested pursuant to section 18 of this act.

c. At the applicant's option, the maximum transition area distances established in subsection b. of section 16 of this act, or a lesser transition area distance established pursuant to a waiver approved pursuant to section 18 of this act, shall be further reduced, or the transition area adjacent to a portion of a wetlands shall be eliminated, pursuant to a transition area averaging plan submitted by the applicant, provided that the plan is consistent with the provisions of subsection a. of section 16 of this act.

C. 13:9B-18 Transition area waivers.

18. a. The department shall grant a transition area waiver reducing the size of a transition area to not less than the minimum distance established in subsection b. of section 16 of this act; provided that (1) the proposed activity would have no substantial impact on the adjacent freshwater wetland or (2) the waiver is necessary to avoid a substantial hardship to the applicant caused by circumstances peculiar to the property. If the proposed activity is the construction of a stormwater management facility having no feasible alternative on-site location or is linear development having no feasible alternative location, the department shall approve a further transition area waiver or elimination of a portion of a transition area as necessary to permit the activity. A transition area waiver approved pursuant to this subsection shall not require transition area averaging to compensate for the reduction of transition area distance or for partial elimination of the transition area.

b. The department shall also approve transition area waivers reducing the transition area distances established in subsection b. of section 16 of this act and shall also approve waiver applications eliminating portions of transition areas, provided that the applicant

submits a transition area averaging plan. The transition area requirements of this act shall be satisfied if the transition area averaging plan expands a portion of the transition area to compensate, on a square footage basis, for reduction of a transition area distance or for partial elimination of a transition area. The applicant shall have the right to determine the area of transition area reduction or partial elimination; provided that the transition area averaging plan will result in a transition area consistent with the provisions of subsection a. of section 16 of this act. If a transition area waiver is approved pursuant to subsection a. of this section, the average transition area required by this subsection shall be based upon the transition area distance established pursuant to subsection a. of this section. If no waiver is approved pursuant to subsection a. of this section, the average transition area shall be based upon the maximum applicable transition area distance provided in subsection b. of section 16 of this act.

c. Any other provision of this act to the contrary notwithstanding, the transition area distance from a freshwater wetland of exceptional resource value may be reduced to no less than 75 feet except pursuant to section 12 of this act. A transition area waiver shall be approved pursuant to this subsection only if a transition area distance reduction would have no substantial adverse impact on the adjacent freshwater wetlands or if denial of a transition area waiver would result in extraordinary hardship to the applicant because of circumstances peculiar to the subject property. A transition area waiver approved pursuant to this subsection shall be conditioned on a transition area averaging plan which provides an average transition area of not less than 100 feet.

d. The department shall issue or deny an application for a transition area waiver within 90 days of submission of a complete application; provided, however, that if the project or activity for which the transition area waiver is requested also involves a regulated activity in a freshwater wetland, or if an application for a permit to conduct a regulated activity in a freshwater wetland adjacent to the transition area for which the transition area waiver is requested is pending before the department, the department shall approve or deny the transition area waiver within the time period set forth for the approval or denial of a permit in subsection c. of section 5 of this act.

C. 13:9B-19 Consideration for tax purposes.

19. If the department denies an application for a freshwater wetlands permit, the owner of record of the property affected may

request, and the local tax assessor shall provide, that this fact be taken into account when the property is valued, assessed, and taxed for property tax purposes.

C. 13:9B-20 Administrative hearing.

20. An applicant for a freshwater wetlands permit issued pursuant to this act may request the commissioner for an administrative hearing on any decision to issue or deny a permit made by the department pursuant to this act. Upon receipt of such a request, the commissioner shall refer the matter to the Office of Administrative Law, which shall assign an administrative law judge to conduct a hearing on the matter in the form of a contested case pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). Within 45 days of receipt of the administrative law judge's decision, the commissioner shall affirm, reject, or modify the decision. The commissioner's action shall be considered the final agency action for the purposes of the "Administrative Procedure Act," and shall be subject only to judicial review as provided in the Rules of Court.

C. 13:9B-21 Remedies for violations.

21. a. Whenever, on the basis of available information, the commissioner finds that a person is in violation of any provision of this act, or any rule or regulation adopted, or permit or order issued, pursuant to this act, the commissioner may:

(1) Issue an order requiring any such person to comply in accordance with subsection b. of this section; or

(2) Bring a civil action in accordance with subsection c. of this section; or

(3) Levy a civil administrative penalty in accordance with subsection d. of this section; or

(4) Bring an action for a civil penalty in accordance with subsection e. of this section; or

(5) Petition the Attorney General to bring a criminal action in accordance with subsection f. of this section.

Recourse to any of the remedies available under this section shall not preclude recourse to any of the other remedies.

b. Whenever, on the basis of available information, the commissioner finds a person in violation of any provision of this act, or of any rule or regulation adopted, or permit or order issued, pursuant to this act, the commissioner may issue an order: (1) specifying the

provision or provisions of this act, or the rule, regulation, permit or order of which he is in violation; (2) citing the action which constituted the violation; (3) requiring compliance with the provision or provisions violated; (4) requiring the restoration of the freshwater wetland or transition area which is the site of the violation; and (5) providing notice to the person of his right to a hearing on the matters contained in the order.

c. The commissioner is authorized to institute a civil action in Superior Court for appropriate relief from any violation of any provisions of this act, or any rule or regulation adopted, or permit or order issued, pursuant to this act. Such relief may include, singly or in combination:

- (1) A temporary or permanent injunction;
- (2) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
- (3) Assessment of the violator for any costs incurred by the State in removing, correcting, or terminating the adverse effects upon the freshwater wetland resulting from any unauthorized regulated activity for which legal action under this subsection may have been brought;
- (4) Assessment against the violator for compensatory damages for any loss or destruction of wildlife, fish or aquatic life, and for any other actual damages caused by an unauthorized regulated activity. Assessments under this subsection shall be paid to the State Treasurer, except that compensatory damages shall be paid by specific order of the court to any persons who have been aggrieved by the unauthorized regulated activity;
- (5) A requirement that the violator restore the site of the violation to the maximum extent practicable and feasible.

d. The commissioner is authorized to assess a civil administrative penalty of not more than \$10,000.00 for each violation, and each day during which each violation continues shall constitute an additional, separate, and distinct offense. Any amount assessed under this subsection shall fall within a range established by regulation by the commissioner for violations of similar type, seriousness, and duration. No assessment shall be levied pursuant to this section until after the party has been notified by certified mail or personal service.

The notice shall identify the section of the statute, regulation, or order or permit condition violated; recite the facts alleged to constitute a violation; state the amount of the civil penalties to be imposed; and affirm the rights of the alleged violator to a hearing. The ordered party shall have 20 days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, the notice shall become a final order after the expiration of the 20-day period. Payment of the assessment is due when a final order is issued or the notice becomes a final order. The authority to levy an administrative order is in addition to all other enforcement provisions in this act, and the payment of any assessment shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied. Any civil administrative penalty assessed under this section may be compromised by the commissioner upon the posting of a performance bond by the violator, or upon such terms and conditions as the commissioner may establish by regulation.

e. A person who violates this act, an administrative order issued pursuant to subsection b., or a court order issued pursuant to subsection c., who fails to pay a civil administrative assessment in full pursuant to subsection d., shall be subject, upon order of a court, to a civil penalty not to exceed \$10,000.00 per day of such violation, and each day during which the violation continues shall constitute an additional, separate, and distinct offense. Any civil penalty imposed pursuant to this subsection may be collected with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.). The Superior Court shall have jurisdiction to enforce "the penalty enforcement law" in conjunction with this act.

f. A person who willfully or negligently violates this act shall be guilty, upon conviction, of a crime of the fourth degree and shall be subject to a fine of not less than \$2,500.00 nor more than \$25,000.00 per day of violation. A second offense under this subsection shall subject the violator to a fine of not less than \$5,000.00 nor more than \$50,000.00 per day of violation. A person who knowingly makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or who falsifies, tampers with or knowingly renders inaccurate, any

monitoring device or method required to be maintained pursuant to this act, shall, upon conviction, be subject to a fine of not more than \$10,000.00.

g. In addition to the penalties prescribed in this section, a notice of violation of this act shall be recorded on the deed of the property wherein the violation occurred, on order of the commissioner, by the clerk or register of deeds and mortgages of the county wherein the affected property is located and with the clerk of the Superior Court and shall remain attached thereto until such time as the violation has been remedied and the commissioner orders the notice of violation removed.

h. If the violation is one in which the department has determined that the restoration of the site to its previolation condition would increase the harm to the freshwater wetland or its ecology, the department may issue an "after the fact" permit for the regulated activity that has already occurred; provided that assessment against the violator for costs or damages enumerated in subsection c. of this section has been made, the creation or restoration of freshwater wetlands resources at another site has been required of the violator, an opportunity has been afforded for public hearing and comment, and the reasons for the issuance of the "after the fact" permit are published in the New Jersey Register and in a newspaper of general circulation in the geographical area of the violation. Any person violating an "after the fact" permit issued pursuant to this subsection shall be subject to the provisions of this section.

i. The burden of proof and degree of knowledge or intent required to establish a violation of this act shall be no greater than the burden of proof or degree of knowledge or intent which the United States Environmental Protection Agency must meet in establishing a violation of the Federal Act or implementing regulations.

j. The department shall establish and implement a program designed to facilitate public participation in the enforcement of this act which complies with the requirements of the Federal Act and implementing regulations.

k. The department shall make available without restriction any information obtained or used in the implementation of this act to the United States Environmental Protection Agency upon a request therefor.

l. The department may require an applicant or permittee to provide any information the department requires to determine compliance with the provisions of this act.

m. The department shall have the authority to enter any property, facility, premises or site for the purpose of conducting inspections, sampling of soil or water, copying or photocopying documents or records, and for otherwise determining compliance with the provisions of this act.

C. 13:9B-22 Taking without just compensation.

22. a. Any person having a recorded interest in land affected by a freshwater wetlands permit issued, modified or denied pursuant to the provision of this act may file an action in a court of competent jurisdiction to determine if the issuance, modification or denial of the freshwater wetlands permit constitutes a taking of property without just compensation.

b. If the court determines that the issuance, modification, or denial of a freshwater wetlands permit by the department pursuant to this act constitutes a taking of property without just compensation, the court shall give the department the option of compensating the property owner for the full amount of the lost value, condemning the affected property pursuant to the provisions of the "Eminent Domain Act of 1971," P.L. 1971, c. 361 (C. 20:3-1 et seq.), or modifying its action or inaction concerning the property so as to minimize the detrimental effect to the value of the property.

C. 13:9B-23 General permits.

23. a. The department shall consider for adoption as general permits, to the extent practicable and feasible, and to the extent that this adoption is consistent to the maximum extent practicable and feasible with the provisions of this act, all applicable Nationwide Permits which were approved under the Federal Act as of November 13, 1986 by the U.S. Army Corps of Engineers.

b. The department shall issue a general permit for an activity in a freshwater wetland which is not a surface water tributary system discharging into an inland lake or pond, or a river or stream, and which would not result in the loss or substantial modification of more than one acre of freshwater wetland, provided that this activity will not take place in a freshwater wetland of exceptional resource value. The department shall issue a general permit for a regulated activity in a freshwater wetland located in an area considered a headwater pursuant to the Federal Act if the regulated activity would not result

in the loss or substantial modification of more than one acre of a swale or a man-made drainage ditch. The provisions of this subsection shall not apply to any wetlands designated as priority wetlands by the United States Environmental Protection Agency.

c. The department shall issue additional general permits on a Statewide or regional basis for the following categories of activities, if the department determines, after conducting an environmental analysis and providing public notice and opportunity for a public hearing, that the activities will cause only minimal adverse environmental impacts when performed separately, will have only minimal cumulative adverse impacts on the environment, will cause only minor impacts on freshwater wetlands, will be in conformance with the purposes of this act, and will not violate any provision of the Federal Act:

(1) Maintenance, reconstruction, or repair of roads or public utilities lawfully existing prior to the effective date of this act or permitted under this act, provided that such activities do not result in disturbance of additional wetlands upon completion of the activity;

(2) Maintenance or repair of active irrigation or drainage ditches lawfully existing prior to the effective date of this act or permitted under this act, provided that such activities do not result in disturbance of additional freshwater wetlands upon completion of the activity;

(3) Appurtenant improvements or additions to residential dwellings lawfully existing prior to the effective date of this act, provided that the improvements or additions require less than a cumulative surface area of 750 square feet of fill and will not result in new alterations to a freshwater wetland outside of the fill area;

(4) Mosquito management activities determined to be consistent with best mosquito control and freshwater wetlands management practices and for which all appropriate actions to minimize adverse environmental effects have been or shall be taken.

(5) Activities, as determined by the department, which will have no significant adverse environmental impact on freshwater wetlands, provided that the issuance of a general permit for any such activities is consistent with the provisions of the Federal Act and has been approved by the United States Environmental Protection Agency.

(6) Regulated activities which have received individual or general permit approval or a finding of no jurisdiction by the U.S. Army

Corps of Engineers pursuant to the Federal Act, and which have received a grant waiver pursuant to the "National Environmental Policy Act of 1969" (42 U.S.C. §4321 et seq.); provided, that upon the expiration of a permit any application for a renewal or modification thereof shall be made to the department.

(7) State or federally funded roads planned and developed in accordance with the "National Environmental Policy Act of 1969" and the Federal Act, and with Executive Order Number 53, approved October 5, 1973 and for which application has been made prior to the effective date of this act to the United States Army Corps of Engineers for an individual or general permit under the Federal Act; provided that upon expiration of a permit any application for a renewal or modification thereof shall be made to the department, and, provided, further, that the department shall not require transition areas as a condition of the renewal or modification of the permit.

(8) Maintenance and repair of storm water management facilities lawfully constructed prior to the effective date of this act or permitted under this act, provided that these activities do not result in disturbance of additional freshwater wetlands upon completion of the activity.

(9) Maintenance, reconstruction, or repair of buildings or structures lawfully existing prior to the effective date of this act or permitted under this act, provided that these activities do not result in disturbance of additional freshwater wetlands upon completion of the activity.

d. The department may, on the basis of findings with respect to a specific application, modify a general permit issued pursuant to this section by adding special conditions. The department may rescind a general permit and require an application for an individual permit if the commissioner finds that additional permit conditions would not be sufficient and that special circumstances make this action necessary to insure compliance with this act or the Federal Act.

e. The department shall review general permits adopted or authorized pursuant to subsection c. every five years, which review shall include public notice and opportunity for public hearing. Upon this review the department shall either modify, reissue or revoke a general permit. If a general permit is not modified or reissued within five years of publication in the New Jersey Register, it shall automatically expire.

f. The date of publication of the general permits authorized by subsections a. and b. of this section shall be the effective date of this act.

g. A person proposing to engage in an activity covered by a general permit shall provide written notice to the department containing a description of the proposed activity at least 30 working days prior to commencement of work. The department, within 30 days of receipt of this notification, shall notify the person proposing to engage in the activity covered by a general permit as to whether an individual permit is required for the activity.

C. 13:9B-24 Temporary emergency permit.

24. a. Notwithstanding the provisions of this or any other act to the contrary, the department may issue a temporary emergency freshwater wetlands permit for a regulated activity if:

(1) An unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted; and

(2) The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this act and other applicable State law.

b. The emergency permit shall incorporate, to the greatest extent practicable and feasible but not inconsistent with the emergency situation, the standards and criteria required for non-emergency regulated activities under this act and shall:

(1) Be limited in duration to the time required to complete the authorized emergency activity, not to exceed 90 days;

(2) Require the restoration of the freshwater wetland within this 90 day period, except that if more than the 90 days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.

c. The emergency permit may be issued orally or in writing, except that if it is issued orally, a written emergency permit shall be issued within five days thereof.

d. Notice of the issuance of the emergency permit shall be published and public comments received, in accordance with the provisions of the Federal Act, and applicable State law, provided that this notification shall be sent no later than 10 days after issuance of the emergency permit.

e. The emergency permit may be terminated at any time without process upon a determination by the department that this action is appropriate to protect human health or the environment.

C. 13:9B-25 Rules, regulations.

25. a. Within 10 months of the enactment of this act, and after a 60 day comment period, the department shall adopt, pursuant to the provisions of the "Administrative Procedure Act," any rules and regulations necessary to implement the provisions of this act. These rules and regulations shall include the general permits which the department will issue pursuant to section 23 of this act.

b. Within one year of the enactment of this act, the department shall adopt, in consultation with the United States Environmental Protection Agency, a list of vegetative species classified as hydrophytes, as defined in section 3 of this act, indicative of freshwater wetlands and consistent with the geographical regions of the State.

c. The department shall develop a functional, complete, and up to date composite freshwater wetlands map and inventory using the most recent available data, which shall include, but need not be limited to, aerial photographs and soil inventories at a scale suitable for freshwater wetlands regulatory purposes, and shall make appropriate sections of this map and inventory available on a periodic basis to the county clerk or register of deeds and mortgages in each county, as appropriate, and to the clerk of each municipality.

C. 13:9B-26 Distribution of National Wetlands Inventory maps.

26. The department shall, within 180 days of enactment of this act, forward to the clerk of each municipality copies of the appropriate National Wetlands Inventory maps for the State prepared by the United States Fish and Wildlife Service and direct the clerk to notify the residents of the municipality of the availability for inspection of these maps, by publication in a newspaper of general circulation. The department shall inform the clerk of each municipality that these maps have not been determined to be accurate for the purposes of locating the actual wetlands boundary, and that the department will be preparing a composite freshwater wetlands map and inventory at the specified uniform scale.

C. 13:9B-27 Assumption of permit jurisdiction.

27. a. The department and the Attorney General shall take all appropriate action to secure the assumption of the permit jurisdiction exercised by the United States Army Corps of Engineers pursuant

to the Federal Act. The department shall make an initial application to the United States Environmental Protection Agency for this assumption within one year of enactment of this act, and shall provide the Governor and the Legislature with a schedule therefor and a copy of the application and supporting material forwarded to the federal government.

b. The department shall utilize, to the maximum extent practicable and feasible, forms and procedures for permit applications which are identical to those used by the United States Army Corps of Engineers in issuing permits under the Federal Act.

c. The department shall seek to conduct the review of an application for a freshwater wetlands permit in conjunction with federal personnel responsible for reviewing an application for a permit under the Federal Act.

d. It is the intention of the Legislature that the permit process imposed in this act be conducted by the department concurrently with the review conducted by the federal government until such time as the department secures assumption of the permit jurisdiction exercised by the United States Army Corps of Engineers.

C. 13:9B-28 Public education program.

28. The department shall, within one year of the effective date of this act, conduct a public education program on the provisions of this act and the rules and regulations adopted pursuant hereto.

C. 13:9B-29 Report.

29. The department shall, within two years of the effective date of this act, prepare and submit a report to the Governor, the President of the Senate and the Speaker of the General Assembly, and the Senate Energy and Environment Committee and the Assembly Energy and Natural Resources Committee, or their designated successors. The report shall describe:

(1) The success or failure of mitigation measures performed in actual development situations, both within the State and in other states, the nature of the mitigation measures, and the state-of-the-art techniques used for mitigation; and

(2) Recommendations for legislative or administrative action necessary to ensure the long term protection of freshwater wetlands from damage and degradation resulting from land use activities, pollution, and hydrologic changes which occur in upstream regions of the same watersheds of particular freshwater wetlands.

C. 13:9B-30 Local regulation preempted.

30. It is the intent of the Legislature that the program established by this act for the regulation of freshwater wetlands constitute the only program for this regulation in the State except to the extent that these areas are regulated consistent with the provisions of section 6 of this act. To this end no municipality, county, or political subdivision thereof, shall enact, subsequent to the effective date of this act, any law, ordinance, or rules or regulations regulating freshwater wetlands, and further, this act, on and subsequent to its effective date, shall supersede any law or ordinance regulating freshwater wetlands enacted prior to the effective date of this act. Between the enactment and effective date of this act, no municipality, county, or political subdivision thereof shall enact any law, ordinance, or rule and regulation requiring a transition area adjacent to a freshwater wetland; provided however, that any such law, ordinance, or rule and regulation adopted prior to the enactment of this act shall be valid until the effective date of this act.

31. Section 5 of P.L. 1977, c. 74 (C. 58:10A-5) is amended to read as follows:

C. 58:10A-5 Powers of department.

5. The department is empowered to:

a. Exercise general supervision of the administration and enforcement of this act and all rules, regulations and orders promulgated hereunder;

b. Assess compliance of a discharger with applicable requirements of State and Federal law pertaining to the control of pollutant discharges and the protection of the environment and, also, to issue certification with respect thereto as required by section 401 of the Federal Act;

c. Assess compliance of a person with applicable requirements of State and federal law pertaining to the control of the discharge of dredged and fill material into the waters of the State and the protection of the environment and, also, to issue, deny, modify, suspend, or revoke permits with respect thereto as required by section 404 of the "Federal Water Pollution Control Act Amendments of 1972," as amended by the "Clean Water Act of 1977," (33 U.S.C. §1344), and implementing regulations;

d. Advise, consult, and cooperate with other agencies of the State, the federal government, other states and interstate agencies, includ-

ing the State Soil Conservation Committee, and with affected groups, political subdivisions and industries in furtherance of the purposes of this act;

e. Administer State and federal grants to municipalities, counties and other political subdivisions, or any recipient approved by the commissioner according to terms and conditions approved by him in order to meet the goals and objectives of this act.

32. Section 6 of P.L. 1977, c. 74 (C. 58:10A-6) is amended to read as follows:

C. 58:10A-6 NJPDES permits; exemptions.

6. a. It shall be unlawful for any person to discharge any pollutant, except in conformity with a valid New Jersey Pollutant Discharge Elimination System permit that has been issued by the commissioner pursuant to this act or a valid National Pollution Discharge Elimination System permit issued by the administrator pursuant to the Federal Act, as the case may be.

b. It shall be unlawful for any person to build, install, modify or operate any facility for the collection, treatment or discharge of any pollutant, except after approval by the department pursuant to regulations adopted by the commissioner.

c. The commissioner is hereby authorized to grant, deny, modify, suspend, revoke, and reissue NJPDES permits in accordance with this act, and with regulations to be adopted by him. The commissioner may reissue, with or without modifications, an NJPDES permit duly issued by the federal government as the NJPDES permit required by this act.

d. The commissioner may, by regulation, exempt the following categories of discharge, in whole or in part, from the requirement of obtaining a permit under this act; provided, however, that an exemption afforded under this section shall not limit the civil or criminal liability of any discharger nor exempt any discharger from approval or permit requirements under any other provision of law:

(1) Additions of sewage, industrial wastes or other materials into a publicly owned sewage treatment works which is regulated by pretreatment standards;

(2) Discharges of any pollutant from a marine vessel or other discharges incidental to the normal operation of marine vessels;

(3) Discharges from septic tanks, or other individual waste disposal systems, sanitary landfills, and other means of land disposal of wastes;

(4) Discharges of dredged or fill materials into waters for which the State could not be authorized to administer the section 404 program under section 404(g) of the "Federal Water Pollution Control Act Amendments of 1972," as amended by the "Clean Water Act of 1977" (33 U.S.C. §1344) and implementing regulations;

(5) Nonpoint source discharges;

(6) Uncontrolled nonpoint source discharges composed entirely of storm water runoff when these discharges are uncontaminated by any industrial or commercial activity unless these particular storm water runoff discharges have been identified by the administrator or the department as a significant contributor of pollution;

(7) Discharges conforming to a national contingency plan for removal of oil and hazardous substances, published pursuant to section 311(c)(2) of the Federal Act.

e. The commissioner shall not issue any permit for:

(1) The discharge of any radiological, chemical or biological warfare agent or high-level radioactive waste into the waters of this State;

(2) Any discharge which the United States Secretary of the Army, acting through the Chief of Engineers, finds would substantially impair anchorage or navigation;

(3) Any discharge to which the administrator has objected in writing pursuant to the Federal Act;

(4) Any discharge which conflicts with an areawide plan adopted pursuant to law.

f. A permit under this act shall require the permittee:

(1) To achieve effluent limitations based upon guidelines or standards established pursuant to the Federal Act or this act, together with such further discharge restrictions and safeguards against unauthorized discharge as may be necessary to meet water quality standards, areawide plans adopted pursuant to law, or other legally applicable requirements;

(2) Where appropriate, to meet schedules for compliance with the terms of the permit and interim deadlines for progress or reports of progress towards compliance;

(3) To insure that all discharges are consistent at all times with the terms and conditions of the permit and that no pollutant will be discharged more frequently than authorized or at a level in excess of that which is authorized by the permit;

(4) To submit application for a new permit in the event of any contemplated facility expansion or process modification that would result in new or increased discharges or, if these would not violate effluent limitations or other restrictions specified in the permit, to notify the commissioner of such new or increased discharges;

(5) To install, use and maintain such monitoring equipment and methods, to sample in accordance with such methods, to maintain and retain such records of information from monitoring activities, and to submit to the commissioner such reports of monitoring results as he may require;

(6) At all times, to maintain in good working order and operate as effectively as possible, any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

g. The commissioner shall have a right of entry to all premises in which a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept, for purposes of inspection, sampling, copying or photographing.

h. In addition, any permit issued for a discharge from a municipal treatment works shall require the permittee:

(1) To notify the commissioner in advance of the quality and quantity of all new introductions of pollutants into a facility and of any substantial change in the pollutants introduced into a facility by an existing user of the facility, except for such introductions of nonindustrial pollutants as the commissioner may exempt from this notification requirement when ample capacity remains in the facility to accommodate new inflows. Such notifications shall estimate the effects of such changes on the effluents to be discharged into the facility.

(2) To establish an effective regulatory program, alone or in conjunction with the operators of sewage collection systems, that will

assure compliance and monitor progress toward compliance by industrial users of the facilities with user charge and cost recovery requirements of the Federal Act or State law and toxicity standards adopted pursuant to this act and pretreatment standards.

(3) As actual flows to the facility approach design flow or design loading limits, to submit to the commissioner for his approval, a program which the permittee and the persons responsible for building and maintaining the contributory collection system shall pursue in order to prevent overload of the facilities.

i. All owners of municipal treatment works are hereby authorized to prescribe terms and conditions, consistent with applicable State and federal law, upon which pollutants may be introduced into such works, and to exercise the same right of entry, inspection, sampling and copying with respect to users of such works as are vested in the commissioner by this act or by any other provision of State law.

j. In reviewing permits submitted in compliance with this act and in determining conditions under which such permits may be approved, the commissioner shall encourage the development of comprehensive regional sewerage facilities which serve the needs of the regional community and which conform to the adopted area-wide water quality management plan for that region.

33. There is appropriated from the General Fund to the department the sum of \$60,000.00, which shall be used to undertake and coordinate all activities required to implement the provisions of this act on the effective date of this act.

34. This act shall take effect one year after enactment, except that section 25, section 26, section 27, section 30 and section 33 shall take effect immediately, and except that the department shall not implement the provisions of sections 16, 17, and 18 until two years after enactment. The department shall take any administrative actions prior to the effective date of this act necessary to implement the provisions of this act on and after the effective date.

Approved July 1, 1987.

CHAPTER 157

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the amounts appropriated under P.L. 1986, c. 41, the following sums are appropriated out of the General Fund for the following purposes:

DIRECT STATE SERVICES
DEPARTMENT OF CORRECTIONS
16 Detention and Rehabilitation
7025 System-Wide Program Support

13-7025 Institutional		
Program Support		\$16,100,000
Special Purpose:		
Purchase of services for		
inmates incarcerated in		
county penal facilities	(\$7,500,000)	
Augment medical care at		
institutions	(4,500,000)	
Juvenile programs	(500,000)	
Firearms training	(1,200,000)	
Increased institutional		
operating costs	(1,600,000)	
Grants:		
Purchase of community		
services	(\$800,000)	

7070 Mid-State Correctional Facility

07-7070 Institutional Control		
and Supervision		\$5,400,000
Special Purpose:		
Operation continuation		
costs	(\$5,400,000)	

2. This act shall take effect immediately.

Approved July 1, 1987.

CHAPTER 158

AN ACT concerning rewards for certain persons providing information concerning unlawful solid waste disposal and amending and supplementing P.L. 1970, c. 39.

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

1. Section 9 of P.L. 1970, c. 39 (C.13:1E-9) is amended to read as follows:

C. 13:1E-9 Enforcement of solid waste regulations.

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 by every local board of health, or county health department, as the case may be.

The department and the local board of health, or the county health department, as the case may be, shall have the right to enter a solid waste facility at any time in order to determine compliance with the registration statement and engineering design, and with the provisions of all applicable laws or rules and regulations adopted pursuant thereto.

The municipal attorney or an attorney retained by a municipality in which a violation of such laws or rules and regulations adopted pursuant thereto is alleged to have occurred shall act as counsel to a local board of health.

The county counsel or an attorney retained by a county in which a violation of such laws or rules and regulations adopted pursuant thereto is alleged to have occurred shall act as counsel to the county health department.

Any county health department may charge and collect from the owner or operator of any sanitary landfill facility within its jurisdiction such fees for enforcement activities as may be established by ordinance or resolution adopted by the governing body of any such county. Such fees shall be established in accordance with a fee schedule regulation to be adopted by the department, pursuant to law, within 60 days of the effective date of this amendatory act and shall be utilized exclusively to fund such enforcement activities.

All enforcement activities undertaken by county health departments pursuant to this subsection shall conform to all applicable performance and administrative standards adopted pursuant to section 10 of the "County Environmental Health Act," P.L. 1977, c. 443 (C. 26:3A2-28).

b. Whenever the commissioner finds that a person has violated any provision of P.L. 1970, c. 39 (C. 13:1E-1 et seq.), or any rule or regulation adopted, permit issued, or solid waste management plan adopted pursuant to P.L. 1970, c. 39, he shall:

(1) Issue an order requiring the person found to be in violation to comply in accordance with subsection c. of this section;

(2) Bring a civil action in accordance with subsection d. of this section;

(3) Levy a civil administrative penalty in accordance with subsection e. of this section;

(4) Bring an action for a civil penalty in accordance with subsection f. of this section; or

(5) Petition the Attorney General to bring a criminal action in accordance with subsection g. of this section.

Pursuit of any of the remedies specified under this section shall not preclude the seeking of any other remedy specified.

c. Whenever the commissioner finds that a person has violated any provision of P.L. 1970, c. 39, or any rule or regulation adopted, permit issued, or solid waste management plan adopted pursuant to P.L. 1970, c. 39, he may issue an order specifying the provision or provisions of P.L. 1970, c. 39, or the rule, regulation, permit or solid waste management plan of which the person is in violation, citing the action which constituted the violation, ordering abatement of the violation, and giving notice to the person of his right to a hearing on the matters contained in the order. The ordered party shall have 20 days from receipt of the order within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order. If no hearing is requested, then the order shall become final after the expiration of the 20-day period. A request for hearing shall not automatically stay the effect of the order.

d. The commissioner, a local board of health or county health department may institute an action or proceeding in the Superior

Court for injunctive and other relief, including the appointment of a receiver for any violation of this act, or of any code, rule or regulation promulgated, permit issued or solid waste management plan adopted 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.

Such relief may include, singly or in combination:

- (1) A temporary or permanent injunction;
- (2) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;
- (3) Assessment of the violator for any cost incurred by the State in removing, correcting or terminating the adverse effects upon water and air quality resulting from any violation of any provision of this act or any rule, regulation or condition of approval for which the action under this subsection may have been brought;
- (4) Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, and for any other actual damages caused by any violation of this act or any rule, regulation or condition of approval established pursuant to this act for which the action under this subsection may have been brought. Assessments under this subsection shall be paid to the State Treasurer, or to the local board of health, or to the county health department, as the case may be, except that compensatory damages may be paid by specific order of the court to any persons who have been aggrieved by the violation.

If a proceeding is instituted by a local board of health or county health department, notice thereof shall be served upon the commissioner in the same manner as if the commissioner were a named party to the action or proceeding. The department may intervene as a matter of right in any proceeding brought by a local board of health or county health department.

e. The commissioner is authorized to assess a civil administrative penalty of not more than \$50,000.00 for each violation; provided that each day during which the violation continues shall constitute an additional, separate and distinct offense. The commissioner shall not assess a civil administrative penalty in excess of \$25,000.00 for a

single violation, or in excess of \$2,500.00 for each day during which a violation continues, until the department has adopted, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), regulations requiring the commissioner, in assessing a civil administrative penalty, to consider the operational history of the facility at which the violation occurred, the severity of the violation, the measures taken to mitigate or prevent further violations, and whether the penalty will maintain an appropriate deterrent. No assessment shall be levied pursuant to this section until after the violator has been notified by certified mail or personal service. The notice shall include a reference to the section of the statute, rule, regulation, order, permit condition or solid waste management plan violated, a concise statement of the facts alleged to constitute a violation, a statement of the amount of the civil administrative penalties to be imposed, and a statement of the party's right to a hearing. The ordered party shall have 20 calendar days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, the notice shall become a final order after the expiration of the 20-day period. Payment of the assessment is due when a final order is issued or the notice becomes a final order. The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in P.L. 1970, c. 39, and the payment of any assessment shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied. The department may compromise any civil administrative penalty assessed under this section in an amount the department determines appropriate.

f. 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 \$50,000.00 per day, to be collected in a civil action commenced by a local board of health, a county health department, or the commissioner.

Any person who violates an administrative order issued pursuant to subsection c. of this section, or a court order issued pursuant to subsection d. of this section, or who fails to pay an administrative assessment in full pursuant to subsection e. of this section is subject upon order of a court to a civil penalty not to exceed \$100,000.00 per day of such violations.

Of the penalty imposed pursuant to this subsection, 10% or \$250.00, whichever is greater, shall be paid to the department from the General Fund if the Attorney General determines that a person is entitled to a reward pursuant to section 2 of P.L. 1987, c. 158 (C. 13:1E-9.2).

Any penalty imposed pursuant to this subsection may be collected with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of "the penalty enforcement law" in connection with this act.

g. Any person who knowingly:

(1) Transports any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(2) Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(3) Disposes, treats, stores or transports hazardous waste without authorization from the department;

(4) Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department; or

(5) Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department shall, upon conviction, be guilty of a crime of the third degree and, notwithstanding the provisions of N.J.S. 2C:43-3, shall be subject to a fine of not more than \$50,000.00 for the first offense and not more than \$100,000.00 for the second and each subsequent offense and restitution, in addition to any other appropriate disposition authorized by subsection b. of N.J.S. 2C:43-2.

h. Any person who recklessly:

(1) Transports any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(2) Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(3) Disposes, treats, stores or transports hazardous waste without authorization from the department;

(4) Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department; or

(5) Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department, shall, upon conviction, be guilty of a crime of the fourth degree.

i. Any person who, regardless of intent, generates and causes or permits any hazardous waste to be transported, transports, or receives transported hazardous waste without completing and submitting to the department a hazardous waste manifest in accordance with the provisions of this act or any rule or regulation adopted pursuant hereto shall, upon conviction, be guilty of a crime of the fourth degree.

j. All conveyances used or intended for use in the willful discharge, in violation of the provisions of P.L. 1970, c. 39 (C. 13:1E-1 et seq.), of any solid waste, or hazardous waste as defined in P.L. 1976, c. 99 (C. 13:1E-38 et seq.) are subject to forfeiture to the State pursuant to the provisions of P.L. 1981, c. 387 (C. 13:1K-1 et seq.).

k. The provisions of N.J.S. 2C:1-6 to the contrary notwithstanding, a prosecution for a violation of the provisions of subsection g., subsection h. or subsection i. of this section shall be commenced within five years of the date of discovery of the violation.

C. 13:1E-9.2 Reward for information.

2. (New section) A member of the public who supplies information to an enforcing authority which proximately results in the imposition and collection of a civil penalty as the result of a civil action brought pursuant to subsection f. of section 9 of P.L. 1970, c. 39 (C. 13:1E-9), or any code, rule, or regulation promulgated, administrative order issued or assessment imposed pursuant thereto, shall be entitled to a reward of 10% of the civil penalty collected, or \$250.00, whichever amount is greater. The reward shall be paid by the department from any money received by the department

pursuant to subsection f. of section 9 of P.L. 1970, c. 39 (C. 13:1E-9). The Attorney General shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), rules and regulations necessary to implement this section, including procedures to provide for the protection of the identity of persons providing information to an enforcing authority concerning a violation of the "Solid Waste Management Act," in appropriate circumstances.

3. This act shall take effect immediately.

Approved July 1, 1987.

CHAPTER 159

AN ACT concerning school elections and amending N.J.S. 18A:14-12.1.

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

1. N.J.S. 18A:14-12.1 is amended to read as follows:

Withdrawal of candidates.

18A:14-12.1. Withdrawal of candidates. Any candidate may withdraw his name as a candidate for election at the annual school election by filing a notice in writing, signed by him, of his withdrawal with the secretary of the board before the ballot is printed or before four p.m. of the 46th day before the date of the election, whichever is later, and thereupon the name of such candidate shall be withdrawn by the secretary. The name of such candidate shall not be printed on the ballot. The secretary shall likewise withdraw on that date the name of any candidate who has been notified under N.J.S. 18A:14-12 of a defect in a petition of nomination but who has failed to remedy the defect in accordance with that section. The names of any candidates originally designated on the ballot below the name of the withdrawn candidate shall be advanced one place each, respectively, on the ballot.

2. This act shall take effect immediately.

Approved July 7, 1987.

CHAPTER 160

AN ACT concerning school buildings and amending N.J.S. 18A:18A-16.

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

1. N.J.S. 18A:18A-16 is amended to read as follows:

Preparation and approval of plans and specifications for public schoolhouses.

18A:18A-16. Preparation and approval of plans and specifications for public schoolhouses. All plans and specifications for the erection, alteration, improvement or repair of public schoolhouses shall be drawn by or under the supervision of an appropriate officer employed by the board to whom such power shall have been delegated by the board of education.

No contract for the erection of any building or any part thereof by any board of education of any school district shall be entered into until the plans and specifications therefor have been submitted to, and approved by, the State board and no change in any such plans or specifications, so approved, shall be made unless the same shall have been submitted to, and approved by, the State board. A copy of all plans and specifications, and all changes therein, so approved, shall be filed forthwith with the State board.

Should a municipal planning board, acting pursuant to the provisions of section 22 of P.L. 1975, c. 291 (C. 40:55D-31), recommend against the approval of plans and specifications for the erection of a school building or any part thereof and file notice of that recommendation within 10 days with the Bureau of Facility Planning Services of the Department of Education for consideration during the plan review process. The State board shall not approve the plans and specifications until the objections of the municipal planning board have been considered.

2. This act shall take effect immediately.

Approved July 7, 1987.

CHAPTER 161

AN ACT concerning boards of education and supplementing Chapter 12 of Title 18A of the New Jersey Statutes.

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

C. 18A:12-19.1 Decrease to term of 3 years.

1. If the board of education of a school district organized pursuant to subarticle C of Article 4 of Chapter 12 of Title 18A of the New Jersey Statutes shall determine by resolution that it is in the best interest of the public schools of the district that the terms of the members of the board shall be decreased from five years to three years, the question shall be submitted to the voters of the district at the next annual school election and the question shall be stated in the notice of the election prepared pursuant to N.J.S. 18A:14-19.

C. 18A:12-19.2 Election of successors.

2. If at the election the question shall be adopted, the members of the board of education then in office shall continue in office until the expiration of their respective terms and thereafter until the first Monday following the next annual school election and their respective successors shall be elected by the legal voters of the district at this and each following annual school election to be held in the district, for terms of three years.

3. This act shall take effect immediately.

Approved July 7, 1987.

CHAPTER 162

AN ACT concerning county appropriations to certain health and welfare councils and amending P.L. 1978, c. 170.

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

1. Section 2 of P.L. 1978, c. 170 (C. 40:23-8.28) is amended to read as follows:

C. 40:23-8.28 County aid to health, welfare councils.

2. The governing body of any county may annually appropriate such sums as it deems necessary to any private, nonprofit health and

welfare council engaged in reviewing, developing, promoting and coordinating in an advisory and consultative capacity, health and welfare programs and services offered by any public or private agency, organization or institution in that county, for the purpose of helping to defray expenses incurred by such council in the provision of the aforesaid services.

2. This act shall take effect immediately.

Approved July 7, 1987.

CHAPTER 163

AN ACT concerning the appointment of certain members of certain boards of education of certain 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.

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; provided, however, that a county of the first class which has adopted a form of government pursuant to the provisions of the "Optional County Charter Law" (P.L. 1972, c. 154; C. 40:41A-1 et seq.) may, by ordinance, establish a board of education consisting of seven persons to be appointed.

In counties of the first class which, by ordinance, have established a board consisting of seven persons to be appointed, the seven appointive members shall be appointed by the chief elected executive officer of the county. In all other counties, the four appointive members of the board shall be appointed by the chief elected executive officer of the county, or the director of the board of chosen freeholders, with the advice and consent of that board, as appropriate to the appointment procedures established by the form of government of the county. Not more than two members appointed in any such county of the second, third, fifth or sixth 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 making the first appointments to a board, one person shall be appointed to serve for one year, one for two years, one for three years and one for four years from November 1 next succeeding the date of their respective appointments. In a county of the first class which, by ordinance, has established a board with seven appointive members, the chief elected executive officer shall make the first appointments to the board in the following manner: two shall be appointed to serve for one year, two for two years, two for three years, and one for four 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 or members, as the case may be, of the board shall be appointed to serve for a term of four years, and thereafter until the appointment and qualification of his respective successor, to take the place of the member or members, as the case may be, whose term or terms shall expire on November 1 then next ensuing.

A vacancy in the board shall be deemed to exist, and shall be filled, in the manner prescribed in P.L. 1979, c. 302 (C. 40A:9-12.1).

2. This act shall take effect immediately.

Approved July 7, 1987.

CHAPTER 164

AN ACT concerning education and amending and supplementing P.L. 1986, c. 116.

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

C. 18A:6-7.1a Provisional period of employment.

1. (New section) A board of education may employ a candidate provisionally for a period not to exceed six months, pending completion of a criminal history records check required pursuant to P.L. 1986, c. 116 (C. 18A:6-7.1 et seq.); provided that the candidate submits to the commissioner a sworn statement attesting that the candidate has not been convicted of any crime or disorderly persons offense as described by that act.

C. 18A:6-7.1b Initial criminal history record check.

2. (New section) An individual employed by a board of education in any substitute capacity or position, who is rehired annually by that board, shall only be required to undergo a criminal history record check as required pursuant to P.L. 1986, c. 116 (C. 18A:6-7.1 et seq.) upon initial employment.

3. Section 4 of P.L. 1986, c. 116 (C. 18A:6-7.4) is amended to read as follows:

C. 18A:6-7.4 One-year limitation.

4. The Commissioner of Education may maintain the records on a candidate for no longer than one year from the date of determination as to the candidate's qualification or disqualification for employment with an employer.

4. This act shall take effect immediately.

Approved July 7, 1987.

CHAPTER 165

AN ACT concerning the use of generally accepted accounting principles in the fiscal operation of local school districts, amending N.J.S. 18A:4-14, supplementing chapter 4 of Title 18A of the New Jersey Statutes and making an appropriation.

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

1. N.J.S. 18A:4-14 is amended to read as follows:

Uniform bookkeeping system.

18A:4-14. The State Board shall prescribe a uniform system of double entry bookkeeping consistent with the generally accepted accounting principles established by the Governmental Accounting Standards Board for use in all school districts and compel the maintenance and use of the same.

2. (New section) Within 18 months of the effective date of this amendatory and supplementary act the State Board of Education shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) necessary to effectuate the purposes of this amendatory and supplementary act.

3. (New section) Within three years of the effective date of this act the Commissioner of Education shall develop and publish technical and training manuals to implement the provisions of section 1 of this amendatory and supplementary act and shall establish training programs to instruct appropriate local district staff in the use and application of generally accepted accounting principles in school district fiscal operations.

C. 18A:4-14.1 Deadline for conformity.

4. (New section) By July 1 of the fourth year following enactment of this act, all school districts shall conform to the uniform system of double entry bookkeeping prescribed by section 1 of this act.

5. There is appropriated from the General Fund to the Department of Education \$25,000.00 for consultant services to convert the generally accepted accounting principles to a manual.

6. This act shall take effect immediately.

Approved July 7, 1987.

CHAPTER 166

AN ACT concerning the determination of rhesus (Rh) hemolytic disease in the newborn.

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

C. 26:2-143 Blood specimens from all pregnant women.

1. Every licensed physician or other licensed health professional engaged in the prenatal care of a pregnant woman or attending the woman at the time of delivery, miscarriage or abortion shall obtain or cause to be obtained a blood specimen of the woman prior to delivery or abortion or within 24 hours after delivery, miscarriage or abortion.

C. 26:2-144 Determination of Rh blood type.

2. The physician or licensed health professional shall submit the blood specimen to a licensed clinical laboratory or a laboratory approved by the State Department of Health for a determination of rhesus (Rh) blood type. The laboratory shall report the results to the physician or other person engaged in the prenatal care of the woman at the time of delivery, miscarriage or abortion.

C. 26:2-145 Notification of Rh negative results.

3. If the test results indicate the woman is Rh negative, within 48 hours of delivery, miscarriage or abortion and no more than 24 hours of receipt of the results the physician or licensed health professional who was engaged in the prenatal care of the woman shall advise the woman of the significance of the results and the availability of preventative treatment.

C. 26:2-146 Exemption.

4. The provisions of this act shall not apply if the physician or other licensed health professional engaged in the prenatal care of a pregnant woman or attending the woman at time of delivery, miscarriage or abortion knows the pregnant woman's rhesus blood type and accepts responsibility for the accuracy of the information.

C. 26:2-147 Objection by patient.

5. The provisions of this act shall not apply if the pregnant woman objects to the test.

6. This act shall take effect 60 days after enactment.

Approved July 8, 1987.

CHAPTER 167

AN ACT concerning the use of moneys in the Casino Revenue Fund.

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

C. 5:12-145a Restrictions on use of Casino Revenue Fund.

1. a. Except as otherwise provided in subsection b. of this section, no moneys deposited in the Casino Revenue Fund established by section 145 of the "Casino Control Act," P.L. 1977, c. 110 (C. 5:12-145) may be appropriated to fund a program which was established by law on or before the effective date of that act.

b. Moneys deposited in the Casino Revenue Fund may be appropriated, within the limits set forth in the "Casino Control Act," P.L. 1977, c. 110 (C. 5:12-1 et seq.), for the costs of a program established on or before the effective date of that act, which costs are the result of:

(1) An increase in benefit levels provided by law after the effective date of the "Casino Control Act," P.L. 1977, c. 110 (C. 5:12-1 et seq.); or

(2) An increase in the size of the recipient population due to changes made, pursuant to law enacted after the effective date of the "Casino Control Act," P.L. 1977, c. 110 (C. 5:12-1 et seq.), in the criteria of eligibility for the program.

2. This act shall take effect immediately.

Approved July 8, 1987.

CHAPTER 168

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES	
DEPARTMENT OF HUMAN SERVICES	
80 Special Government Services	
83 Services to Veterans	
7520 Division of Veterans' Services	
19-7520 Management and	
Field Services	\$675,000
Special Purpose:	
Agent Orange Commission ...	(\$675,000)

2. This act shall take effect immediately.

Approved July 8, 1987.

CHAPTER 169

AN ACT concerning the confidentiality of communications with victim counselors and amending P.L. 1971, c. 317, supplementing Title 2A of the New Jersey Statutes, and repealing P.L. 1983, c. 116.

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

1. Section 11 of P.L. 1971, c. 317 (C. 52:4B-11) is amended to read as follows:

C. 52:4B-11 Victim compensation.

11. The board may order the payment of compensation in accordance with the provisions of this act for personal injury or death which resulted from:

(a) an attempt to prevent the commission of crime or to arrest a suspected criminal or in aiding or attempting to aid a police officer so to do, or

(b) the commission or attempt to commit any of the following offenses:

1. aggravated assault;
2. mayhem;
3. threats to do bodily harm;
4. lewd, indecent, or obscene acts;
5. indecent acts with children;
6. kidnapping;
7. murder;
8. manslaughter;
9. rape;
10. any other crime involving violence including domestic violence as defined by section 3 of P.L. 1981, c. 426 (C. 2C:25-3);
11. burglary.

C. 2A:84A-22.13 Findings, declarations.

2. (New section) The Legislature finds and declares that:

a. The emotional and psychological injuries that are inflicted on victims of violence are often more serious than the physical injuries suffered;

b. Counseling is often a successful treatment to ease the real and profound psychological trauma experienced by these victims and their families;

c. In the counseling process, victims of violence openly discuss their emotional reactions to the crime. These reactions are often highly intertwined with their personal histories and psychological profile;

d. Counseling of violence and victims is most successful when the victims are assured their thoughts and feelings will remain confidential and will not be disclosed without their permission; and

e. Confidentiality should be accorded all victims of violence who require counseling whether or not they are able to afford the services of private psychiatrists or psychologists.

Therefore, it is the public policy of this State to extend a testimonial privilege encompassing the contents of communications with a victim counselor and to render immune from discovery or legal process the records of these communications maintained by the counselor.

C. 2A:84A-22.14 Definitions.

3. (New section) As used in this act:

a. "Act of violence" means the commission or attempt to commit any of the offenses set forth in subsection b. of section 11 of P.L. 1971, c. 317 (C. 52:4B-11).

b. "Confidential communication" means any information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and which is disclosed in the course of the counselor's treatment of the victim for any emotional or psychological condition resulting from an act of violence. It includes any advice, report or working paper given or made in the course of the consultation and all information received by the victim counselor in the course of that relationship.

c. "Victim" means a person who consults a counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by an act of violence.

d. "Victim counseling center" means any office, institution, or center offering assistance to victims and their families through crisis intervention, medical and legal accompaniment and follow-up counseling.

e. "Victim counselor" means a person engaged in any office, institution or center defined as a victim counseling center by this act, who has undergone 40 hours of training and is under the control of a direct services supervisor of the center and who has a primary function of rendering advice, counseling or assisting victims of acts of violence.

C. 2A:84A-22.15 Victim counselor testimonial privilege.

4. (New section) Subject to Rule 37 of the Rules of Evidence, a victim counselor has a privilege not to be examined as a witness in any civil or criminal proceeding with regard to any confidential communication. The privilege shall be claimed by the counselor unless otherwise instructed by prior written consent of the victim. When a victim is incompetent or deceased consent to disclosure may be given by the guardian, executor or administrator except when the guardian, executor or administrator is the defendant or has a relationship with the victim such that he has an interest in the outcome of the proceeding. The privilege may be knowingly waived by a juvenile. In any instance where the juvenile is, in the opinion of the judge, incapable of knowing consent, the parent or guardian of the juvenile may waive the privilege on behalf of the juvenile, provided that the parent or guardian is not the defendant and does not have a relationship with the defendant such that he has an interest in the outcome of the proceeding. A victim counselor or a victim cannot be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location, or telephone number of a domestic violence shelter or any other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding unless the facility is a party to the proceeding.

C. 2A:84A-22.16 Constitutional requirements.

5. (New section) Nothing in this act shall be deemed to prevent the disclosure to a defendant in a criminal action of statements or information given by a victim to a county victim-witness coordinator,

where the disclosure of the statements or information is required by the Constitution of this State or of the United States.

Repealer.

6. P.L. 1983, c. 116 (C. 2A:84A-22.11 et seq.) is repealed.

7. This act shall take effect immediately.

Approved July 8, 1987.

CHAPTER 170

AN ACT concerning the representation of indigent defendants in criminal cases and amending and supplementing P.L. 1967, c. 43 and making an appropriation.

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

1. Section 2 of P.L. 1967, c. 43 (C. 2A:158A-2) is amended to read as follows:

C. 2A:158A-2 Indigent defendant defined.

2. As used herein "indigent defendant" means a person who is formally charged with the commission of an indictable offense, and who does not have the present financial ability to secure competent legal representation, as determined by the factors in section 14 of P.L. 1967, c. 43 (C. 2A:158A-14), and to provide all other necessary expenses of representation.

2. Section 5 of P.L. 1967, c. 43 (C. 2A:158A-5) is amended to read as follows:

C. 2A:158A-5 Representation by Public Defender.

5. It shall be the duty of the Public Defender to provide for the legal representation of any indigent defendant who is formally charged with the commission of an indictable offense.

All necessary services and facilities of representation (including investigation and other preparation) shall be provided in every case. The factors of need and real value to a defense may be weighed against the financial constraints of the Public Defender's office in determining what are the necessary services and facilities of representation.

Representation as herein provided for shall include any direct appeal from conviction and such post-conviction proceedings as would warrant the assignment of counsel pursuant to the court rules.

Representation for indigent defendants (a) may be provided in any federal court in any matter arising out of or relating to an action pending or recently pending in a court of criminal jurisdiction of this State and (b) may be provided in any federal court in this State where indigent defendants are charged with the commission of a federal criminal offense and where the representation is under a plan adopted pursuant to the Criminal Justice Act of 1964 (18 U.S.C. §3006A).

3. Section 14 of P.L. 1967, c. 43 (C. 2A:158A-14) is amended to read as follows:

C. 2A:158A-14 Determination of eligibility.

14. Eligibility for the services of the Office of the Public Defender shall be determined on the basis of the need of the defendant. Need shall be measured according to:

- a. The financial ability of the defendant to engage and compensate competent private counsel;
- b. The current employment, salary and income of the defendant including prospects for continued employment if admitted to bail;
- c. The liquid assets of the defendant, including all real and personal property and bank accounts;
- d. The ability of the defendant to make bail and the source of bail posted;
- e. Where appropriate the willingness and ability of the defendant's immediate family, friends or employer to assist the defendant in meeting defense costs;
- f. Where appropriate an assessment of the probable and reasonable costs of providing a private defense, based upon the status of the defendant, the nature and extent of the charges and the likely issues;
- g. Where appropriate, the ability of the defendant to demonstrate convincingly that he has consulted at least three private attorneys, none of whom would accept the case for a fee within his ability to pay; and
- h. The ability of the defendant to provide all other necessary expenses of representation.

In the event that a determination of eligibility cannot be made before the time when the first services are to be rendered, or if an initial determination is found to be erroneous, the office shall undertake the same provisionally, and if it shall subsequently be determined that the defendant is ineligible it shall so inform the defendant, and the defendant shall thereupon be obliged to engage his own counsel and to reimburse the office for the cost of the services rendered to that time.

C. 2A:158A-15.1 Court decision on appointment.

4. (New section) Notwithstanding the provisions of section 15 of P.L. 1967, c. 43 (C. 2A:158A-15) which authorizes the Office of the Public Defender to make investigations of the financial status of each defendant, in each county the Assignment Judge shall designate a judge or court support office who shall make the determination on each request by a defendant for an appointed attorney. A determination to grant or deny the services of the Public Defender shall be subject to final review by the Assignment Judge or his designated judge. The court, or a designated court support office shall make an investigation of the financial status of each defendant requesting an appointed attorney, which investigation shall include the factors enumerated in section 14 of P.L. 1967, c. 43 (C. 2A:158A-14). The court, in its discretion, may ask for the assistance of the Public Defender in conducting the investigation.

The judge or court support office is authorized to obtain information from any public record office of the State or of any subdivision or agency thereof on request and without payment of the fees ordinarily required by law.

C. 2A:158A-15.2 Pilot project.

5. (New section) Within 30 days of the effective date of this section, the Administrative Office of the Courts shall establish a system in one or more counties and the Assignment Judge, through a designated judge or court support office shall be responsible for making eligibility determinations for the services of the Office of the Public Defender in that county. The purpose of the pilot project is to enable the Judiciary to develop a program for Statewide implementation and to gauge the fiscal impact of assuming responsibility for making eligibility determinations.

6. (New section) After section 4 has been in effect for three years, the Administrative Office of the Courts shall, within 60 days, report to the Legislature on the use of court personnel to determine eligibility for the services of the Office of the Public Defender.

7. There is appropriated from the General Fund to the Administrative Office of the Courts a sum sufficient to effectuate the purposes of this act.

8. This act shall take effect on the 270th day after enactment except for section 5 which shall take effect immediately. Section 4 of this act shall expire five years after it becomes effective.

Approved July 8, 1987.

CHAPTER 171

AN ACT concerning loans to members of a municipal employees' retirement system created under P.L. 1964, c. 275 and supplementing P.L. 1964, c. 275 (C. 43:13-22.50 et seq.).

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

C. 43:13-22.67 Loans from retirement system.

1. Any member who has at least three years of service credit for which contributions have been made as a member may borrow from the retirement system an amount equal to not more than 50% of the amount of the member's aggregate contributions, but not less than \$1,000.00; provided that the amount borrowed, together with interest, can be repaid by additional deductions from salary which do not exceed 25% of the member's salary at the time the loan is made. The amount so borrowed, together with interest at a rate fixed by the commission on any unpaid balance, shall be repaid to the retirement system in equal installments by deduction from salary or in another manner and in amounts which the commission shall approve; but the installments shall be at least equal to the member's contribution to the retirement system and at least sufficient to repay the amount borrowed with interest at the conclusion of a term fixed by the commission or by the time the member attains age 70. No more than two loans may be made to any member in any 12-month period.

Interest charged for loans to members shall be fixed by the commission at a rate equal to the current rate of interest paid by United States Treasury bills or 10%, whichever is greater. The interest earned from loans to members shall be treated in the same manner as interest from investments of the retirement system.

C. 43:13-22.68 Repayment.

2. Notwithstanding any other law affecting the salary or compensation of a borrowing member to the contrary, the additional deductions required to repay the loan shall be made. Any unpaid loan balance at the time any benefit may become payable before the attainment of age 70 shall be deducted from the benefit otherwise payable. If any member retires without repaying the full amount borrowed, the commission shall retain the retirement benefit payments of the member, excluding authorized deductions, as repayment of the loan until the aggregate amount of retirement benefit payments is equal to the outstanding balance of the loan together with interest, at which time retirement benefit payments shall be paid to the member. If a retired member dies before the outstanding balance of the loan and interest has been repaid, the remaining balance shall be repaid from the proceeds of any other benefits payable on the account of the member, such as monthly payments to the member's beneficiaries or lump sum payments for pension or group life insurance.

3. This act shall take effect immediately.

Approved July 9, 1987.

CHAPTER 172

AN ACT concerning firearms and amending N.J.S. 2C:39-6.

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

1. N.J.S. 2C:39-6 is amended to read as follows:

Exemptions.

2C:39-6. Exemptions. a. Provided a person complies with the requirements of subsection j. of this section, N.J.S. 2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police and, under conditions prescribed by the superintendent, members of the Marine Law Enforcement Bureau of the Division of State Police;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry such weapons by the Superintendent of State Police, State park ranger, or State conservation officer;

(5) A prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess the weapon by his superior officer, or a correction officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties;

(7) (a) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey;

(b) A special law enforcement officer authorized to carry a weapon as provided in subsection b. of section 7 of P.L. 1985, c. 439 (C. 40A:14-146.14);

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in subsection b. of this section, or by the com-

mission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons; or

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P.L. 1981, c. 409 (C. 40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons. Prior to being permitted to carry a firearm, such a member shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L. 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

b. Subsections a., b. and c. of N.J.S. 2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed dealer in firearms and his registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g. of this section.

c. Provided a person complies with the requirements of subsection j. of this section, subsections b. and c. of N.J.S. 2C:39-5 do not apply to:

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry, while in the actual performance of his official duties and while going to or from his place of duty, or any other police officer, while in the actual performance of his official duties;

(2) A State deputy conservation officer or a full-time employee of the Division of Parks and Forestry having the power of arrest and authorized to carry weapons, while in the actual performance of his official duties;

(3) (Deleted by amendment, P.L. 1986, c. 150.)

(4) A court attendant serving as such under appointment by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of his official duties;

(5) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(7) An officer of the Society for the Prevention of Cruelty to Animals, while in the actual performance of his duties;

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives;

(9) A railway policeman, at all times while in the State of New Jersey, provided that he has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations; or

(10) A campus police officer appointed under P.L. 1970, c. 211 (C. 18A:6-4.2 et seq.), while going to and from his place of duty and while in the course of performing official duties or while in the course of an official investigation within the State. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L. 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm; or

(11) A person who has not been convicted of a crime under the laws of this State or under the laws of another state or the United States, and who is employed as a full-time security guard for a

nuclear power plant under the license of the Nuclear Regulatory Commission, while in the actual performance of his official duties.

d. (1) Subsections c. and d. of N.J.S. 2C:39-5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N.J.S. 2C:58-3.

(3) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N.J.S. 2C:39-3 and subsection d. of N.J.S. 2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Nor do those subsections apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transpor-

tation is in compliance with safety regulations the superintendent may promulgate.

e. Nothing in subsections b., c. and d. of N.J.S. 2C:39-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of N.J.S. 2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to freshwater fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and

requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the member of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel for the purpose of installation or repair a visual distress signaling device approved by the United States Coast Guard.

g. All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of N.J.S. 2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S. 48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being non-injurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. Nothing in subsection d. of N.J.S. 2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a felony, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.00.

j. A person shall qualify for an exemption from the provisions of N.J.S. 2C:39-5, as specified under subsections a. and c. of this section, if the person has satisfactorily completed a firearms training course approved by the Police Training Commission.

Such exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon. For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission. The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P.L. 1961, c. 56 (C. 52:17B-71). A person who is specified in paragraph (1), (2), (3) or (6) of subsection a. of this section shall be exempt from the requirements of this subsection.

k. Nothing in subsection d. of N.J.S. 2C:39-5 shall be construed to prevent any financial institution, or any duly authorized personnel of the institution, from possessing, carrying or using for the protection of money or property, any device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or temporary identification.

2. This act shall take effect immediately.

Approved July 9, 1987.

CHAPTER 173

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41 there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services—State Aid

02-4220 Local and Community	
Health Services	\$20,000
Grants:	
Bergen County Department of	
Health DES screening program	(\$20,000)

2. This act shall take effect immediately.

Approved July 9, 1987.

CHAPTER 174

AN ACT concerning the issuance and revocation of certain licenses or permits by municipalities in certain instances and supplementing Title 40 of the Revised Statutes.

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

C. 40:52-1.2 Payment of delinquent taxes.

1. Except as provided herein, the governing body of a municipality may, by ordinance, as a condition for the issuance or renewal of any license or permit issued by, or requiring the approval of, the municipality, require that the applicant, if he is the owner thereof, pay any delinquent property taxes or assessments on the property

wherein the business or activity for which the license or permit is sought or wherein the business or activity is to be conducted. The ordinance may also provide for the revocation or suspension of a license or permit when any licensee, who is an owner of the property upon which the licensed business or activity is conducted, has failed to pay the taxes due on the property for at least three consecutive quarters. Upon payment of the delinquent taxes or assessments, the license or permit shall be restored. The provisions of this section shall not apply to or include any alcoholic beverage license or permit issued pursuant to the "Alcoholic Beverage Control Act," R.S. 33:1-1 et seq.

2. This act shall take effect immediately.

Approved July 9, 1987.

CHAPTER 175

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sums are appropriated:

FEDERAL FUNDS DEPARTMENT OF HEALTH 20 Physical and Mental Health 21 Health Services

04-4240 Narcotic and Drug Abuse		
Control		\$431,000
Personal services	(\$89,000)	
Materials and Supplies	(91,000)	

Services Other Than Personal	(8,000)
Maintenance and Fixed Charges	(3,000)
Special Purposes	(20,000)
Grants	(220,000)

2. This act shall take effect immediately.

Approved July 9, 1987.

CHAPTER 176

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sums are appropriated:

FEDERAL FUNDS
DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

03-4230 Epidemiology and Disease		
Control		\$558,000
Personal Services	(\$254,000)	
Materials and Supplies	(84,000)	
Services Other Than Personal	(40,000)	
Maintenance and Fixed Charges	(9,000)	
Special Purposes	(56,000)	
Grants	(115,000)	

2. This act shall take effect immediately.

Approved July 9, 1987.

CHAPTER 177

AN ACT directing the Director of the Division of Investment in the Department of the Treasury to investigate certain corporate activity in Northern Ireland.

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

C. 52:18A-89.4 Findings, declarations.

1. The Legislature finds and declares that:

a. The State of New Jersey is cognizant of the unacceptable high unemployment levels in Northern Ireland and the attendant ills which arise from such a situation; and

b. The State wishes to support investment in Northern Ireland if certain minimal equal opportunity criteria are met.

C. 52:18A-89.5 Nondiscrimination in employment.

2. Notwithstanding any law, rule or regulation to the contrary, the Director of the Division of Investment in the Department of the Treasury is authorized and directed to investigate the extent to which United States corporations or their subsidiaries doing business in Northern Ireland, in which the assets of any State pension or annuity fund are invested, adhere to principles of nondiscrimination in employment and freedom of workplace opportunity. In making this determination, the director shall consider, without limitation, the following standards for corporate activity:

a. Increasing the representation of individuals from under-represented religious groups in the workforce, including managerial, supervisory, administrative, clerical and technical jobs;

b. Adequate security for the protection of minority employees both at the workplace and while traveling to and from work;

c. The banning of provocative religious or political emblems from the workplace;

d. All job openings should be publicly advertised and special recruitment efforts should be made to attract applicants from under-represented religious groups;

e. Layoff, recall and termination procedures should not in practice favor particular religious groups;

f. The abolition of job reservations, apprenticeship restrictions and differential employment criteria, which discriminate on the basis of religion or ethnic origin;

g. The development of training programs that will prepare substantial numbers of current minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees;

h. The establishment of procedures to assess, identify and actively recruit minority employees with potential for further advancement;

i. The appointment of a senior management staff member to oversee the company's affirmative action efforts and the setting up of timetables to carry out affirmative action principles.

The director may use information disseminated by, or surveys or reports of, international, national, independent, state or city agencies if, in the opinion of the State Investment Council, the information, survey or report satisfies the requirements of this section.

C. 52:18A-89.6 Annual report.

3. The director shall report the results of the investigation to the Governor and the Legislature not later than January 15 of each year. The report shall include but not be limited to the names and addresses of all United States corporations operating in Northern Ireland in which the assets of any pension or annuity fund are invested, and the findings of the director relative to those corporations' adherence to the standards for corporate activity set forth in section 2 of this act. The director shall also report his recommendations, if any, based upon the findings of the investigation. The report shall be available for public inspection in the office of the Clerk of the General Assembly and of the Secretary of the Senate and in the office of the director.

C. 52:18A-89.7 Support of shareholder actions.

4. The director shall, where necessary, appropriate, and consistent with prudent standards for fiduciary practice, initiate and support shareholder petitions or initiatives requiring adherence by the corporation to the standards set forth in section 2 of this act.

5. This act shall take effect on the 90th day after the date of enactment.

Approved July 9, 1987.

CHAPTER 178

AN ACT authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the aggregate principle amount of \$198,000,000.00 for State and county correctional facilities, their planning, erection, acquisition, improvement, construction, reconstruction, development, extension, rehabilitation, demolition and equipment; authorizing the issuance of refunding bonds; providing the ways and means to pay and discharge the principal and interest on the bonds and refunding bonds; providing for the submission of this act to the people at a general election; amending P.L. 1987, c. 106 and making an appropriation.

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 "Correctional Facilities Construction Bond Act of 1987."

2. The Legislature finds that:

a. The State has made substantial progress in dealing with the serious problem of prison overcrowding;

b. A deficit of bed spaces for prisoners sentenced to State and county correctional facilities, however, still exists and would be exacerbated by the imposition of mandatory sentences on persons convicted of drug-related crimes;

c. To address this problem, a \$198,000,000.00 bond issue is required to finance the construction of State and county correctional facilities.

3. As used in this act:

a. "Bonds" means the bonds authorized to be issued, or issued, under this act;

b. "Commission" means the New Jersey Commission on Capital Budgeting and Planning;

c. "Commissioner" means the Commissioner of the Department of Corrections;

d. "Construction" means the planning, erection, acquisition, improvement, construction, reconstruction, development, extension, rehabilitation, demolition and equipment of a correctional facility,

including all equipment and facilities necessary to the operation thereof, and includes the acquisition of land necessary for those purposes;

e. "Correctional facilities" means buildings, structures and facilities under the supervision and control of the Department of Corrections or under the supervision and control of any county, as the case may be;

f. "Cost" means the expenses incurred in connection with: the acquisition by purchase, lease or otherwise, and the construction of a project authorized by this act; the acquisition by purchase, lease or otherwise, and the development of any real or personal property for use in connection with a project authorized by this act, including any rights or interest therein; the execution of any agreements and franchises deemed by the department or county, as the case may be, to be necessary or useful and convenient in connection with any project authorized by this act; the procurement of engineering, inspection, planning, legal, financial or other professional services, including the services of a bond registrar or an authenticating agent; the issuance of bonds, or any interest or discount thereon; the administrative, organizational, operating or other expenses incident to the financing, completing and placing into service of any project authorized by this act; the establishment of a reserve fund or funds for working capital, operating, maintenance or replacement expenses and for the payment or security of principal or interest on bonds, as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys which may have been transferred or advanced therefrom to any fund created by this act, or of any moneys which may have been expended therefrom for or in connection with the project authorized by this act;

g. "Department" means the Department of Corrections;

h. "Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent those obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in those obligations of, or unconditionally guaranteed by, the United States of America or in specified portions of those obligations which may consist of the principal of, or the interest on, those obligations; and

i. "Project" means any work relating to correctional facilities.

4. The commissioner shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this act. The commissioner shall review and consider the findings and recommendations of the commission in the administration of the provisions of this act.

5. Bonds of the State of New Jersey are authorized to be issued in the aggregate principal amount of \$198,000,000.00 for the purpose of financing the cost of construction of correctional facilities as defined herein. Of that total, not less than \$45,000,000.00 shall be allocated for county correctional facilities. To the maximum extent feasible and possible, public lands should be given preferential status for utilization for the construction of a correctional facility.

6. The bonds authorized under this act shall be serial bonds, term bonds, or a combination thereof, and shall be known as "Correctional Facilities Construction Bonds." They shall be issued from time to time as the issuing officials herein named shall determine, and may be issued in coupon form, fully-registered form or book-entry form. The bonds may be made subject to redemption prior to maturity and shall mature and be paid not later than 35 years from the dates of their issuance.

7. The Governor, the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury, or any two of these officials, herein referred to as "the issuing officials," are authorized to carry out the provisions of this act relating to the issuance of bonds, and shall determine all matters in connection therewith, subject to the provisions of this act. If an issuing official is absent from the State or incapable of acting for any reason, the powers and duties of that issuing official shall be exercised and performed by the person authorized by law to act in an official capacity in the place of that issuing official.

8. Bonds issued in accordance with the provisions of this act shall be direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the interest thereon when due and for the payment of the principal thereof at maturity. The principal of and interest on the bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. The bonds shall be signed in the name of the State by means of the manual or facsimile signature of the Governor under the Great Seal of the State, which seal may be facsimile or by way of any other form of reproduction on the bonds, and attested by the manual or facsimile signature of the Secretary of State, or an Assistant Secretary of State, and shall be countersigned by the facsimile signature of the Director of the Division of Budget and Accounting in the Department of the Treasury and may be manually authenticated by an authenticating agent or bond registrar, as the issuing officials shall determine. Interest coupons, if any, attached to the bonds shall be signed by the facsimile signature of the director. The bonds may be issued notwithstanding that an issuing official signing them or whose manual or facsimile signature appears thereon has ceased to hold office at the time of issuance, or at the time of the delivery of the bonds to the purchaser thereof.

10. a. The bonds shall recite that they are issued for the purposes set forth in section 5 of this act, that they are issued pursuant to this act, that this act was submitted to the people of the State at the general election held in the month of November, 1987, and that this act was approved by a majority of the legally qualified voters of the State voting thereon at the election. This recital shall be conclusive evidence of the validity of the bonds and of the authority of the State to issue them. Any bonds containing this 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 laws applicable hereto, and shall be incontestable for any cause.

b. The bonds shall be issued in such denominations and in such form or forms, whether coupon, fully-registered or book-entry and with or without provisions for the 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; except that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. The bonds shall be issued and sold at such price or prices and under such terms, conditions and regulations as the issuing officials

may prescribe, after notice of the sale, published at least once in at least three newspapers published in this State, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in this State or in the city of New York, the first notice to appear at least five days prior to the day of bidding. The notice of sale may contain a provision to the effect that any bid in pursuance thereof may be rejected. In the event of rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of the advertised sale, may sell the bonds at a private sale at such price or prices 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 a private sale, without advertisement.

13. Until permanent bonds are prepared, the issuing officials may issue temporary bonds in such form and with such privileges as to their 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 "Correctional Facilities Construction Fund of 1987."

15. a. The moneys in the "Correctional Facilities Construction Fund of 1987" are 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 appropriated for those purposes, and no such moneys shall be expended for those purposes, except as otherwise authorized in this act, 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 the moneys. Any act appropriating moneys from the "Correctional Facilities Construction Fund of 1987" shall identify the particular project or projects to be funded by the moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is authorized to transfer from available money in any fund of the treasury of the State to the credit of the "Correctional Facilities Construction Fund of 1987," such sums as he may deem necessary. The sums so transferred shall be returned

to the same fund of the treasury by the State Treasurer 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 "Correctional Facilities Construction Fund of 1987" 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 the funds shall be paid into the General Fund.

16. If any coupon bond, coupon or registered bond is lost, mutilated or destroyed, a new bond or coupon shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bond or coupon, upon the owner furnishing to the issuing officials evidence satisfactory to them of the loss, mutilation or destruction of the bond or coupon, the ownership thereof, and the security, indemnity and reimbursement for expenses connected therewith, as the issuing official may require.

17. The accrued interest received upon the sale of the bonds shall be applied to the discharge of a like amount of interest upon the bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, authenticating, registering, 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 the bonds by the State Treasurer, upon the warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature, including any sinking fund redemptions, not later than 35 years following the date of issue of the series, and in those amounts as shall be determined by the issuing officials. The issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem any of the bonds prior to maturity at prices and upon such terms and conditions as may be provided in the bonds.

19. The issuing officials may issue refunding bonds in an amount not to exceed the amount necessary to effectuate the refinancing of all or any bonds issued pursuant to this act, at any time and from time to time, for the purpose of refinancing any bond or bonds issued pursuant to this act, subject to the following provisions:

a. Refunding bonds may be issued at any time prior to the maturity or redemption of the bonds to be refinanced thereby as the issuing officials shall determine.

b. Each series of refunding bonds may be issued in a sufficient amount to pay or to provide for the payment of the principal of the bonds to be refinanced thereby, together with any redemption premium thereon, any interest accrued or to accrue on the bonds to be refinanced to the date of payment of the outstanding bonds, the expense of issuing the refunding bonds and the expenses, if any, of paying the bonds to be refinanced.

c. No refunding bonds shall be issued unless the issuing officials shall first determine that the present value of the aggregate principal of and interest on the refunding bonds is less than the present value of the aggregate principal and interest on the bonds to be refinanced thereby; provided, for the purposes of this limitation, present value shall be computed using a discount rate equal to the yield of those refunding bonds, and yield shall be computed using an actuarial method based upon a 360-day year with semiannual compounding and upon the price or prices paid to the State by the initial purchasers of those refunding bonds.

d. Any refinancing authorized hereunder may be effected by the sale of the refunding bonds and the application of the proceeds thereof to the immediate payment of the principal of the bonds to be refinanced thereby, together with any redemption premium thereon, any interest accrued or to accrue on those bonds to be refinanced to the date of payment of those bonds, the expenses of issuing the refunding bonds and the expenses, if any, of paying those bonds to be refinanced, or, to the extent not required for that immediate payment, shall be deposited, together with any other moneys legally available therefor, in trust with one or more trustees or escrow agents, which trustees or escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, to be applied solely to the payment when due of the principal of, redemption premium, if any, and interest due and to become due on the bonds to be refinanced on or prior to the redemption date or maturity date thereof as the case may be. The proceeds or moneys so held by the trustees or escrow agents may be invested in government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States; provided those government securities shall not be subject to redemption prior to their maturity other

than at the option of the holder thereof. Except as otherwise provided in this subsection, neither government securities nor moneys so deposited with the trustees or escrow agents shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest on the bonds to be refinanced thereby; provided that any cash received from the principal or interest payments on those government securities deposited with the trustees or escrow agents, to the extent the cash will not be required at any time for the purpose, shall be paid over to the trustees or escrow agents, and to the extent the cash will be required for that purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the bonds to be refinanced, on and prior to the redemption date or maturity date thereof, as the case may be, and interest earned from those reinvestments to the extent not required for the payment of bonds shall be paid over to the State, as received by the trustees or escrow agents. Notwithstanding any provision to the contrary contained herein: (1) the trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with the trustees or escrow agents pursuant to the provisions of this section and redeem or sell government securities so deposited with the trustees or escrow agents and apply the proceeds thereof to (a) the purchase of bonds which were refinanced by the deposit with the trustees or escrow agents of the moneys and government securities and immediately thereafter cancel all outstanding bonds so purchased or (b) the purchase of different government securities; provided however, that the moneys and government securities on deposit with the trustees or escrow agents after the purchase and cancellation of the outstanding bonds or the purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which the moneys and government securities were deposited with the trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and (2) in the event that on any date, as a result of any purchases and cancellations of the outstanding bonds or any purchases of different government securities as provided in this subsection, the total amount of moneys and government securities remaining on deposit with the trustees or escrow agents is in excess of the total amount which would have been required to be deposited with the trustees or escrow agents on that date in respect to the remaining bonds for which such deposit was made in order to pay

when due the principal of, redemption premium, if any, and interest on those remaining bonds, the trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of that excess to the State. Any amounts held by the State Treasurer in a separate fund or funds for the payment of the principal of and interest on bonds to be refinanced, as provided herein, shall, if so directed by the issuing officials, be transferred by the State Treasurer for deposit with one or more trustees or escrow agents as provided herein to be applied to the payment when due of the principal of, redemption premium, if any, and interest to become due on those bonds to be refinanced, as provided in this section, or be applied by the State Treasurer to the payment when due of the principal of and interest on refunding bonds issued hereunder to refinance those bonds. The State Treasurer is authorized to enter into contracts with one or more trust companies or national or state banks, as provided herein, to act as trustees or escrow agents as provided herein, subject to the approval of the issuing officials.

e. Notwithstanding the provisions of section 12 hereof, any series of refunding bonds issued pursuant to this section shall mature at any time or times not later than five years following the latest scheduled final maturity date, determined without regard to any redemptions prior thereto, of any of the bonds to be refunded thereby, and in no event later than 35 years following the date of issuance of that series of refunding bonds, and those refunding bonds may be sold at public or private sale at prices and under terms, conditions and regulations as the issuing officials may prescribe. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to sale provisions and to the extent therein otherwise expressly provided.

f. Upon the decision by the issuing officials to issue refunding bonds pursuant to this section, and prior to the sale of those bonds, the issuing officials shall transmit to the Joint Budget Oversight Committee, or its successor, a report that a decision has been made, reciting the basis on which the decision was made, including an estimate of the debt service savings to be achieved and the calculations upon which the issuing officials relied when making the decision to issue refunding bonds. The report shall also disclose the intent of the issuing officials to issue and sell the refunding bonds at public or private sale and the reasons therefor.

g. The Joint Budget Oversight Committee, or its successor, shall have authority to approve or disapprove the sale of refunding bonds

as included in each report submitted in accordance with subsection f. of this section. The committee shall notify the issuing officials in writing of the approval or disapproval as expeditiously as possible.

h. No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee, or its successor, as set forth in subsection g. of this section.

i. Within 30 days after the sale of the refunding bonds, the issuing officials shall notify the Joint Budget Oversight Committee, or its successor, of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, the actual amount of debt service savings to be realized as a result of the sale of refunding bonds, and the intended use of the proceeds from the sale of those bonds.

j. The committee, or its successor, shall, however, review all information and reports submitted in accordance with this section and may, on its own initiative, make observations and recommendations to the issuing officials, or to the Legislature, or both, as it deems appropriate.

20. Any bond or bonds issued hereunder shall no longer be deemed to be outstanding, shall no longer constitute a direct obligation of the State of New Jersey and the faith and credit of the State shall no longer be pledged to the payment of the principal of and interest on the bonds, and the bonds shall be secured solely by and payable solely from moneys and government securities deposited in trust with one or more trustees or escrow agents, which trustees and escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, as provided herein, whenever there shall be deposited in trust with the trustees or escrow agents as provided herein either moneys or government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States, the principal of and interest on which when due will provide money which, together with the moneys, if any, deposited with trustees or escrow agents at the same time, shall be sufficient to pay when due the principal of, redemption premium, if any, and interest due and to become due on the bonds on or prior to the redemption date or maturity date thereof, as the case may be; provided the government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. The State of New Jersey hereby covenants with the holders of any bonds for which government securities or moneys shall

have been deposited in trust with the trustees or escrow agents as provided in this section that, except as otherwise provided in this section, neither the government securities nor moneys so deposited with the trustees or escrow agents shall be withdrawn or used by the State for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest to become due on the bonds; provided that any cash received from the principal or interest payments on the government securities deposited with the trustees or escrow agents, to the extent such cash will not be required at any time for the purpose, shall be paid over to the State, as received by the trustees or escrow agents, free and clear of any trust, lien, pledge or assignment securing the bonds; and to the extent the cash will be required for that purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the bonds on and prior to the redemption date or maturity date thereof, as the case may be, and interest earned from the reinvestments shall be paid over to the State, as received by the trustees or escrow agents, free and clear of any trust, lien or pledge securing the bonds. Notwithstanding anything to the contrary contained herein: a. the trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with the trustees or escrow agents pursuant to the provisions of this section and redeem or sell government securities so deposited with the trustees or escrow agents and apply the proceeds thereof to (1) the purchase of the bonds which were refinanced by the deposit with the trustees or escrow agents of the moneys and government securities and immediately thereafter cancel all bonds so purchased, or (2) the purchase of different government securities; provided however, that the moneys and government securities on deposit with the trustees or escrow agents after the purchase and cancellation of the bonds or the purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which the moneys and government securities were deposited with the trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and b. in the event that on any date, as a result of any purchases and cancellations of bonds or any purchases of different government securities as provided in this sentence, the total amount of moneys and government securities remaining on deposit with the trustees or escrow agents is in excess of the total amount which would have been re-

quired to be deposited with the trustees or escrow agents on that date in respect of the remaining bonds for which the deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on the remaining bonds, the trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of the excess to the State, free and clear of any trust, lien, pledge or assignment securing the refunding bonds.

21. Refunding bonds issued pursuant to section 19 of this act may be consolidated with bonds issued pursuant to section 6 of this act or with bonds issued pursuant to any other act for purposes of sale.

22. To provide funds to meet the interest and principal payment requirements for the bonds and refunding bonds issued under this act and outstanding, there is appropriated in the order following:

a. Revenue derived from the collection of taxes under the "Sales and Use Tax Act," P.L. 1966, c. 30 (C. 54:32B-1 et seq.), or so much thereof as may be required; and

b. If, at any time, funds necessary to meet the interest and principal payments on outstanding bonds issued under this act are insufficient or not available, there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State, a tax on the 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 the bonds proposed to be issued under this act in the calendar year in which the 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 shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property. The governing body of each municipality shall pay to the treasurer of the county in which the 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 the 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, by resolution, determine that there are moneys in the General 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, the issuing officials shall file the resolution in the office of the State Treasurer, whereupon the State Treasurer shall transfer the moneys to a separate fund to be designated by him, and shall pay

the principal and interest out of the fund as the same shall become due and payable, and the other sources of payment of the principal and interest provided for in this section shall not then be available, and the receipts for the year from the tax specified in subsection a. of this section shall be considered part of the General Fund, available for general purposes.

23. Should the State Treasurer, by December 31 of any year, deem it necessary, because of the insufficiency of funds collected from the sources of revenues as provided in this act, to meet the interest and principal payments for the year after the ensuing year, then the State Treasurer shall certify to the Director of the Division of Budget and Accounting in the Department of the Treasury the amount necessary to be raised by taxation for those purposes, which is to be assessed, levied and collected for and in the ensuing calendar year. The director shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected in each county as herein set forth. This calculation shall be based upon the corrected assessed valuation of each county for the year preceding the year in which the tax is to be assessed, but the tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The director shall certify the amount to the county board of taxation and the treasurer of each county. The 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 be submitted to the people at the general election to be held in the month of November, 1987. To inform the people of the contents of this act, it shall be the duty of the Secretary of State, after this section takes effect, and at least 15 days prior to the election, to publish this act in at least 10 newspapers published in this State and to notify the clerk of each county of this State of the passage of this act; and the clerks respectively, in accordance with the instructions of the Secretary of State, shall have each of the ballots printed as follows:

If you approve of the act entitled below, make a cross (X), plus (+), or check(✓) mark in the square opposite the word "Yes."

If you disapprove of the act entitled below, make a cross (X), 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 these markings respectively.

	Yes.	CORRECTIONAL FACILITIES CONSTRUCTION BOND ACT OF 1987 Should the "Correctional Facilities Construction Bond Act of 1987," which authorizes the State to issue bonds in the amount of \$198,000,000.00 for the purposes of financing the planning, erection, acquisition, improvement, construction, reconstruction, development, extension, rehabilitation, demolition and equipping of State and county correctional facilities; and in a principal amount sufficient to refinance all or any of the bonds if the same will result in a present value savings; and providing the ways and means to pay the interest on the debt and also to pay and discharge the principal thereof, be approved?
	No.	INTERPRETIVE STATEMENT Approval of this act would authorize the sale of \$198,000,000.00 in State bonds; at least \$45,000,000.00 of which is for financing the construction and improvement of county correctional facilities, and the remaining amount is for financing the construction and improvement of State correctional facilities. The construction and improvement of these facilities is to address the present and anticipated deficit of bed spaces for prisoners sentenced to State and county correctional facilities. The act also authorizes the issuance of bonds in a sufficient amount to refinance all or any of these bonds if the same will result in a present value savings.

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 the ballot. No other requirements of law as to notice or procedure, except as herein provided, need be adhered to.

The votes 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 the 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 is a majority of all votes cast for and against it at the election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

25. There is appropriated the sum of \$5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 24 of this act.

26. The commissioner shall submit to the State Treasurer and the commission with the department's annual budget request a plan for the expenditure of funds from the "Correctional Facilities Construction Fund of 1987" for the upcoming fiscal year. This plan shall include the following information: a performance evaluation of the expenditures made from the fund to date; a description of programs planned 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 funds from the "Correctional Facilities Construction Fund of 1987" and an estimate of expenditures for the upcoming fiscal year.

27. Immediately following the submission to the Legislature of the Governor's annual budget message, the commissioner shall submit to the relevant standing committees of the Legislature, as designated by the President of the Senate and the Speaker of the General Assembly, and to the Joint Budget Oversight Committee, or its successor, a copy of the plan called for under section 26 of this act, together with such changes therein as may have been required by the Governor's budget message.

28. 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 Joint Budget Oversight Committee, or its successor.

29. All appropriations from the bond fund shall be by specific allocation for each major project, and any transfer of any funds so appropriated shall require the approval of the Joint Budget Oversight Committee or its successor.

30. Section 26 of P.L. 1987, c. 106 is amended to read as follows:

26. This act shall take effect on the 60th day following enactment but shall remain inoperative until the enactment into law of either Assembly Bill No. 3209 of 1986 or the Senate Committee Substitute

for Senate Bill No. 2555 OCR of 1986, or a bill of substantially similar effect.

31. This section and sections 24, 25 and 30 shall take effect immediately and the remainder of the act shall take effect as and when provided in section 24.

Approved July 9, 1987.

CHAPTER 179

AN ACT concerning counties and municipalities in relation to flood control, revising parts of the statutory law, and enacting chapter 27 of Title 40A of the New Jersey Statutes.

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

1.

TITLE 40A

CHAPTER 27

COUNTY AND MUNICIPAL FLOOD CONTROL

40A:27-1.	Short title.
40A:27-2.	Purposes.
40A:27-3.	Definitions.
40A:27-4.	Finding of need for acquisition, construction, financing, improvement, maintenance and operation of flood control facility by local unit; notice to affected parties and to State; contents of notice, etc.
40A:27-5.	Adoption of resolution or ordinance.
40A:27-6.	Powers of local unit.
40A:27-7.	Surveys, investigations, studies, plans, etc.; payment of costs.
40A:27-8.	Restoration or compensation to owners of damaged or destroyed property.
40A:27-9.	Authorization to issue bonds; purpose.
40A:27-10.	Finding of need for financing cost of construction of flood control facilities by local improvement assessments; procedure; notice of intention; public hearing.

- 40A:27-11. Adoption of resolution or ordinance.
- 40A:27-12. Assessments on lands specially benefited; procedures; notice.
- 40A:27-13. Payment of assessment in installments by owner of assessed real estate.
- 40A:27-14. Sale of property by local unit for arrearages in assessments, interest or other charges.
- 40A:27-15. Contracts with other local units for provision of flood control facilities, etc.
- 40A:27-16. Issuance of bonds to pay costs of provision of flood control facilities; payment of costs in annual installments, etc.
- 40A:27-17. Powers of local unit re contract with another local unit.
- 40A:27-18. Investments; exemption from taxation.
- 40A:27-19. Payments by contracting local unit; default; interest.
- 40A:27-20. Construction of chapter.
- 40A:27-21. Continuation of county and municipal obligations.
- 40A:27-22. Statutes repealed.

40A:27-1. Short title.

This chapter shall be known and may be cited as the "Municipal and County Flood Control Financing Act."

Source: C. 40:23-34 (P.L. 1977, c. 333, s. 1).

40A:27-2. Purposes.

The Legislature finds and declares that it is in the public interest for the State to foster and promote, by all reasonable means, the relief of persons and property from the adverse effects of uncontrolled storm water drainage and the conditions of flooding. It is the purpose of this chapter to implement this policy by authorizing municipalities and counties either separately or in combination with other counties or municipalities to finance, acquire, construct, maintain, operate or improve works for the collection, diversion, impoundment, transportation and disposal of surface water in order to foster flood control and promote a basinwide or subbasinwide approach to controlling floods, thereby protecting the public from the adverse effects of uncontrolled storm water drainage and conditions of flooding.

Source: C. 40:23-35 (P.L. 1977, c. 333, s. 2).

40A:27-3. Definitions.

As used in this act:

“Contracting local unit” means a local unit which enters into a contract with another local unit for the construction, maintenance, improvement, acquisition or financing of a flood control facility for its own use;

“Contractor” means a local unit, which enters into a contract with a contracting local unit to construct, maintain, improve, acquire or finance flood control facilities for the contracting local unit;

“Cost” as applied to flood control facilities or extensions or additions thereto, means the cost of construction, reconstruction or maintenance, improvement, the cost of all labor, materials, machinery and equipment, the costs of all lands, property, rights and easements acquired, financing charges, interest on bonds issued to finance a facility prior to, during and after acquisition or construction, the cost of plans and specifications, surveys or estimates of costs and of revenues, the cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of the construction, reconstruction, improvement, or maintenance of a facility, administrative expenses and such other expenses as may be necessary or incident to the construction, maintenance or acquisition of a facility, and the financing herein authorized. Any obligation or expense incurred by a local unit in connection with any of the foregoing items of cost prior to the issuance of bonds or notes as authorized herein may be reimbursed to the local unit out of the proceeds of bonds issued under the provisions of this chapter;

“Department” means the Department of Environmental Protection;

“Flood control facilities” means the dams, drainage ways, structures and other real and personal property acquired, constructed, operated, financed, maintained or improved or to be acquired, constructed, operated, financed, maintained or improved by a local unit for the purposes of flood control, including storage reservoirs, dikes, diversions, dams, spillways, levees, revetments, drains, ditches or channel improvements, such as widening, deepening, straightening, clearing, desnagging, sloping, building and filling in, and other plants, structures, boats, conveyances and other real or personal property and rights therein, and appurtenances necessary for the control of flooding, the preservation of stream flow and the management of surface water and storm water, including any storm sewers,

storm drains, drainage facilities, and detention basins, and the dredging or desnagging of any drainage ways;

“General obligation bonds” means general obligations of the local unit which are payable from unlimited ad valorem taxes additionally secured by a pledge of the revenues derived from the assessment of such local improvement charges as may be assessed;

“Local unit” means a county or municipality;

“Parties to the contract” means a contractor and a contracting local unit which have contracted for the construction, maintenance, improvement or acquisition of flood control facilities.

Source: C. 40:23-36 (P.L. 1977, c. 333, s. 3).

40A:27-4. Finding of need for acquisition, construction, financing, improvement, maintenance and operation of flood control facility by local unit; notice to affected parties and to State; contents of notice, etc.

The governing body of a local unit may acquire, construct, finance, improve, maintain and operate a flood control facility upon concluding, by duly adopted resolution or ordinance, as the case may be, that the public health, safety and welfare can best be assured by the acquisition, construction, financing, improvement, maintenance and operation of the facility by the local unit or in cooperation with any other local unit and that the facility will contribute to the overall management of the surface water of the river basin or subbasin to be affected by the facility. Prior to the adoption of the resolution or ordinance, as the case may be, the governing body shall take cognizance of all existing and proposed upstream and downstream developments which may affect, or be affected by, the proposed flood control facility and shall notify, by certified mail, all upstream and downstream municipalities, soil conservation districts and counties, and the department, of its intent to construct one or more flood control facilities. The notification shall include a request for information from all upstream governments indicating which proposed developments might alter the flow of water at the proposed flood control facility. The governing body of a local unit also shall make its staff available for consultation with persons who may affect, or be affected by, the flood control facility.

The basin or subbasinwide analysis shall be submitted to the Department of Environmental Protection for its use in approving or disapproving the development and use of land regulated pursuant

to the provisions of the "Flood Hazard Area Control Act," P.L. 1962, c. 19 (C. 58:16A-50 et seq.). Each facility shall be consistent with the Statewide Flood Control Master Plan prepared pursuant to the provisions of P.L. 1978, c. 78 and the county stormwater control and drainage plans prepared pursuant to the provisions of section 10 of P.L. 1979, c. 359 (C. 58:16A-55.4).

Source: C. 40:23-37 (P.L. 1977, c. 333, s. 4).

40A:27-5. Adoption of resolution or ordinance.

Upon the completion of this basinwide or subbasinwide analysis and after consideration of the responses of concerned parties, the governing body of a local unit may adopt a resolution or ordinance, as the case may be, to acquire, construct, finance, improve, operate or maintain the flood control facility.

Source: C. 40:23-37 (P.L. 1977, c. 333, s. 4).

40A:27-6. Powers of local unit.

A local unit is authorized:

a. To purchase, construct, improve, extend, enlarge or reconstruct flood control facilities within or adjacent to that local unit either alone or jointly with other local units and to operate, manage, maintain and control all or part of these facilities;

b. To issue general obligation bonds of the local unit to pay all or part of the cost of the purchase, construction, improvement, extension, enlargement or reconstruction of these facilities;

c. To receive and accept from the federal or State government or any agency thereof, grants for the planning, acquisition, purchase, construction, extension, enlargement, reconstruction, improvement or financing of any of these 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 for the purposes for which these grants and contributions may be made;

d. To acquire in the name of the local unit by gift, purchase, or by the exercise of the right of eminent domain, lands and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property, as it may deem necessary for the acquisition, purchase, construction, improvement, extension, enlargement or reconstruction, or for the efficient operation of any facility purchased or constructed under the provisions of this chapter

and to hold and dispose of all real and personal property under its control;

e. 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 chapter and to employ engineers, superintendents, managers, attorneys, financial or other consultants or experts and other employees and agents necessary to carry out the provisions of this chapter, and to fix their compensation;

f. Subject to the provisions and restrictions set forth in the resolution or ordinance, as the case may be, authorizing or securing bonds issued under the provisions of this chapter, to enter into contracts with the government of the United States or of the State, or any agency or instrumentality thereof, or with any other local unit, private corporation, copartnership, association, or individual providing for or relating to flood control, which contracts may provide for the furnishing of flood control services either by or to the local unit, joint construction or operation of a flood control facility.

Source: C. 40:23-38 (P.L. 1977, c. 333, s. 5).

40A:27-7. Surveys, investigations, studies, plans, etc.; payment of costs.

Whenever the governing body of a local unit by resolution or ordinance, as the case may be, exercises the powers granted by this chapter, it shall make or cause to be made the necessary surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and of revenues relating to the provision of flood control facilities.

The obtaining of these surveys, investigations, studies, borings, maps, plans, drawings and estimates is declared to be a public purpose and the costs thereof may be paid out of the general funds of the local unit or from the proceeds of any bonds issued pursuant to this chapter.

Source: C. 40:23-39 (P.L. 1977, c. 333, s. 6).

40A:27-8. Restoration or compensation to owners of damaged or destroyed property.

All public or private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition as nearly as practicable or ade-

quate compensation shall be made therefor to the owner out of the funds authorized by this chapter.

Source: C. 40:23-39 (P.L. 1977, c. 333, s. 6).

40A:27-9. Authorization to issue bonds; purpose.

The governing body of a local unit exercising the powers granted by this chapter is authorized to provide by resolution or ordinance, as the case may be, at one time, or from time to time, for the issuance of general obligation bonds of the local unit for the purpose of paying all or any part of the cost of a flood control facility constructed, acquired, improved, operated, maintained, extended, enlarged or reconstructed pursuant to this chapter. The bonds of each issue shall be issued pursuant to the provisions of the "Local Bond Law," (N.J.S. 40A:2-1 et seq.).

Source: C. 40:23-40 (P.L. 1977, c. 333, s. 7).

40A:27-10. Finding of need for financing cost of construction of flood control facilities by local improvement assessments; procedures; notice of intention; public hearing.

If the governing body of a local unit determines that public necessity and interest require the cost of construction of a flood control facility to be financed by local improvement assessments, it shall pass a resolution or ordinance, as the case may be, of its intention to undertake and so finance the facility and shall give notice of this intention by advertising in one or more newspapers of general circulation in the county or municipality and by notifying each concerned property owner by certified mail; and this notice shall fix a time and place, not less than two weeks after the date of the notice, for a public hearing on the proposed action. At the public hearing the governing body of a local unit shall present a preliminary assessment of the affected properties.

Source: C. 40:23-41 (P.L. 1977, c. 333, s. 8).

40A:27-11. Adoption of resolution or ordinance.

After the hearing, if the governing body of a local unit decides to carry out the local improvements, it shall pass a resolution or ordinance, as the case may be, to proceed to make the local improvements.

Source: C. 40:23-41 (P.L. 1977, c. 333, s. 8).

40A:27-12. Assessments on lands specially benefited; procedures; notice.

Upon the completion of the local improvements, the governing body of a local unit shall assess the costs and expenses of the flood control facility on the lands and improvements situated within that unit which are specially benefited thereby in proportion to the benefit received. When the assessment is completed it shall be filed as a report with the clerk of the governing body of the local unit who shall give notice, by advertising in one or more newspapers of general circulation in the county or municipality and by notifying each concerned property owner, by certified mail, that the report has been filed and that the governing body of the local unit will meet at a time and place designated in the notice to hear objections to the report. The governing body of the local unit may revise the report based on these objections, after which it shall file the revised report with the clerk of the governing body of the local unit. The assessment shall constitute a lien upon the land so assessed.

The clerk shall deliver a duplicate copy of the report to the appropriate officer of the county or municipality, as the case may be, who shall immediately thereafter mail or deliver the bill for the amount of the assessment, and shall keep a record, at the expense of the local unit, in the manner required by local improvements under R.S. 40:56-31. The governing body may make additional requirements for recording, accounting for, and collecting assessments.

Source: C. 40:23-41 (P.L. 1977, c. 333, s. 8).

40A:27-13. Payment of assessment in installments by owner of assessed real estate.

The governing body of a local unit may by resolution or ordinance, as the case may be, permit the owner of real estate upon which an assessment for an improvement has been made to pay the assessment in installments pursuant to the procedures contained in R.S. 40:56-35.

Source: C. 40:23-41 (P.L. 1977, c. 333, s. 8).

40A:27-14. Sale of property by local unit for arrearages in assessments, interest or other charges.

When any unpaid assessment, interest thereon or other charges for collection thereof remains in arrears on July 1 of the calendar year following the calendar year when the assessment, interest or other charge becomes in arrears, the appropriate officer of the local unit

shall enforce the lien by selling the property in the manner set forth in chapter 5 of Title 54 of the Revised Statutes.

Source: C. 40:23-41 (P.L. 1977, c. 333, s. 8).

40A:27-15. Contracts with other local units for provision of flood control facilities, etc.

A local unit may negotiate and enter into contracts with other local units for the provision of flood control facilities located within or without the boundaries of the local unit pursuant to the provisions of this chapter. Where appropriate, the facilities may be situated on land leased or conveyed pursuant to law by a local unit which is not party to the contract.

Source: C. 40:23-42 (P.L. 1977, c. 333, s. 9).

40A:27-16. Issuance of bonds to pay costs of provision of flood control facilities; payment of costs in annual installments, etc.

If a contractor, pursuant to a contract with a contracting local unit, constructs, acquires or improves a flood control facility the contractor may either: a. bear the entire cost of the construction or acquisition of the facility by itself; or b. share the cost of the construction or acquisition of the facility with the contracting unit. The contractor may issue its bonds for all or part of the cost of the construction, acquisition or improvement of the facility. If the cost is to be shared by the contracting local unit, the contractor may issue bonds for its share of the cost and the contracting local unit may issue bonds for its share of the cost, or the contractor may issue bonds for the entire cost of the facility, and the share of the cost to be borne by the contracting local unit shall be repaid to the contractor by the contracting local unit in annual installments, over a period not exceeding 40 years, agreed upon by the parties to the contract. The amount of the annual installments shall include interest at the rate or rates agreed upon by the parties to the contract. These agreements shall be authorized by a resolution or ordinance, as the case may be, duly adopted by the governing bodies of the parties to the contract. The annual payments received by a contractor from the contracting local unit may also include an additional annual amount agreed upon for the payment of the agreed share of the cost of operation and maintenance and improvement or enlargement of the facility.

Source: C. 40:23-42 (P.L. 1977, c. 333, s. 9).

40A:27-17. Powers of local unit re contract with another local unit.

A local unit with which another local unit is authorized to contract under the terms and provisions of this chapter shall have the power, by ordinance or resolution, as the case may be, duly adopted by its governing body, to authorize the proper officials to enter into and execute for it a contract for the period of time and under the terms necessary for the provision of a flood control facility notwithstanding that no appropriation was made or provided to cover the estimated cost of the contract, and the governing body shall adhere to the terms and conditions of the contract.

Source: C. 40:23-43 (P.L. 1977, c. 333, s. 10).

40A:27-18. Investments; exemption from taxation.

Notwithstanding any restriction contained in any other law, the State and all public officers, municipalities, counties, political subdivisions and public bodies, and agencies thereof, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, insurance associations and other persons carrying on any insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking fund moneys or other funds belonging to them within their control in any bonds of a local unit authorized pursuant to this chapter, and the bonds are authorized as security for any and all public deposits. These bonds and the interest thereon shall be exempt from taxation except for the transfer inheritance taxes.

Source: C. 40:23-44 (P.L. 1977, c. 333, s. 11).

40A:27-19. Payments by contracting local unit; default; interest.

The chief fiscal officer of each contracting local unit which enters into a contract pursuant to this chapter, shall cause to be paid to the contractor, at the times agreed upon, the amount of money certified to the contracting local unit by the contractor pursuant to this chapter. The power and obligation of the contracting local unit to provide for and make all payments is unlimited and the sums necessary for the payment shall be included in each annual budget of the contracting local unit; and the contracting local unit shall be irrevocably and unconditionally obligated to levy ad valorem taxes on all taxable property therein, without limits as to rate or amount, to the full extent necessary to make all payments, in full, as they become due. If any part of the amount certified to a contracting local unit by a contractor, pursuant to this act, remains unpaid for 30 days following the date fixed for payment by the contract, the contracting local unit thus in default shall be charged with and be liable for,

and the chief fiscal officer thereof shall pay to the contractor, interest upon the amount unpaid at the rate of 8% per year.

Source: C. 40:23-45 (P.L. 1977, c. 333, s. 12).

40A:27-20. Construction of chapter.

This chapter shall not be construed to relieve a local unit of any obligation to seek and obtain various permits and other approvals from the Department of Environmental Protection as required by law for these projects and to comply with any other duty imposed by law.

Source: New.

40A:27-21. Continuation of county and municipal obligations.

Any debt, liability or obligation incurred by any county or municipality pursuant to any section of law which is repealed pursuant to this act shall not in any manner be diminished by the provisions of this act.

40A:27-22. Statutes repealed.

R.S. 40:69-1 through 40:69-4, R.S. 40:30-18 through 40:30-21, P.L. 1944, c. 270 (C. 40:69-4.1 through 40:69-4.12).

P.L. 1977, c. 333 (C. 40:23-34 through 40:23-46) is repealed.

2. This act shall take effect immediately.

Approved July 13, 1987.

CHAPTER 180

AN ACT to validate certain municipal ordinances and actions taken thereunder.

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

1. No municipal ordinance heretofore enacted for the purpose of establishing a fire district pursuant to N.J.S. 40A:14-70 shall be held invalid solely by reason of the failure to have published the ordinance, after passage, as required by subsection d. of R.S. 40:49-2; and any action of any municipal officer or commissioner taken under the ordinance is validated and confirmed. This act shall not apply to any ordinance the validity of the enactment of which is the subject

matter of any action or proceeding heretofore instituted, or which shall be instituted within 30 days of the effective date of this act.

2. This act shall take effect immediately.

Approved July 13, 1987.

CHAPTER 181

AN ACT concerning the annexation of certain territory between the Township of Gloucester, in the County of Camden, and the Township of Washington in the County of Gloucester, and changing the boundaries between Camden county and Gloucester county.

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

1. a. All that part of the Township of Washington, County of Gloucester, and bounded as follows:

Beginning at a point in the southeasterly line of Barnsboro-Good Intent Road (49.50 feet wide) where the same is intersected by the northwesterly line of Lower Lake Road (25.00 feet wide) as illustrated on plan entitled "Sketch Plan of Proposed Relocation of Township and County Line" prepared by Key Engineers, Inc., dated March 28, 1985 and from said beginning point runs;

Thence (1) Along said southeasterly line of Barnsboro-Good Intent Road, northeasterly a distance of 242.00 feet more or less to a point where the southeasterly line of Barnsboro-Good Intent Road is intersected by the southwesterly line of Church Street (50.00 feet wide);

Thence (2) Along said Church Street, southeasterly a distance of 10.00 feet more or less to a point in the Township and County line separating Township of Washington, County of Gloucester, from the Township of Gloucester, County of Camden;

Thence (3) Along said Township and County line, also being the approximate centerline of the South Branch of Timber Creek, generally in a southsoutheasterly

- direction, a distance of 3,970.00 feet more or less to a point;
- Thence (4) Still along said Township and County line, southwesterly a distance of 100.00 feet more or less to a point in the high water line of South Branch of Timber Creek (also known as Blackwood Lake);
- Thence (5) Along said high water line of the South Branch of Timber Creek, also being the southwesterly line of Lots 3B, 3, 6, 7, 8 and 8A, of Block 12, northwesterly a distance of 1,000 feet more or less to a point where the southwesterly high water line of South Branch of Timber Creek is intersected by the northeasterly line of vacated Glenwood Avenue (40.00 feet wide);
- Thence (6) Along said Glenwood Avenue and Lot 8A of Block 12 the following three courses, southeasterly, a distance of 50.00 feet more or less to a point;
- Thence (7) Southeasterly a distance of 80.00 feet more or less to a point;
- Thence (8) Southeasterly, still along the westerly line of vacated Glenwood Avenue, a distance of 15.00 feet more or less to a point where the same is intersected by the northwesterly line of Beech Avenue (36.00 feet wide);
- Thence (9) Along said Beech Avenue, southwesterly, a distance of 42.00 feet more or less to a point where the said Beech Avenue is intersected by the southwesterly line of Glenwood Avenue, also being the northeasterly corner of Lot 6 of Block 12A of the Official Tax Map of the Township of Washington;
- Thence (10) Along the northerly line of said Lot 6, northwesterly a distance of 83.52 feet more or less to point common corner to Lot 6 and Lot 8 of Block 12A;
- Thence (11) Along the northerly line of said Lot 8 of Block 12A, northwesterly a distance of 55.00 feet more or less to a point;
- Thence (12) Northwestery, still along the northerly line of Lot 8, a distance of 140.00 feet more or less to a point in the line of Lot 1 of Block 3, also being corner to Lot 8 of Block 12A;

- Thence (13) Along said Lot 1 of Block 3, northeasterly a distance of 42.00 feet more or less to a point in the aforementioned southwesterly high water line of the South Branch of Timber Creek;
- Thence (14) Along the same also being the northeasterly line of Lot 1, Lot 1E and 1C of Block 3, northwesterly a distance of 960.00 feet more or less to a point common corner to Lot 1C of Block 3, Lot 6 of Block 3B and Lot 7 of Block B;
- Thence (15) Along said Lot 1C of Block 3, southwesterly a distance of 76.00 feet more or less to a point in line of Lot 1C of Block 3 and also being the northeast corner to Lot 19 of Block 3;
- Thence (16) Along the northwesterly line of the aforementioned Lower Lake Road the following fourteen courses northwesterly, a distance of 185.00 feet more or less to an angle point.
- Thence (17) Northwesterly a distance of 163.00 feet more or less to an angle point;
- Thence (18) Northwesterly a distance of 66.00 feet more or less to an angle point;
- Thence (19) Northwesterly a distance of 178.00 feet more or less to an angle point;
- Thence (20) Northwesterly a distance of 62.00 feet more or less to an angle point;
- Thence (21) Northeasterly a distance of 50.00 feet more or less to an angle point;
- Thence (22) Northeasterly a distance of 83.00 feet more or less to an angle point;
- Thence (23) Northeasterly a distance of 180.00 feet more or less to an angle point;
- Thence (24) Northeasterly a distance of 55.00 feet more or less to an angle point;
- Thence (25) Northeasterly a distance of 414.00 feet to an angle point;

- Thence (26) Northeasterly a distance of 244.00 feet more or less to an angle point;
- Thence (27) Northeasterly a distance of 109.00 feet more or less to an angle point;
- Thence (28) Northeasterly a distance of 142.00 feet more or less to an angle point;
- Thence (29) Northeasterly a distance of 130.00 feet more or less to the point and place of beginning;

said above described tract of land containing within said bounds 14.4 acres more or less, is hereby set off from the Township of Washington, county of Gloucester, annexed to and made a part of, the Township of Gloucester, Camden county.

b. All that part of the Township of Gloucester, County of Camden, and bounded as follows:

Beginning at a cut cross at the intersection of the center of the South Branch of Big Timber Creek with the middle line of Central Avenue (33' wide) as shown on Plan Proposed Municipal and County Boundary Line Change as certified by Earle B. Hallowell, Jr., Professional Land Surveyor #15556, dated October 28, 1986 and running; thence

1. Along the middle line of Central Avenue N8° 41' 03"E 10.00 feet to a point; thence
2. S81° 18' 57"E 15.00 feet to a point; thence
3. Along the high water line of Grenloch Lake which is defined as being elevation 41.30 and being approximately nine inches above the spillway at Central Avenue N28° 55' 55"E 59.45 feet to a point; thence
4. Along same N26° 22' 59"E 50.00 feet to a point; thence
5. Along same S78° 42' 46"E 55.94 feet to a point; thence
6. Along same S60° 40' 39"E 118.53 feet to a point; thence
7. Along same N76° 19' 31"E 25.03 feet to a point; thence
8. Along same S67° 26' 58"E 51.95 feet to a point; thence
9. Along same S26° 56' 33"E 13.1 feet to a point; thence
10. Along same S52° 12' 25"E 38.06 feet to a point; thence

11. Along same N85° 39' 09"E 13.59 feet to a point; thence
 12. Along same S82° 02' 55"E 37.97 feet to a point; thence
 13. Along same S79° 10' 35"E 23.28 feet to a point; thence
 14. Along same S67° 23' 59"E 40.50 feet to a point; thence
 15. Along same S59° 09' 56"E 25.43 feet to a point; thence
 16. Along same S45° 59' 47"E 5.66 feet to a point; thence
 17. Along same S58° 03' 26"E 47.69 feet to a point; thence
 18. Along same S76° 46' 04"E 77.75 feet to a point; thence
 19. Along same N84° 43' 42"E 32.62 feet to a point; thence
 20. Along same N68° 50' 47"E 30.62 feet to a point; thence
 21. Along same N86° 41' 15"E 40.18 feet to a point; thence
 22. Along same N57° 31' 39"E 10.39 feet to a point corner to lot 4 block 13003; thence
 23. Along lot 4 N° 34' 21"W 18.00 feet to a point in the southeasterly line of Woodlyn Avenue (40' wide) and running; thence
 24. Along said southeasterly line of Woodlyn Avenue N39° 54'E 416.69 feet to its intersection with the southwesterly line of Black Horse Pike (100' wide); thence
 25. Along the southwesterly side of Black Horse Pike S17° 17' 50"E 880.79 feet to a point of curvature in same; thence
 26. Southeasterly along same curving to the right with a radius of 2831.93 feet and a central angle of 5° 29' 30" an arc distance of 271.43 feet to a point of tangency in same; thence
 27. Still along same S11° 48' 20"E 210.26 feet to the intersection of the southwesterly line of Black Horse Pike with the center of the South Branch of Big Timber Creek;
- is hereby set off from the Township of Gloucester, Camden county, annexed to and made a part of the Township of Washington, County of Gloucester.
2. The boundary line between the County of Gloucester and the County of Camden at this place is made and established as the courses set forth in section 1 of this act.

3. Upon passage of this act the territory annexed to the Township of Gloucester pursuant to subsection a. of section 1 of this act shall be subject to the jurisdiction of the governing body of the County of Camden, and the territory annexed to the Township of Washington pursuant to subsection b. of section 1 of this act shall be subject to the jurisdiction of the governing body of the County of Gloucester; which shall be evidenced by the filing of a copy of this act, duly certified by the Secretary of State of the State of New Jersey, in the office of the county clerks of the Counties of Camden and Gloucester respectively.

4. The governing bodies of the Township of Washington and the Township of Gloucester shall, upon the enactment of this act into law, forthwith cause the annexed land to be plotted upon the respective official maps of the municipalities.

5. The provisions of sections 40A:7-17 through 40A:7-23 of the New Jersey Statutes, concerning the apportionment of indebtedness shall be adhered to by the governing bodies of the respective townships with such adjustments in the size and formation of the committee as may be necessary to accommodate the dual annexation accomplished by this act.

6. This act shall take effect immediately.

Approved July 13, 1987.

CHAPTER 182

AN ACT to validate certain proceedings for the issuance of bonds of municipalities and any bonds or other obligation issued or to be issued in pursuance of such proceedings.

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

1. All proceedings heretofore had or taken by any municipality or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the municipality pursuant to the "Local Bond Law," N.J.S. 40A:2-1 et seq., and any ordinance with respect to such bonds or notes heretofore adopted and any bonds or notes of the municipality issued in pursuance of such proceedings or ordinance, are hereby ratified, validated and confirmed notwith-

standing that a supplemental debt statement was not prepared and filed as required by the provisions of N.J.S. 40A:2-10; provided, however, that a supplemental debt statement heretofore has been prepared and filed in the places required by N.J.S. 40A:2-10 and provided further, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 13, 1987.

CHAPTER 183

AN ACT establishing Martin Luther King Physician-Dentist Scholarships, supplementing chapter 72 of Title 18A of the New Jersey Statutes, and making an appropriation.

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

C. 18A:72J-1 Short title.

1. This act shall be known and may be cited as the "Martin Luther King Physician-Dentist Scholarship Act of 1986."

C. 18A:72J-2 Martin Luther King Physician-Dentist Scholarships.

2. There are created the Martin Luther King Physician-Dentist Scholarships which shall be maintained by the State and awarded and administered pursuant to this act to students from disadvantaged or minority backgrounds enrolled in the University of Medicine and Dentistry of New Jersey and the Fairleigh Dickinson University School of Dentistry.

C. 18A:72J-3 Annual scholarships.

3. A Martin Luther King Physician-Dentist Scholarship shall be awarded annually by the board of directors of the New Jersey Educational Opportunity Fund to 15 New Jersey medical and dental students from disadvantaged or minority backgrounds selected by the university in which the student is enrolled.

C. 18A:72J-4 Requirements.

4. No person shall be awarded a Martin Luther King Physician-Dentist Scholarship unless:

a. The person has been a resident of New Jersey for a period of not less than two years immediately prior to receiving the scholarship:

b. The person has demonstrated financial need for the scholarship in accordance with standards to be established by the board of directors of the New Jersey Educational Opportunity Fund;

c. The person has demonstrated high moral character, good citizenship, and dedication to American ideals; and

d. The person has complied with all rules and regulations adopted pursuant to this act by the board of directors of the New Jersey Educational Opportunity Fund for the award, regulation and administration of the scholarship.

C. 18A:72J-5 Amount of scholarship.

5. The amount of a Martin Luther King Physician-Dentist Scholarship shall be established by the board of directors of the New Jersey Educational Opportunity Fund but shall not exceed the maximum amount of tuition charged at the university in which the student is enrolled.

C. 18A:72J-6 Renewal.

6. Each Martin Luther King Physician-Dentist Scholarship shall be renewable annually for up to four years except that each scholarship shall remain in effect only if the holder of the scholarship continues to have financial need, achieves satisfactory academic progress as defined by the institution, continues to meet the eligibility criteria and guidelines established by the board of directors of the New Jersey Educational Opportunity Fund, and is regularly enrolled as a full-time student.

C. 18A:72J-7 Rules, regulations.

7. The board of directors of the New Jersey Educational Opportunity Fund shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) necessary to effectuate the purposes of this act.

8. There is appropriated to the Department of Higher Education from the General Fund \$125,000.00 to implement the provisions of this act. Notwithstanding the provisions of any law, rule or regulation to the contrary, moneys appropriated pursuant to the authorization

provided for in this act and not awarded as scholarships pursuant to this act during the fiscal year for which they are appropriated shall lapse into the General Fund at the end of that fiscal year.

9. This act shall take effect immediately.

Approved July 14, 1987.

CHAPTER 184

AN ACT concerning prompt payments on State contracts and making an appropriation therefor.

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

C. 52:32-32 Short title.

1. This act shall be known and may be cited as the "New Jersey Prompt Payment Act."

C. 52:32-33 Definitions.

2. As used in this act:

a. "Business concern" means any person engaged in a trade or business, including private nonprofit entities operating as contractors, and operating pursuant to a State contract requiring either a single payment or multiple payments, but shall not include any "public utility" as that term is defined under section 1 of P.L. 1946, c. 219 (C. 48:2-13);

b. "Using agency" means the appropriate agency of the State, including the Office of Legislative Services and the legislative branch of State government, which receives or uses the goods or services provided under the contract between the State and a business concern;

c. "Director" means the Director of the Division of Budget and Accounting in the Department of the Treasury;

d. "Division" means the Division of Budget and Accounting in the Department of the Treasury;

e. "Properly executed State invoice" means a State invoice which contains all the information which the director may require by regulation;

f. "State" means the State of New Jersey and any office, department, division, bureau, board, commission, or agency of the State, the Office of Legislative Services, and the legislative branch of State government, but shall not include any entity which is statutorily authorized to sue and be sued.

C. 52:32-34 Payment date.

3. a. Interest shall be paid on the amount due to a business concern pursuant to a properly executed State invoice if the required payment is not made on or before the required payment date.

b. The required payment date shall be 60 calendar days from the receipt of a properly executed State invoice, or 60 calendar days from the receipt of goods or services, whichever is later.

c. The using agency shall have 35 calendar days from the receipt of a properly executed State invoice or 35 calendar days from the receipt of goods or services, whichever is later, to submit the request for payment to the division. The division shall have 25 calendar days from the date the request for payment is submitted by the using agency to make the required payment to a business concern.

C. 52:32-35 Interest on late payments.

4. a. Interest on amounts due shall be paid to the business concern for the period beginning on the day after the required payment date and ending on the date on which the check for payment is drawn. The interest shall be paid at a rate which the State Treasurer shall specify as applicable on the 30th day after the enactment of this act and by the 30th day after the end of each fiscal year thereafter.

In determining the rate, the Treasurer shall take into consideration current private commercial rates of interest for new loans maturing in approximately five years. The Treasurer shall publish the rate.

b. No interest charge as required by this act shall become a debt of the State until its exceeds \$5.00.

c. Interest may be paid by separate payment to a business concern, but shall be paid within 30 days of payment of the original invoice.

d. No appropriation of funds shall be made for the payment of interest required by this section. The division or using agency, whichever is responsible for the late payment, shall pay any interest charges required by this act out of the funds available for the administration of division or agency programs.

C. 52:32-36 Rules, regulations.

5. a. The director shall adopt rules and regulations to effectuate the purposes of this act pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.).

b. The director shall by regulation provide that:

(1) Separate required payment dates shall exist for property or services provided in a series of partial executions or deliveries to the extent the contract provides for separate payment for each partial execution or delivery;

(2) The using agency shall notify the business concern within 30 calendar days of any defect or impropriety in any invoice submitted or of any defect or impropriety in goods or services provided which would prevent the running of the time period specified in section 3 of this act.

c. The director may by regulation provide that the required payment date shall be within a specified number of days after the date of delivery in the case of contracts for the provision of perishable goods.

C. 52:32-37 Interest payments waived; conditions.

6. The State Treasurer shall have the right to waive the interest payment for delinquencies due to circumstances beyond the control of the using agency or the division, including but not limited to strikes and natural disasters, and for contracts entered into prior to the effective date of this act.

C. 52:32-38 Annual report.

7. a. Each using agency and the division shall file with the director a detailed report on any interest payments made for the 12-month period after the effective date of this act and for each 12-month period thereafter.

b. The report shall include the number, amounts, and frequency of interest payments and the reasons the interest payments were not avoided by prompt payment.

c. The report shall be delivered to the director within 90 days after the end of each 12-month period.

d. The director shall submit to the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, within 150 days after the end of each 12-month period, a report on State compliance with the requirements of this act. The report shall include a summary of the report submitted by each using

agency and the division and an analysis of the progress made in reducing interest payments by that agency or the division from previous years. Upon evaluating the director's report, the committees shall reassess the time provisions set forth in subsections b. and c. of section 3 of this act with the intent of reducing these time periods, if practicable.

C. 52:32-39 Disputed contracts.

8. Nothing in this act shall be construed as permitting the accrual of prejudgment interest in the case of a disputed contract for which a notice of claim has been filed under the "New Jersey Contractual Liability Act," N.J.S. 59:13-1 et seq., as provided in N.J.S. 59:13-8.

9. There is appropriated from the General Fund the sum of \$250,000.00 to the Department of the Treasury for the use of the Division of Budget and Accounting to effectuate the purposes of this act.

10. This act shall take effect on the 180th day after the date of enactment, except that section 5 shall take effect immediately.

Approved July 14, 1987.

CHAPTER 185

AN ACT concerning certain appeals of property tax assessments and amending R.S. 54:3-21.

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

1. R.S. 54:3-21 is amended to read as follows:

Petition of appeal.

54:3-21. A taxpayer feeling aggrieved by the assessed valuation of his property, or feeling that he is discriminated against by the assessed valuation of other property in the county, or a taxing district which may feel discriminated against by the assessed valuation of property in the taxing district, or by the assessed valuation of property in another taxing district in the county, may on or before August 15 appeal to the county board of taxation by filing with it a petition of appeal; provided, however, that any such taxpayer or taxing district may on or before August 15 file a complaint directly with the tax court, if the assessed valuation of the property subject to the

appeal exceeds \$750,000.00, and any party to an appeal pending on July 1, 1979 before a county board of taxation in which the assessed valuation of the property involved exceeds \$750,000.00 shall be entitled, upon application to the county board, to have the appeal transferred to the tax court by the county board. All appeals to the tax court hereunder shall be in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq.

If a petition of appeal or a complaint is filed during the 19 days next preceding August 15, a taxpayer or a taxing district shall have 20 days from the date of service of the petition or complaint to file a cross-petition of appeal with a county board of taxation or a counterclaim with the clerk of the tax court, as appropriate.

2. This act shall take effect immediately and shall apply to proceedings initiated by original petition of appeal or complaint filed on or after the date of enactment.

Approved July 14, 1987.

CHAPTER 186

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:

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that a supplemental debt statement was not prepared and filed as required by the provisions of N.J.S. 18A:24-17; provided, however, that such supplemental debt statement heretofore has been prepared and filed in the places required by N.J.S. 18A:24-17; and provided further, that no action, suit or other proceeding has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such

time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 14, 1987.

CHAPTER 187

AN ACT concerning student loans and amending N.J.S. 18A:72-4, N.J.S. 18A:72-10 and N.J.S. 18A:72-11.

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

1. N.J.S. 18A:72-4 is amended to read as follows:

Membership.

18A:72-4. The authority shall consist of seven members; one of whom shall be the chancellor ex officio; and six of whom shall be residents of this State, appointed by the Governor, with the advice and consent of the Senate, for terms of four years, except in the case of the first members so appointed, who shall be appointed one for a term of one year, one for a term of two years, and one for a term of three years. No more than three of the appointed commissioners shall be members of the same political party, and each of them shall serve until his successor is appointed and has qualified. The membership of the authority may include representatives of lending institutions or institutions of higher education within the State of New Jersey. Any vacancy in the membership of the authority, occurring otherwise than by expiration of term, shall be filled in the same manner as the original appointment was made, but for the unexpired term only.

2. 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

(i) 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, or

(ii) To persons who reside outside this State and who plan to attend, are enrolled in or are attending in good standing any eligible educational institution located within this State or elsewhere, or

(iii) To parents of persons meeting requirements set forth in (i) or (ii) above, in order to assist them in meeting 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 that amount 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 meeting 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 subsection (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.

(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 engage in programs which state guaranty agencies are authorized to participate in pursuant to 20 U.S.C. §1071 et seq. as amended.

(6) To perform any other acts which may be deemed necessary or appropriate to carry out the objects and purposes of this chapter.

3. N.J.S. 18A:72-11 is amended to read as follows:

Conditions for approval.

18A:72-11. Any application for a loan under this chapter shall be submitted to the authority for its approval, and the authority shall approve the same only if it finds that the applicant:

a. (1) Is a resident of New Jersey and has demonstrated high moral character, good citizenship and dedication to American ideals; or

(2) Is a resident of a state other than this State, and has been admitted to, or is in regular attendance at and is in good standing in, an eligible educational institution located within this State or elsewhere; and

b. Intends to make application for admission to, or has been admitted to, or is in regular attendance at and is in good standing in, a qualified institution of collegiate grade approved by any regional accrediting association recognized by the national commission on accrediting, or approved by the board of higher education, a qualified post-secondary nondegree institution of higher education or any other eligible institution; or

c. Is the parent of such eligible person; and

d. Has complied with all rules adopted by the authority pursuant to this chapter in connection with the granting of such loans.

4. This act shall take effect immediately.

Approved July 14, 1987.

CHAPTER 188

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*:

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the notices to persons desiring Military Service and Civilian Absentee Ballots were not published in accordance with the provisions of section 7 of the "Absentee Voting Law (1953)," P.L. 1953, c. 211 (C. 19:57-7); and notwithstanding that such notices were not published in accordance with the provisions of N.J.S. 18A:14-25; provided however, that no action, suit or other proceeding has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 14, 1987.

CHAPTER 189

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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

1. In addition to the amounts appropriated under P.L. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
54 DEPARTMENT OF HUMAN SERVICES
50 Economic Planning, Development and Security
7570 Division of Youth and Family Services

18-7570 General Social Services \$150,000

Grants:

Self Help and Resource Exchange
(SHARE) (\$150,000)

2. This act shall take effect immediately but shall remain in-operative until the enactment into law of the annual appropriations act for the fiscal year ending June 30, 1988, P.L. 1987, c. 154.

Approved July 14, 1987.

CHAPTER 190

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditure listed below are available, the following sum is appropriated for the purpose specified:

FEDERAL FUNDS
DEPARTMENT OF HIGHER EDUCATION
Educational, Cultural and Intellectual Development
36 Higher Educational Services
5400 Office of the Chancellor

04-5400 Student Financial Support
Services \$362,798

Special Purpose:

Congressional Teacher Scholarship
Program (\$362,798)

2. This act shall take effect immediately.

Approved July 14, 1987.

CHAPTER 191

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

34 Educational Support Services

30-5063 General Academic Education .	\$246,000
Materials and Supplies	(\$20,000)
Special Purpose:	
Other special purposes	(1,000)
Grants:	
Byrd scholarship program	(225,000)

2. This act shall take effect immediately.

Approved July 14, 1987.

CHAPTER 192

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the sums appropriated under P.L. 1986, c. 41, there is appropriated from the General Fund the following sum for the purposes specified:

DIRECT STATE SERVICES

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 Community Development and Environmental Management

44 Hazardous and Toxic Pollution Control

10-9160 Northeast Interstate Low-Level

Radioactive Waste Commission	\$85,000

Special Purpose:

Expenses of the Commission	(\$85,000)

2. This act shall take effect immediately.

Approved July 15, 1987.

 CHAPTER 193

AN ACT concerning financing for the State's transportation system, increasing the authorized level of bonded indebtedness for the New Jersey Transportation Trust Fund Authority and amending P.L. 1984, c. 73.

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

1. Section 9 of P.L. 1984, c. 73 (C. 27:1B-9) is amended to read as follows:

C. 27:1B-9 Bonds authorized.

9. a. The authority shall have the power and is hereby authorized after November 15, 1984 and from time to time thereafter to issue its bonds, notes or other obligations in principal amounts as in the opinion of the authority shall be necessary to provide for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds, notes or other obligations issued by it, whether the bonds, notes, obligations or interest to be funded or refunded have or have not become due; and to provide for the security thereof and for the establishment or increase of reserves to secure or to pay the bonds, notes or other obligations or interest thereon and all other reserves and all costs or expenses of the authority incident to and necessary or convenient to carry out its corporate purposes and powers; and in addition to its bonds, notes and other obligations, the authority shall have the power to issue subordinated indebtedness, which shall

be subordinate in lien to the lien of any or all of its bonds or notes. No resolution or other action of the authority providing for the issuance of bonds, refunding bonds or other obligations shall be adopted or otherwise made effective by the authority without the prior approval in writing of the Governor and either the State Treasurer or the Director of the Division of Budget and Accounting in the Department of the Treasury.

b. Except as may be otherwise expressly provided in the act or by the authority, every issue of bonds or notes shall be general obligations payable out of any revenues or funds of the authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or funds. The authority may provide the security and payment provisions for its bonds or notes as it may determine, including (without limiting the generality of the foregoing) bonds or notes as to which the principal and interest are payable from and secured by all or any portion of the revenues of and payments to the authority, and other moneys or funds as the authority shall determine. In addition, the authority may, in anticipation of the issuance of the bonds or the receipt of appropriations, grants, reimbursements or other funds, including without limitation grants from the federal government for federal aid highways or public transportation systems, issue notes, the principal of or interest on which, or both, shall be payable out of the proceeds of notes, bonds or other obligations of the authority or appropriations, grants, reimbursements or other funds or revenues of the authority. The authority may also enter into bank loan agreements, lines of credit and other security agreements and obtain for or on its behalf letters of credit in each case for the purpose of securing its bonds, notes or other obligations or to provide direct payment of any costs which the authority is authorized to pay by this act and to secure repayment of any borrowings under the loan agreement, line of credit, letter of credit or other security agreement by its bonds, notes or other obligations or the proceeds thereof or by any or all of the revenues of and payments to the authority or by any appropriation, grant or reimbursement to be received by the authority and other moneys or funds as the authority shall determine.

c. Whether or not the bonds and notes are of the form and character as to be negotiable instruments under the terms of Title 12A, Commercial Transactions, 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.

d. Bonds or notes of the authority shall be authorized by a resolution or resolutions of the authority and may be issued in one or more series and shall bear the date, or dates, mature at the time or times, bear interest at the rate or rates of interest per annum, be in the denomination or denominations, be in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be payable from the sources, in the medium of payment, at the place or places within or without the State, and be subject to the terms of redemption (with or without premium) as the resolution or resolutions may provide. Bonds or notes may be further secured by a trust indenture between the authority and a corporate trustee within or without the State. All other obligations of the authority shall be authorized by resolution containing terms and conditions as the authority shall determine.

e. Bonds, notes or other obligations of the authority may be sold at public or private sale at a price or prices and in a manner as the authority shall determine. Every bond shall mature and be paid not later than 17 years from the date thereof, except that no bond, note or other obligation shall mature and be paid later than 17 years from the effective date of this act, nor shall any refunding of such obligations mature or be paid later than that date.

Notes, the initial series of bonds and bonds issued for refunding purposes of the authority may be sold at public or private sale at a price or prices and in a manner as the authority shall determine.

Except as noted above, all bonds of the authority shall be sold at such price or prices and in such manner as the authority shall determine, after notice of sale, published at least three times 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 New Jersey or the City of New York, the first notice to be at least five days prior to the day of bidding. The 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 authority, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale upon terms not less favorable to the State than the terms offered by any rejected bid. The authority 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.

f. Bonds or notes may be issued and other obligations incurred under the provisions of the act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, other than the approval as required by subsection a. of this section, and without any other proceedings or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by the act.

g. Bonds, notes and other obligations of the authority issued or incurred 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 authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any political subdivision or be or constitute a pledge of the faith and credit of the State or of any political subdivision but all bonds, notes and obligations, unless funded or refunded by bonds, notes or other obligations of the authority, shall be payable solely from revenues or funds pledged or available for their payment as authorized in the act. Each bond, note or other obligation shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof or the interest thereon only from revenues or funds of the authority and that neither the State nor any political subdivision thereof is obligated to pay the 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 or the interest on the bonds, notes or other obligations. For the purposes of this subsection, political subdivision does not include the authority.

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 or pursuant to the provisions of the act and nothing in the act shall be construed to authorize the authority to incur any indebtedness or liability on behalf of or payable by the State or any political subdivision thereof.

i. The aggregate principal amount of bonds, notes or other obligations, including subordinated indebtedness of the authority may not exceed \$875,000,000.00. If in any fiscal year appropriations by the Legislature to the authority, and amounts received in accordance with contracts entered into with the toll road authorities, if those amounts are not included in legislative appropriations, shall be in excess of \$143,000,000.00, the aggregate principal amount of \$875,000,000.00 shall be reduced by an amount equal to the excess.

In computing the foregoing limitations there shall be excluded all the bonds, notes or other obligations, including subordinated indebtedness of the authority, which shall be issued for refunding purposes, provided that the refunding shall be determined by the authority to result in a debt service savings.

The authority shall minimize debt incurrence by first relying on appropriations and other revenues available to the authority before incurring debt to meet its statutory purposes.

The authority shall not incur debt at any time in any fiscal year in excess of the difference between the amount of appropriations and other revenues to the authority theretofore made in that fiscal year and the amount which the Department of Transportation is permitted to commit for transportation projects under the act in that fiscal year as indicated in the budget, plus reasonably necessary expenses, required debt reserve funds, debt service and outstanding financial obligations from prior fiscal years of the authority.

Debt which would have been incurred pursuant to this section, which is not incurred in any fiscal year, may be issued in subsequent years.

2. Section 17 of P.L. 1984, c. 73 (C. 27:1B-17) is amended to read as follows:

C. 27:1B-17 Annual report.

17. On or before the first day of September in each year the authority shall make an annual report of its activities for the preceding fiscal year to the Governor and to the Legislature, in addition to responding to other requests made by the Legislature from time to time. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof shall be considered an expense of the authority and a copy thereof shall be filed with the Comptroller of the Treasury. Notwithstanding the provisions of any law to the contrary, the State Auditor or his legally authorized representative may examine the accounts and books of the authority.

Not later than the end of the fourth year following the effective date of this act, the Senate Transportation and Communications Committee and the Assembly Transportation, Communications and High Technology Committee, or their successors, shall undertake a

review of the implementation of this act and of the operation of the authority and make such recommendations as they deem necessary.

The department shall, from time to time, but not less than every six months, report to the Senate Transportation and Communications Committee and the Assembly Transportation, Communications and High Technology Committee on the status of each project, including public highways, financed pursuant to this act. The report shall also include information on major changes in project status or major impediments to the accomplishment of the planned projects.

3. Section 20 of P.L. 1984, c. 73 (C. 27:1B-20) is amended to read as follows:

C. 27:1B-20 Transportation Trust Fund Account.

20. There is hereby established in the General Fund an account entitled "Transportation Trust Fund Account." During the fiscal year beginning July 1, 1984 and during each succeeding fiscal year in which the authority has bonds, notes or other obligations outstanding, the treasurer shall credit to this account, commencing with the last business day of August 1984 and on the last business day of each succeeding calendar month, an amount not less than \$7,333,333.00, provided that if the effective date of the act shall be later than July 1984, the initial credit shall be an amount equal to that which would have been credited to the account had the act become effective on July 1, 1984, and further provided that the amount credited shall be an amount equivalent to the revenue derived from \$0.025 per gallon from the tax imposed on the sale of motor fuels pursuant to chapter 39 of Title 54 of the Revised Statutes, as provided in Article VIII, Section II, paragraph 4 of the State Constitution, provided, however, such amount during any fiscal year shall not be less than \$88,000,000.00; and an amount equivalent to moneys received by the State in accordance with contracts entered into with toll road authorities or other State agencies. The treasurer shall also credit to this account, in accordance with a contract between the treasurer and the authority, an amount equivalent to the sum of the revenues due from the increase of fees for motor vehicle registrations collected pursuant to the amendment to R.S. 39:3-20 made by this act and from the increase of fees for motor fuels user identification markers collected pursuant to the amendment to section 10 of P.L. 1963, c. 44 (C. 54:39A-10) made by this act and from the increase in the tax on diesel fuels imposed pursuant to the amendment to R.S. 54:39-27 made by this act, provided that the total amount credited during the fiscal year beginning July 1, 1984 shall not be less than

\$20,000,000.00 and that the total amount credited during the fiscal year beginning July 1, 1985 and during every fiscal year thereafter shall not be less than \$30,000,000.00. No later than the fifth business day of the month following the month in which a credit has been made, the treasurer shall pay to the authority, for its purposes as provided herein, the amounts then credited to the Transportation Trust Fund Account, provided that the payments to the authority shall be subject to and dependent upon appropriations being made from time to time by the Legislature of the amounts thereof for the purposes of the act.

4. This act shall take effect immediately.

Approved July 15, 1987.

CHAPTER 194

AN ACT establishing a temporary Advisory Commission on Women Veterans of New Jersey and making an appropriation.

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

1. There is created a temporary commission to be known as "The Advisory Commission on Women Veterans of New Jersey" which shall consist of the following members, all of whom shall be citizens of the State:

a. The Director of the Division on Women in the Department of Community Affairs and the Director of the Division of Veterans' Programs and Special Services in the Department of Human Services, *ex officio*;

b. Three members to be appointed by the Governor, not more than two of whom shall be of the same political party, but at least two of whom shall be members of a New Jersey veterans' group or organization;

c. Two members to be appointed by the President of the Senate, not more than one of whom shall be of the same political party, but at least one of whom shall be a member of a New Jersey veterans' group or organization; and

d. Two members to be appointed by the Speaker of the General Assembly, not more than one of whom shall be of the same political party, but at least one of whom shall be a member of a New Jersey veterans' group or organization.

Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. All members shall serve without compensation but shall be reimbursed for their expenses actually incurred in the performance of their duties.

2. The Governor shall appoint the chairperson of the commission from among its members. The commission shall select a vice chairperson and a secretary, who need not be a member of the commission.

3. It shall be the duty of the commission to devise and implement a method for counting, identifying and locating women veterans within this State and to advise the Governor and the Legislature on the needs and concerns of women veterans.

4. Through its own personnel or in cooperation with any public or private agency, the commission may undertake, prepare and publish any studies, publications or other writings which it may deem relevant to its purpose.

5. The commission may employ such professional, stenographic, or clerical assistants, and may incur such traveling and other miscellaneous expenses, as it deems necessary in order to perform its duties and as may be within the limits of funds appropriated or otherwise made available to it for those purposes.

6. The commission may 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 that purpose.

7. The commission may establish an advisory council to assist it in its work.

8. The commission may make and sign any agreements and do and perform any acts that are necessary, desirable, or proper to carry out the purposes of this act. In addition, the commission may accept donations or grants of money, property or personal services from any source.

9. The commission may conduct public hearings in furtherance of its general purposes at any 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.

10. The commission shall submit an annual report on its activities to the Governor and the Legislature and such other interim reports as the Governor or the Legislature may deem advisable.

11. Notwithstanding any other law to the contrary, no officer or employee of the State or any political subdivision thereof shall be deemed to have forfeited or shall forfeit office or employment by reason of acceptance of membership on this commission.

12. There is appropriated \$75,000.00 to the commission from the General Fund for the purposes of this act.

13. This act shall take effect on January 1, 1987 and expire on December 31, 1991.

Approved July 22, 1987.

CHAPTER 195

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P.L. 1986, c. 41).

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

1. In addition to the amounts appropriated under P.L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES	
DEPARTMENT OF HEALTH	
20 Physical and Mental Health	
21 Health Services	
02-4220 Local and Community Health	
Services	\$350,000

Grants:

Regional cleft palate program at Cooper Medical Center, Monmouth Medical Center and St. Barnabas Medical Center	(\$300,000)
Cleft palate program at St. Peter's Medical Center	(\$50,000)

2. Prior to awarding a grant to a hospital from the funds hereinabove appropriated, the Department of Health shall ensure that the hospital's cleft palate program is in compliance with the department's standards for cleft palate programs.

3. This act shall take effect immediately.

Approved July 22, 1987.

CHAPTER 196

AN ACT concerning school budgets and amending P.L. 1979, c. 294.

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

1. Section 2 of P.L. 1979, c. 294 (C. 18A:22-8.1) is amended to read as follows:

C. 18A:22-8.1 Approval of school fund transfers.

2. Whenever a school district desires to transfer amounts among line items and program categories, the transfers shall be by resolution of the board of education; however, a board may, by resolution, designate the chief school administrator to approve such transfers as are necessary between meetings of the board. Transfers approved by the chief school administrator shall be reported to the board, ratified and duly recorded in the minutes at a subsequent meeting of the board, but not less than monthly.

2. This act shall take effect immediately.

Approved July 22, 1987.

CHAPTER 197

AN ACT concerning product liability and punitive damages.

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

C. 2A:58C-1 Findings; definitions.

1. a. The Legislature finds that there is an urgent need for remedial legislation to establish clear rules with respect to certain matters relating to actions for damages for harm caused by products, including certain principles under which liability is imposed and the standards and procedures for the award of punitive damages. This act is not intended to codify all issues relating to product liability, but only to deal with matters that require clarification. The Legislature further finds that such sponsors' or committee statements that may be adopted or included in the legislative history of this act shall be consulted in the interpretation and construction of this act.

b. As used in this act:

(1) "Claimant" means any person who brings a product liability action, and if such an action is brought through or on behalf of an estate, the term includes the person's decedent, or if an action is brought through or on behalf of a minor, the term includes the person's parent or guardian.

(2) "Harm" means (a) physical damage to property, other than to the product itself; (b) personal physical illness, injury or death; (c) pain and suffering, mental anguish or emotional harm; and (d) any loss of consortium or services or other loss deriving from any type of harm described in subparagraphs (a) through (c) of this paragraph.

(3) "Product liability action" means any claim or action brought by a claimant for harm caused by a product, irrespective of the theory underlying the claim, except actions for harm caused by breach of an express warranty.

(4) "Environmental tort action" means a civil action seeking damages for harm where the cause of the harm is exposure to toxic chemicals or substances, but does not mean actions involving drugs or products intended for personal consumption or use.

C. 2A:58C-2 Product liability causes of action.

2. A manufacturer or seller of a product shall be liable in a product liability action only if the claimant proves by a preponderance of the evidence that the product causing the harm was

not reasonably fit, suitable or safe for its intended purpose because it: a. deviated from the design specifications, formulae, or performance standards of the manufacturer or from otherwise identical units manufactured to the same manufacturing specifications or formulae, or b. failed to contain adequate warnings or instructions, or c. was designed in a defective manner.

C. 2A:58C-3 Design defects.

3. a. In any product liability action against a manufacturer or seller for harm allegedly caused by a product that was designed in a defective manner, the manufacturer or seller shall not be liable if:

(1) At the time the product left the control of the manufacturer, there was not a practical and technically feasible alternative design that would have prevented the harm without substantially impairing the reasonably anticipated or intended function of the product; or

(2) The characteristics of the product are known to the ordinary consumer or user, and the harm was caused by an unsafe aspect of the product that is an inherent characteristic of the product and that would be recognized by the ordinary person who uses or consumes the product with the ordinary knowledge common to the class of persons for whom the product is intended, except that this paragraph shall not apply to industrial machinery or other equipment used in the workplace and it is not intended to apply to dangers posed by products such as machinery or equipment that can feasibly be eliminated without impairing the usefulness of the product; or

(3) The harm was caused by an unavoidably unsafe aspect of the product and the product was accompanied by an adequate warning or instruction as defined in section 4 of this act.

b. The provisions of paragraph (1) of subsection a. of this section shall not apply if the court, on the basis of clear and convincing evidence, makes all of the following determinations:

(1) The product is egregiously unsafe or ultra-hazardous;

(2) The ordinary user or consumer of the product cannot reasonably be expected to have knowledge of the product's risks, or the product poses a risk of serious injury to persons other than the user or consumer; and

(3) The product has little or no usefulness.

c. No provision of subsection a. of this section is intended to establish any rule, or alter any existing rule, with respect to the burden of proof.

C. 2A:58C-4 Adequate warning, instruction.

4. In any product liability action the manufacturer or seller shall not be liable for harm caused by a failure to warn if the product contains an adequate warning or instruction or, in the case of dangers a manufacturer or seller discovers or reasonably should discover after the product leaves its control, if the manufacturer or seller provides an adequate warning or instruction. An adequate product warning or instruction is one that a reasonably prudent person in the same or similar circumstances would have provided with respect to the danger and that communicates adequate information on the dangers and safe use of the product, taking into account the characteristics of, and the ordinary knowledge common to, the persons by whom the product is intended to be used, or in the case of prescription drugs, taking into account the characteristics of, and the ordinary knowledge common to, the prescribing physician. If the warning or instruction given in connection with a drug or device or food or food additive has been approved or prescribed by the federal Food and Drug Administration under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040, 21 U.S.C. §301 et seq. or the "Public Health Service Act," 58 Stat. 682, 42 U.S.C. §201 et seq., a rebuttable presumption shall arise that the warning or instruction is adequate. For purposes of this section, the terms "drug", "device", "food", and "food additive" have the meanings defined in the "Federal Food, Drug, and Cosmetic Act."

C. 2A:58C-5 Punitive damages.

5. a. Punitive damages may be awarded to the claimant only if the claimant proves, by a preponderance of the evidence, that the harm suffered was the result of the product manufacturer's or seller's acts or omissions, and such acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of the safety of product users, consumers, or others who foreseeably might be harmed by the product. For the purposes of this section "actual malice" means an intentional wrongdoing in the sense of an evil-minded act, and "wanton and willful disregard" means a deliberate act or omission with knowledge of a high degree of probability of harm to another and reckless indifference to the consequences of such act or omission. Punitive damages shall not be awarded in the absence of an award of compensatory damages.

b. The trier of fact shall first determine whether compensatory damages are to be awarded. Evidence relevant only to punitive damages shall not be admissible in that proceeding. After such determination has been made, the trier of fact shall, in a separate

proceeding, determine whether punitive damages are to be awarded. In determining whether punitive damages are to be awarded, the trier of fact shall consider all relevant evidence, including but not limited to, the following:

- (1) The likelihood at the relevant time that serious harm would arise from the tortfeasor's conduct;
- (2) The tortfeasor's awareness of reckless disregard of the likelihood that the serious harm at issue would arise from the tortfeasor's conduct;
- (3) The conduct of the tortfeasor upon learning that its initial conduct would likely cause harm; and
- (4) The duration of the conduct or any concealment of it by the tortfeasor.

c. Punitive damages shall not be awarded if a drug or device or food or food additive which caused the claimant's harm was subject to premarket approval or licensure by the federal Food and Drug Administration under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040, 21 U.S.C. §301 et seq. or the "Public Health Service Act," 58 Stat. 682, 42 U.S.C. §201 et seq. and was approved or licensed; or is generally recognized as safe and effective pursuant to conditions established by the federal Food and Drug Administration and applicable regulations, including packaging and labeling regulations. However, where the product manufacturer knowingly withheld or misrepresented information required to be submitted under the agency's regulations, which information was material and relevant to the harm in question, punitive damages may be awarded. For purposes of this subsection, the terms "drug", "device", "food", and "food additive" have the meanings defined in the "Federal Food, Drug, and Cosmetic Act."

d. If the trier of fact determines that punitive damages should be awarded, the trier of fact shall then determine the amount of those damages. In making that determination, the trier of fact shall consider all relevant evidence, including, but not limited to, the following:

- (1) All relevant evidence relating to the factors set forth in subsection b. of this section;
- (2) The profitability of the misconduct to the tortfeasor;
- (3) When the misconduct was terminated; and

(4) The financial condition of the tortfeasor.

C. 2A:58C-6 Environmental tort exclusion.

6. The provisions of this act shall not apply to any environmental tort action.

C. 2A:58C-7 Burden of proof.

7. Except as otherwise expressly provided in this act, no provision of this act is intended to establish any rule, or alter any existing rule, with respect to the burden of proof in a product liability action.

8. This act shall take effect immediately except that provisions of this act that establish new rules with respect to the burden of proof or the imposition of liability in product liability actions shall apply only to product liability actions filed on or after the date of enactment.

Approved July 22, 1987.

CHAPTER 198

AN ACT appropriating moneys from the "Wastewater Treatment Trust Fund" to the New Jersey Wastewater Treatment Trust for use in providing financial aid to local government units for the construction of wastewater treatment systems.

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

1. There is appropriated to the New Jersey Wastewater Treatment Trust established pursuant to P.L. 1985, c. 334 (C. 58:11B-1 et al.) from the "Wastewater Treatment Trust Fund" created pursuant to the "Wastewater Treatment Bond Act of 1985" (P.L. 1985, c. 329), the sum of \$40,000,000.00 and any net earnings received from the investment or deposit of moneys in the "Wastewater Treatment Trust Fund." The trust shall utilize the funds appropriated by this act to establish a reserve fund pursuant to the provisions of section 17 of P.L. 1985, c. 329 and section 11 of P.L. 1985, c. 334 (C. 58:11B-11).

2. The utilization of the sums appropriated by this act is subject to the provisions of P.L. 1985, c. 329 and P.L. 1985, c. 334 (C. 58:11B-1 et al.).

3. This act shall take effect immediately.

Approved July 22, 1987.

CHAPTER 199

AN ACT authorizing the expenditure of funds by the New Jersey Wastewater Treatment Trust for the purpose of making loans to local government units to finance a portion of the costs of construction of wastewater treatment system projects, and supplementing P.L. 1985, c. 334.

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

1. The New Jersey Wastewater Treatment Trust, established pursuant to P.L. 1985, c. 334 (C. 58:11B-1 et al.), is authorized to expend the aggregate sum of \$150,000,000.00 for the purpose of making loans to local government units to finance a portion of the costs of construction of wastewater treatment system projects. The trust is also authorized to increase that aggregate sum by the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act. For the purposes of this act, "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds; and "issuance expenses" means and includes, but need not be limited to, the costs of financial document printing, municipal bond insurance premiums, verification of financial calculations, the services of bond rating agencies and trustees, employment of accountants, attorneys, financial advisors, loan servicing agents, registrars, and paying agents and any other costs related to the issuance of trust bonds.

2. The New Jersey Wastewater Treatment Trust is authorized to make loans to the local government units listed below or such other local government units as may undertake the following priority wastewater treatment system projects:

<i>Project No.</i>	<i>Local Government Unit</i>	<i>Loan Amount</i>
C340459-03	Pequannock River Basin RSA	\$ 4,600,000
C340443-03	Edgewater, Borough of	6,328,500
C340502-02	Carney's Point Sewerage Authority	2,350,000
C340502-04	Penns Grove Sewerage Authority	1,457,000
C340488-03	Hopatcong, Borough of	12,787,500
C340548-03	Roxbury, Township of—LSH	2,238,000
C340541-03	Mount Arlington, Borough of	1,666,500
C340755-03	Willingboro MUA	8,034,500

<i>Project No.</i>	<i>Local Government Unit</i>	<i>Loan Amount</i>
C340874-01	Phillipsburg, Town of	\$ 503,000
C340763-04	Tri-Borough—Palmyra	1,552,500
C340868-01	Aberdeen Township MUA	2,000,000
C340869-01	Aberdeen Township MUA	1,000,000
C340447-04	Elizabeth City	4,300,000
C340449-03	Sussex County MUA— Newton	3,175,000
C340708-08	Camden County MUA— District I	<u>98,007,500</u>
		\$150,000,000

The loans authorized in this section shall be made in the amounts indicated, except as any such amount may be reduced by the trust pursuant to section 7 of this act. In the event that sufficient funds are available, the loan amount indicated for Project No. C340708-08 (Camden County MUA—District I) may be increased from \$98,007,500.00 up to \$104,569,500.00 if the other loan amounts authorized in this section exceed the amounts needed for these projects, or if one or more of the other projects listed in this section fail to meet the requirements of section 6 of this act.

3. The New Jersey Wastewater Treatment Trust is authorized to make loans to one or more local government units listed below or such other local government units as may undertake the priority wastewater treatment system projects listed in this section if the loan amounts authorized in section 2 of this act exceed the amounts needed to make loans for the projects listed in section 2 of this act, or if one or more of the projects listed in section 2 of this act fail to meet the requirements of section 6 of this act. To the extent sufficient funds are available, the trust shall make loans for the following projects in order of priority listing and in the amounts indicated, or as any such amount may be reduced by the trust pursuant to section 7 of this act as follows:

<i>Project No.</i>	<i>Local Government Unit</i>	<i>Loan Amount</i>
C340732-05	Cape May County MUA (Region)	\$11,680,000
C340656-02	Princeton Sewer Operating Comm.	5,999,500
C340708-07	Camden County MUA— District I	984,000

<i>Project No.</i>	<i>Local Government Unit</i>	<i>Loan Amount</i>
C340524-05	Camden County MUA— District II	\$ 3,728,500
C340640-03	Camden County MUA— Atlantic	23,327,000
C340533-03	Verona, Borough of	5,750,000
C340715-02	Madison-Chatham Joint Meeting	8,500,000
C340763-03	Tri-Borough—Cinnaminson	400,000
C340825-01	Berkeley Heights Township	3,061,000
C340474-03	New Providence, Borough of	2,228,500
C340388-03	Hanover Sewerage Authority	7,909,000
C340712-06	Burlington City	2,434,500
C340580-03	Phillipsburg	7,000,000
C340710-02	Maple Shade Township	5,195,000
C340381-03	Roxbury Township (Lamington)	9,738,000
		\$97,935,000

4. In accordance with and subject to the provisions of sections 5, 6 and 23 of P.L. 1985, c. 334 (C. 58:11B-5, 58:11B-6 and 58:11B-23) and as set forth in the financial plan required pursuant to section 21 of P.L. 1985, c. 334 (C. 58:11B-21), any proceeds from bonds issued by the trust to make loans for priority wastewater treatment system projects listed in sections 2 and 3 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of and interest and premium on the trust bonds whether when due or upon redemption. A portion of the proceeds from bonds issued by the trust to make loans for priority wastewater treatment system projects listed in sections 2 and 3 of this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses.

5. The wastewater treatment system projects listed in sections 2 and 3 of this act shall be known and may be cited as the "State Fiscal Year 1988 Project Priority List." The priority list shall expire on July 1, 1988, and any local government unit which has not executed a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

6. Any loan made by the New Jersey Wastewater Treatment Trust pursuant to this act shall be subject to the following requirements:

a. The project has been certified by the chairman of the trust as being in conformity with the provisions of P.L. 1985, c. 334 and any rules and regulations adopted pursuant thereto;

b. The loan shall be conditioned upon approval of a zero interest loan from the Department of Environmental Protection from the "Wastewater Treatment Fund" established pursuant to the "Wastewater Treatment Bond Act of 1985," P.L. 1985, c. 329;

c. The loan shall be repaid within a period not to exceed 20 years of the making of the loan;

d. The loan shall not exceed 50% of the allowable project cost of a wastewater treatment system, exclusive of capitalized interest and issuance expenses as provided in subsection b. of section 7 of this act;

e. The loan shall bear interest at or below the interest rate paid by the trust on the bonds issued to make the loans authorized by this act, adjusted for underwriting discount, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P.L. 1985, c. 334 (C. 58:11B-21); and

f. The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the purposes thereof as provided in section 9 of P.L. 1985, c. 334 (C. 58:11B-9) and as set forth in the financial plan required by section 21 of P.L. 1985, c. 334 (C. 58:11B-21).

7. a. The New Jersey Wastewater Treatment Trust is authorized to reduce the individual amount of loan funds made available to local government units pursuant to sections 2 and 3 of this act based upon low bid building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L. 1985, c. 334 (C. 58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2 and 3 of this act by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to this act; provided that the increase for issuance expenses, excluding underwriters' discount, shall not exceed .15% of the principal amount of trust bonds issued to make loans authorized by this act.

8. The expenditure of funds authorized pursuant to this act is subject to the provisions of P.L. 1985, c. 329 and P.L. 1985, c. 334

(C. 58:11B-1 et al.) and any rules and regulations adopted pursuant thereto.

9. This act shall take effect immediately, but shall remain inoperative until the enactment of P.L. 1987, c. 200 and P.L. 1987, c. 198.

Approved July 22, 1987.

CHAPTER 200

AN ACT appropriating moneys from the Wastewater Treatment Fund for the purpose of making zero interest loans to local government units to finance a portion of the costs of construction of wastewater treatment system projects.

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

1. There is appropriated to the Department of Environmental Protection from the "Wastewater Treatment Fund" established pursuant to the "Wastewater Treatment Bond Act of 1985," (P.L. 1985, c. 329), the sum of \$150,000,000.00 for the purpose of making zero interest loans to local government units to finance a portion of the costs of construction of wastewater treatment system projects.

2. The Department of Environmental Protection is authorized to make zero interest loans to the local government units listed below or such other local government units as may undertake the following priority wastewater treatment system projects:

<i>Project No.</i>	<i>Local Government Unit</i>	<i>Loan Amount</i>
C340459-03	Pequannock River Basin RSA	\$ 4,600,000
C340443-03	Edgewater, Borough of	6,328,500
C340502-02	Carney's Point Sewerage Authority	2,350,000
C340502-04	Penns Grove Sewerage Authority	1,457,000
C340488-03	Hopatcong, Borough of	12,787,500
C340548-03	Roxbury, Township of—LSH	2,238,000
C340541-03	Mount Arlington, Borough of	1,666,500
C340755-03	Willingboro MUA	8,034,500
C340874-01	Phillipsburg, Town of	503,000
C340763-04	Tri-Borough—Palmyra	1,552,500
C340868-01	Aberdeen Township MUA	2,000,000

<i>Project No.</i>	<i>Local Government Unit</i>	<i>Loan Amount</i>
C340869-01	Aberdeen Township MUA	\$1,000,000
C340447-04	Elizabeth City	4,300,000
C340449-03	Sussex County MUA—Newton	3,175,000
C340708-08	Camden County MUA—District I	98,007,500
		<u>\$150,000,000</u>

The zero interest loans authorized in this section shall be made in the amounts indicated, except as any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 6 of this act. In the event that sufficient funds are available, the loan amount indicated for Project No. C340708-08 (Camden County MUA—District I) may be increased from \$98,007,500 up to \$104,569,500 if the other loan amounts authorized in this section exceed the amounts needed for these projects, or if one or more of the other projects listed in this section fail to meet the requirements of section 5 of this act.

3. The Department of Environmental Protection is authorized to make zero interest loans to one or more local government units listed below or such other local government units as may undertake the priority wastewater treatment system projects listed in this section, if the loan amounts authorized in section 2 of this act exceed the amounts needed to make zero interest loans for the projects listed in section 2 of this act, or if one or more of the projects listed in section 2 of this act fail to meet the requirements of section 5 of this act. To the extent sufficient funds are available, the department shall make loans for the following projects, in order of priority listing and in the amounts indicated, or as any such amount may be reduced by the commissioner pursuant to section 6 of this act, as follows:

<i>Project No.</i>	<i>Local Government Unit</i>	<i>Loan Amount</i>
C340732-05	Cape May County MUA (Region)	\$11,680,000
C340656-02	Princeton Sewer Operating Comm.	5,999,500
C340708-07	Camden County MUA—District I	984,000
C340524-05	Camden County MUA—District II	3,728,500
C340640-03	Camden County MUA—Atlantic	23,327,000
C340533-03	Verona, Borough of	5,750,000
C340715-02	Madison-Chatham Joint Meeting	8,500,000
C340763-03	Tri-Borough—Cinnaminson	400,000
C340825-01	Berkeley Heights Township	3,061,000
C340474-03	New Providence, Borough of	2,228,500

<i>Project No.</i>	<i>Local Government Unit</i>	<i>Loan Amount</i>
C340388-03	Hanover Sewerage Authority	\$7,909,000
C340712-06	Burlington City	2,434,500
C340580-03	Phillipsburg	7,000,000
C340710-02	Maple Shade Township	5,195,000
C340381-03	Roxbury Township (Lamington)	9,738,000
		\$97,935,000

4. The wastewater treatment system projects listed in sections 2 and 3 of this act shall be known and may be cited as the "State Fiscal Year 1988 Project Priority List." The priority list shall expire on July 1, 1988, and any local government unit which has not executed a loan agreement with the department for a zero interest loan authorized in this act shall no longer be entitled to that loan.

5. Any loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

a. The project has been certified by the commissioner as being in conformity with the provisions of P.L. 1985, c. 329 and any rules and regulations adopted pursuant thereto;

b. The loan amount shall not exceed 50% of the allowable project cost of a wastewater treatment system;

c. The loan shall be repaid within a period not to exceed 23 years of the making of the loan;

d. The loan shall be conditioned upon approval of a loan from the New Jersey Wastewater Treatment Trust pursuant to P.L. 1987, c. 199; and

e. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include subordination of a loan authorized in this act to loans made by the trust pursuant to P.L. 1987, c. 199.

6. In order to provide flexibility in administering this act appropriating moneys from the "Wastewater Treatment Fund," the Commissioner of the Department of Environmental Protection may apply to the Director of the Division of Budget and Accounting for permission to reduce the amount of any loan made available pursuant to sections 2 and 3 of this act based upon low bid building costs defined in and determined in accordance with rules and regulations

adopted by the commissioner pursuant to section 4 of P.L. 1985, c. 329. Upon approval of the application by the director and by the Legislative Budget and Finance Officer, in writing, the commissioner shall make the adjustment.

7. The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P.L. 1985, c. 329 and any rules and regulations adopted by the commissioner pursuant thereto.

8. The Department of Environmental Protection shall provide general technical assistance to any local government unit requesting assistance regarding wastewater treatment system project development or applications for funds for a project.

9. All repayments of loans made pursuant to this act shall be deposited in the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L. 1985, c. 329.

10. This act shall take effect immediately, but shall remain inoperative until the enactment of P.L. 1987, c. 199 and P.L. 1987, c. 198.

Approved July 22, 1987.

