

LAWS=NEW JERSEY
1980

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ACTS
OF THE
First Annual Session
OF THE
One Hundred and Ninety-ninth Legislature
OF THE
STATE OF NEW JERSEY
AND
Twenty-eighth Under the New Constitution



New Jersey State Library

1980

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

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Secretary of State.

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L A W S

ACTS
ENACTED BY THE
First Annual Session
OF THE
One Hundred and Ninety-ninth Legislature

CHAPTER 1

AN ACT to provide a special charter for the city of Atlantic City in the county of Atlantic.

WHEREAS, The governing body of the city of Atlantic City has duly petitioned the Legislature for the passage of a special law to provide a new charter for the city, pursuant to Article IV, Section VII, paragraph 10 of the Constitution of 1947, in accordance with the procedure prescribed by P. L. 1948, c. 199 (C. 1:6-10 et seq.); and

WHEREAS, Notice of intention to apply for the passage of such special law has been duly published, and the original of the petition, together with a duly certified copy of the resolution authorizing the filing of the same, have been duly presented and filed; now therefore,

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

1. The charter of the City of Atlantic City is set forth as follows:

ARTICLE 1. INCORPORATION AND POWERS

Section 1-1. This charter shall be known and may be cited as the "Atlantic City Charter (1980)".

Section 1-2. Municipality governed by plan adopted. Upon the adoption by the qualified voters of Atlantic City of this Charter,

the City shall be governed by this Charter, and by all applicable provisions of general law, subject to the transitional provisions of Article 8 of this Charter, unless and until the City shall adopt another form of government as provided by law.

Section 1-3. Body corporate. The inhabitants within the corporate limits of Atlantic City as now established shall be and remain a body corporate and politic with perpetual succession, with such corporate name as has been heretofore adopted or may hereafter be adopted.

Section 1-4. General law defined. As used in this Charter, "general law" shall mean all statutory provisions of the State of New Jersey which are now or may hereafter be applicable specifically to the City of Atlantic City, or to all cities of the fourth class or to all cities alike, or to all municipalities, provided the same are not inconsistent with the Charter or, if inconsistent, specifically supersede all Charter provisions to the contrary.

Section 1-5. Municipal powers. The City of Atlantic City shall, subject to the provisions of this Charter and of general law, have full power to:

a. Organize and regulate its internal affairs, and establish, alter, and abolish offices, positions and employments and define the functions, powers and duties thereof and fix their term, tenure and compensation;

b. Adopt and enforce ordinances of all kinds and impose penalties for the violation thereof, by fine or imprisonment, or both, as authorized by general law; construct, acquire, operate or maintain, any and all public improvements, projects or enterprises for any public purpose, subject to such referendum requirements as may be imposed by general law; and exercise all powers of local government in such manner as its governing body may determine;

c. Sue and be sued; have a corporate seal; contract and be contracted with; buy, sell, lease, hold and dispose of real and personal property; appropriate and expend moneys; and, adopt, amend and repeal such ordinances and resolutions as may be required for the good government thereof;

d. Exercise powers of condemnation, borrowing and taxation in the manner provided by general law.

Section 1-6. Construction. The general grant of municipal power contained in this Charter is intended to confer the greatest power of local self-government consistent with the Constitution of this

State. Any specific enumeration of municipal powers contained in this Charter or in any other general law shall not be construed in any way to limit the general description of power contained in this Article, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general by this Article. All grants of municipal power, whether in the form of specific enumeration or general terms, shall be liberally construed, as required by the Constitution of this State, in favor of the municipality.

ARTICLE 2. MAYOR AND COUNCIL

Section 2-1. Elected officials. Atlantic City shall be governed by an elected council, an elected mayor, and by such other officers and employees as may be duly appointed pursuant to this Charter, general law, or ordinance.

Section 2-2. Mayor term. The mayor shall be elected by the voters of Atlantic City at a general election, to be held on the first Tuesday after the first Monday in November, or at such other times as may be provided by law for holding general elections, and shall serve for a term of 4 years, except as hereinafter provided for the mayor first elected, beginning on January 1 next following his election.

Section 2-3. Council term. The council shall consist of seven members, six of whom shall be elected from three wards, two from each ward, and one of whom shall be elected at large, at a general election to be held on the first Tuesday after the first Monday in November, or at such other times as may be provided by law for holding general elections. Each council member shall serve for a term of 4 years, except as hereinafter provided for those first elected, beginning on January 1 next following his election.

Section 2-4. The City shall be divided into three wards, in the manner provided for the division into wards of municipalities having adopted the "Optional Municipal Charter Law" (P. L. 1950, c. 210; C. 40:69A-1 et seq.) in Subarticle G. of Article 17 of said Act (C. 40:69A-197 through 40:69A-204).

Section 2-5. Terms of first mayor and councilmen. At the first election following the adoption of this Charter by Atlantic City, as provided for in Article 8 of this Act, one councilman shall be elected at large, and one councilman shall be elected from each

ward, each to serve for a term to expire on January 1, 1985. One councilman shall be elected from each ward to serve for a term to expire on January 1, 1983. At such first election, a mayor shall be elected to serve for a term to expire on January 1, 1985. The terms of the mayor and councilmen first elected shall begin on the date this Charter becomes effective and officers are installed, pursuant to Section 8-2 of this Act, and shall extend until their successors shall take office, pursuant to Section 2-2 or Section 2-3 of this Charter, as the case may be.

Section 2-6. Qualifications for mayor and members of council. The Mayor and council members shall be citizens of the United States and qualified voters of the City. They shall remain residents of the City throughout their terms of office. Neither the mayor nor any council member, during his term of office, shall hold any other compensated position in the government of Atlantic City, nor any other elected office.

Section 2-7. Legislative powers. The legislative power of Atlantic City shall be exercised by the City council, except as may be otherwise provided by general law.

Section 2-8. Additional powers. The council, in addition to such other powers and duties as may be conferred upon it by this Charter or otherwise by general law, may in its discretion require any municipal officer to prepare and submit sworn statements regarding his official duties and the performance thereof, and otherwise investigate the conduct of any department, office or agency of the municipal government.

Section 2-9. Municipal clerk: Duties, Qualifications. The council shall appoint a municipal clerk, who shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this Charter requires, and perform such functions as may be required by law. The municipal clerk shall, prior to appointment, have been qualified by training or experience to perform the duties of the office.

Section 2-10. Meetings of council: Open to public, Minutes. The council shall by ordinance or resolution designate the time of holding regular meetings, which shall be at least monthly. The mayor or council president may, and upon written request of a majority of the members of the council shall, call a special meeting of the council. In the call he shall designate the purpose of the special meeting, and no other business shall be considered. All

meetings of the council shall be open to the public. The municipal clerk shall keep a journal of its proceedings and record the minutes of every meeting.

Section 2-11. Rules of procedure.

a. The council shall determine its own rules of procedure, not inconsistent with ordinance or general law. A majority of the members of the council shall constitute a quorum, but no ordinance shall be adopted by the council without the affirmative vote of a majority of all the members of the council.

b. Each ordinance or resolution shall be introduced in written or typewritten form and shall be read and considered as provided by general law. The vote upon every motion, resolution or ordinance shall be taken and the yeas and nays shall be entered on the minutes. After approval, the minutes of each meeting shall be signed by the officer presiding at such meeting and by the municipal clerk.

c. The compensation of the mayor, councilmen and department heads shall be fixed by the council immediately after its organization but the compensation of the council president shall not be less than seventy-five percent of that of the mayor. The compensation of the mayor and president of council shall be sufficient to allow their occupants to devote full time to the duties of these respective offices.

Section 2-12. Adoption and publication of ordinances; proviso.

a. Except as may otherwise be provided herein, all ordinances shall be adopted and published in the manner required by general law; provided, however, that any ordinance may incorporate by reference any standard technical regulations or code, official or unofficial, which need not be so published whenever ten copies of said regulations or code have been placed on file in the office of the municipal clerk and in the office of the body or department charged with the enforcement of said ordinance for the examination of the public, so long as said ordinance is in effect.

b. No ordinance other than the local budget ordinance shall take effect less than 20 days after its final passage by council and approval by the mayor, where such approval is required, unless the council shall adopt a resolution declaring an emergency and at least two-thirds of all the members of the council vote in favor of such resolution.

Section 2-13. Ordinances: Compiling, codifying, indexing, binding. The municipal clerk shall record all ordinances and resolutions adopted by the council and, at the close of each year, with the advice

and assistance of the municipal attorney, shall bind, compile or codify all the ordinances and resolutions, or true copies thereof, of the municipality which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances and resolutions.

Section 2-14. Rules and regulations: Filing, publishing. No rule or regulation made by any department, officer, agency or authority of the City, except such as relates to the organization or internal management of the City government, or a part thereof, shall take effect until it is filed either with the municipal clerk or in such other manner as may be provided by ordinance. The council shall provide for the prompt publication of such rules and regulations.

ARTICLE 3. COUNCIL PRESIDENT

Section 3-1. Duties. The council president shall preside at all council meetings and perform such other duties not set forth in this Article as the council may prescribe. The council president shall organize and direct the staff operations of the council and, subject to the approval of the council, appoint and dismiss individual staff members serving the council, and administer a compensation and promotion plan for such staff, as established by the council.

Section 3-2. Auditor.

The council president shall, subject to the approval of the council, appoint an Auditor who shall be a Registered Municipal Accountant. It shall be the duty of the Auditor to:

a. Conduct post-audits of all transactions and accounts kept by or for all departments, offices and agencies of the City government, and perform for the City all auditing functions and measures prescribed by the "Local Fiscal Affairs Law" (N. J. S. 40A:5-1 et seq.);

b. Examine and post-audit all the accounts, reports and statements and make independent verifications of all assets, liabilities, revenues and expenditures of the City, its departments, institutions, boards, commissions, officers, and any and all other City agencies, hereinafter called "accounting agencies." The officers and employees of each accounting agency shall assist the Auditor when and as required by him, in the performance of the duties prescribed in this section. No City department, board, commission or other agency of the City government shall employ auditors

for the purpose of auditing the books and accounts of any such department, board, commission or other agency, but shall rely exclusively on the Auditor for the performance of such duties, unless permission shall be given in writing by both the mayor and the council president;

c. At the request of the council, make, or cause to be made by contract with independent firms or consultants, studies and reports with respect to the economy, internal management control, and compliance with law, ordinance and regulation of the operations of City and City-supported agencies;

d. Report in writing to the council and to the mayor the findings of any special condition disclosed by audit of the City accounts. Such reports shall be made to the council and mayor as promptly as possible after the conclusion of every audit and investigation made or caused to be made by the office;

e. Report, forthwith, to the mayor and the council any and all instances of malfeasance, misfeasance or nonfeasance which may be disclosed by any audit or investigation, and report to the mayor and the council of the willful or negligent failure or refusal of any City officer or department head to keep or have kept such accounts, render such reports, or perform such other duties as the Auditor may require thereof for the performance of the duties prescribed in this section;

f. Collect and assemble factual information relating to the fiscal affairs of the City for the use of the council;

g. Report to the council upon any subject as the council may require for performing its duties as set forth in this Charter.

Section 3-3. Membership on Boards and Commissions: The council president shall serve as an ex officio member of all duly constituted municipal boards and commissions.

Section 3-4. Term of council president, vacancy. The president of council shall be elected by, and from among, the members of the council and shall serve for a term of 2 years, unless removed for cause by a vote of two-thirds of the entire council. In the event of vacancy in the office of president of council, howsoever caused, the successor shall be elected by, and from among, the members of the council, to serve for the unexpired balance of the term.

ARTICLE 4. MAYOR AND ADMINISTRATION

Section 4-1. Executive powers. The executive power of Atlantic City shall be exercised by the mayor.

Section 4-2. Mayor's duties. The mayor shall enforce the Charter and ordinances of the City and all general laws applicable thereto. The mayor shall make the duties of his office his primary occupation and shall not assume any other occupation or employment which shall limit his ability to perform such duties. He shall annually report to the council and the public on the work of the previous year and on the conditions and requirements of the City government and shall from time to time make such recommendations for action by the council as he may deem in the public interest. He shall supervise all of the departments of the City government and shall require each department to make an annual and such other reports of its work as he may deem desirable.

Section 4-3. Adoption of ordinances: veto by mayor. Ordinances adopted by the council shall be submitted to the mayor, and he shall within 10 days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the municipal clerk, together with a statement setting forth his objections thereto, or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to the council within 10 days after it has been presented to him, or unless the council upon reconsideration thereof on or after the third day following its return by the mayor shall, by a vote of two-thirds of the members, resolve to override the mayor's veto.

Section 4-4. Acting mayor. The mayor shall designate the business administrator, any other department head, or the municipal clerk to act as mayor whenever the mayor shall be prevented by absence from the City, disability or other cause from attending to the duties of his office. During such time the person so designated by the mayor shall possess all the rights, powers, and duties of mayor. Whenever the mayor shall have been unable to attend to the duties of his office for a period of 60 consecutive days for any of the above-stated reasons, the council president shall become the acting mayor and shall succeed to all the rights, powers and duties of the mayor or the then acting mayor.

Section 4-5. Departments, limitation, directors, appointment and removal of subordinates.

a. Atlantic City shall have a Department of Administration and such other departments, not exceeding nine in number, as the council may establish by ordinance. All of the administrative functions, powers and duties of the City shall be allocated and assigned among and within such departments.

b. Each department shall be headed by a director, who shall be appointed by the mayor with the advice and consent of the council. Each department head shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor.

c. The mayor may in his discretion remove any department head.

d. Department heads shall appoint subordinate officers and employees within their respective departments and may, with approval of the mayor, remove such officers and employees subject to the provisions of Title 11 (Civil Service) of the Revised Statutes.

e. Members of all boards, commissions, authorities and agencies shall be appointed by the Mayor, with approval of council, unless otherwise provided by general law.

Section 4-6. Business administrator, qualifications, duties.

The Department of Administration shall be headed by a director who shall be known and designated as business administrator. He shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office, as hereinafter set forth. At the time of his appointment, he need not be a resident of the City or State but, during his tenure of office, he may reside outside the City only with the approval of council. He shall have, exercise and discharge the functions, powers and duties of the department. The department, under the direction and supervision of the mayor, shall:

a. assist in the preparation of an annual budget and capital program;

b. administer a centralized purchasing system;

c. be responsible for the development and administration of a sound personnel system;

d. perform such other duties as the council may prescribe; and,

e. the business administrator shall also, subject to the direction of the mayor, supervise the administration of each of the depart-

ments established by ordinance. For this purpose, he shall have power to investigate the organization and operation of any and all departments, to prescribe standards and rules of administrative practice and procedure, and to consult with the heads of the departments under his jurisdiction; provided, however, that with respect to any department of law, the authority of the business administrator under this subsection shall extend only to matters of budgeting, personnel and purchasing.

Section 4-7. Preparation of City budget.

The City budget shall be prepared by the mayor with the assistance of the business administrator. During the month of November, the mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor or the business administrator at public hearings, which shall be held during that month, on the various requests.

Section 4-8. Recommended budget.

On or before January 15th of each year, the mayor shall submit to council his recommended budget, together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as is required by law for municipal budgets and shall, in addition, have appended thereto a detailed analysis of the various items of expenditure and revenue. Council may reduce any item or items in the mayor's budget by a vote of a majority of the council, but an increase in any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of the council.

ARTICLE 5. OFFICERS AND EMPLOYEES

Section 5-1. Officer and employee restrictions.

No officer or employee elected or appointed in Atlantic City shall be interested directly or indirectly in any contract or job for work or materials, or the profits thereof, to be furnished or performed for the municipality.

Section 5-2. Special privileges prohibited.

No officer or employee shall accept or receive, directly or indirectly, from any person operating within the territorial limits of Atlantic City any casino, interurban railway, street railway, gasworks, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange, or other business using or

operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any person, any other service upon terms more favorable than are granted to the public generally, except that such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor shall any free service to the municipal officials heretofore provided by any franchise or ordinance be affected by this section.

Section 5-3. Promise of rewards prohibited.

No candidate for office, appointment or employment, and no officer, appointee, or employee in Atlantic City shall directly or indirectly give or promise any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office or employment to which he may be or may have been elected or appointed.

Section 5-4. Persons convicted of offenses: penalty.

Any person convicted of a crime or offense involving moral turpitude shall be ineligible to assume any municipal office, position or employment in the City and, upon conviction thereof while in office, shall forfeit his office; provided, however, that any person convicted of such an offense who has achieved a degree of rehabilitation which, in the opinion of the appointing authority and the Civil Service Commission, as to employment subject to the Civil Service Law, indicates his employment would not be incompatible with the welfare of society and the aims and objectives of the governmental agency, may be considered eligible to apply for employment or be continued in employment. Any person who shall violate any of the provisions of Sections 5-1, 5-2, or 5-3 of this Article shall, upon conviction thereof in a court of competent jurisdiction, forfeit his office.

Section 5-5. Failure to appear and testify; grounds for removal: penalty.

If any person hereafter elected or appointed to any office or position in Atlantic City shall, after lawful notice or process, willfully refuse or fail to appear before any court, any legislative committee, or the Governor or, having appeared, shall refuse to testify or to answer any questions regarding the property, government or affairs of the municipality, or regarding his nomination, election, appointment or official conduct, on the grounds

that his answer would tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any matter in relation to which he may be asked to testify, he may be removed from office by the governing body of the municipality in its discretion. Any person removed from office pursuant to this section shall not thereafter be eligible for election or appointment to any office or employment in the City.

ARTICLE 6. RECALL, INITIATIVE AND REFERENDUM

Section 6-1. Recall.

The mayor and each councilman shall be subject to removal from office for cause connected with his office, after he has served at least 1 year, by recall in the manner set forth in subarticle D of Article 17 of the "Optional Municipal Charter Law" (C. 40:69A-168 through C. 40:69A-178), except where the provisions of said subarticle may be specifically superseded by general law.

Section 6-2. Initiative.

Except as otherwise provided by general law, the voters of Atlantic City may propose any ordinance and may adopt or reject the same at the polls, such power being known as the initiative.

Section 6-3. Referendum.

Except as otherwise provided by general law, the voters of Atlantic City shall also have the power of referendum, which is the power to approve or reject at the polls any ordinance submitted by the council to the voters, or any ordinance passed by the council against which a referendum petition has been filed.

Section 6-4. Initiative and Referendum: procedures.

The powers of initiative and referendum shall be exercised in accordance with the procedural and other requirements and limitations set forth in subarticle F of article 17 of the "Optional Municipal Charter Law" (C. 40:69A-184 through C. 40:69A-196), except where the provisions of said subarticle may be specifically superseded by general law.

ARTICLE 7. APPLICABILITY OF OTHER LAW

Section 7-1. General law.

Any provision of general law, not inconsistent with this Charter, shall be applicable to Atlantic City.

Section 7-2. Provisions of Optional Municipal Charter Law.

Any provision of law heretofore or hereafter adopted, not inconsistent with this Charter, which is by its terms applicable to all municipalities having adopted the provisions of the "Optional Municipal Charter Law" (P. L. 1950, c. 210; C. 40:69A-1 et seq.), or which is by its terms applicable to all municipalities having adopted Article 8 (Mayor-Council Plan F) of said Act (C. 40:69A-74 through C. 40:69A-80), shall be applicable to Atlantic City.

ARTICLE 8. SUCCESSION IN GOVERNMENT**Section 8-1. Schedule of installation of charter.**

The schedule of installation of this Charter shall, as provided herein, take the following course:

a. An election to submit the question of adoption of this Charter shall be held, notwithstanding the provisions of section 9 of P. L. 1948, c. 199 (C. 1:6-18), at a special election to be held on Tuesday, February 26, 1980;

b. If at said election a majority of all the valid votes cast for and against the adoption of this Charter shall be cast in favor of the adoption thereof, the Charter shall take effect and become operative in accordance with its terms;

c. In the event of a favorable vote of the voters at said election, no election shall be held for the election of officers under the existing charter during the period intervening between the date of the election at which such vote occurred and the first Tuesday in November 1980, and the terms of officers holding office on the date of the election at which such vote occurred shall extend to, and terminate on November 17, 1980;

d. In the event of a favorable vote of the voters at said election, the first election of officers under the adopted Charter shall take place on the first Tuesday in November 1980.

Section 8-2. Prior charter superseded: Ordinances effective.

The Charter shall take effect and the installation of officers shall occur November 17, 1980. Upon this date any other charter and its amendments and supplements theretofore applicable to the City shall be superseded by this Charter. All ordinances and resolutions of the City to the extent that they are not inconsistent with the provisions of this Charter shall remain in full force and effect until modified or repealed, as provided by law.

Section 8-3. Existing offices abolished on effective date of Charter: exceptions.

At 12 o'clock noon on the effective date of this Charter, all offices then existing in Atlantic City shall be abolished and the terms of all elected and appointed officers shall immediately cease and determine; provided, however, that nothing in this section shall be construed to abolish the office or terminate the term of office of any member of the board of education, board of trustees of the free public library, local housing authority, Municipal Utilities Authority, or of the municipal judge, municipal clerk, or any official or employee now protected by any tenure of office law, or of any policeman, fireman, teacher, principal or school superintendent whether or not protected by a tenure of office law. Nothing herein contained shall affect the tenure of office of any person holding a position or office coming within the provisions of Title 11 (Civil Service) of the Revised Statutes as it applies to any officers and employees. Provision for officers and for the organization and administration of the municipal government under this Charter may be made by resolution pending the adoption of ordinances, but any such resolution shall expire not later than 90 days after the effective date of this Charter.

Section 8-4. Appointment, limitation: substitution of officers.

a. No subordinate board, department, body, office, position or employment shall be created and no appointments shall be made to any subordinate board, department or body, or to any office, employment or position, including without limitation patrolmen and firemen, between the date of election of officers and the date newly elected officers take office under the Charter.

b. All actions and proceedings of a legislative, executive or judicial character which are pending upon the effective date of this Charter may continue and the appropriate officer or employee under the Charter shall be substituted for the officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

2. Charter severable. If any clause, sentence, paragraph, section or part of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have rendered.

3. There shall be printed on each official ballot to be used at the election for the adoption of this charter, the following:

If you favor the proposition printed below make a cross (×), plus (+) or check (✓) in the square opposite the word "Yes." If you are opposed thereto make a cross (×), plus (+), or check (✓) in the square opposite the word "No."

	Yes.	Shall "An act to provide a special charter for the city of Atlantic City in the county of Atlantic," providing for a Mayor-Council form of government with seven councilmen, one to be elected at large and six to be elected by ward, based upon Mayor-Council Plan F of the "Optional Municipal Charter Law," be adopted?
	No.	

If voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instruction to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

4. Validation. All proceedings of the governing body of the city of Atlantic City, county of Atlantic, relating to this act, and to the petition of the Legislature for the passage of a special act, and the time and manner of publication of notice of intention to apply therefor, are hereby ratified, confirmed and validated.

5. Effective date. This act shall take effect immediately, subject to the results of the referendum herein provided. Following such referendum the municipal clerk shall forthwith file his certificate of the results of the referendum on the public question with the Secretary of State, and the charter shall become operative as provided in article 8 of the charter.

Approved January 17, 1980.

CHAPTER 2

AN ACT concerning county and municipal budgets and supplementing Title 40A of the New Jersey Statutes.

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

1. Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval and adoption of local budgets for the year 1980 shall be as follows:

a. Introduction and approval. The governing body shall introduce and approve the annual budget:

(1) In the case of a county, not later than March 5 of the fiscal year; and,

(2) In the case of a municipality, not later than March 19 of the fiscal year.

b. Adoption. The budget shall be adopted in the case of a county not later than April 2, and in the case of a municipality not later than April 26 of the fiscal year, except that the governing body may adopt the budget at any time within 10 days after the Director of Local Government Services shall have certified his approval thereof and returned the same, if such certification shall be later than the date of the advertised hearing.

2. Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval and adoption of taxation, county board advisement to director of failure to receive budget, and filling out of the table of aggregates for late budgets for the year 1980 shall be as follows:

a. Budget to be transmitted to county board of taxation. The clerk of the local unit shall transmit a certified copy of the budget, as adopted, to the county board not later than May 9 of the fiscal year.

b. County board to advise director of failure to receive budget. Where the county board has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a taxing district not later than May 9 of the fiscal year, the said board shall immediately notify the director of such failure.

c. Table of aggregates for late budgets. Immediately upon receipt of the director's certificate and in any event on or before May 17

of the fiscal year, the county board shall fill out the table of aggregates required by R. S. 54:4-52 and shall determine the amount of "other local taxes" for the year based upon the certificate of the director.

If the local unit shall have adopted a budget for the fiscal year and shall have transmitted a certified copy thereof to the county board on or before May 17, the said board may substitute the adopted budget in the place of the amount certified by the director, but no such substitution shall be made after May 17 of the fiscal year.

3. Notwithstanding the provisions of law to the contrary, the dates concerning the preparation of the table of aggregates for the year 1980 shall be extended from May 3 to May 19.

4. The governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of the 1980 budget, shall, by resolution adopted prior to March 1 of the 1980 fiscal year, make appropriations, in addition to any temporary appropriations made pursuant to N. J. S. 40A:4-19, to provide for the period between February 25, in the case of a county, or March 20, in the case of a municipality, and the adoption of the 1980 budget. The total of the appropriations so made shall not exceed 1/12 of the total of the appropriations made for all purposes in the budget for the 1979 fiscal year excluding, in both instances, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance.

5. This act shall take effect immediately, and shall be retroactive to January 1, 1980.

Approved January 22, 1980.

CHAPTER 3

AN ACT concerning the holding of referenda on municipal budgets during the 1980 budget year.

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

1. Notwithstanding the provisions of P. L. 1979, c. 268 (C. 40A:4-45.3a) to the contrary, any referendum conducted during

the 1980 budget year by a municipality pursuant to subsection i of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3i), for the purpose of requesting approval for increasing the municipal budget by more than 5% over the previous year's final appropriations, shall be held on Tuesday, February 26 or on Tuesday, April 8, 1980 as the governing body shall determine. The municipal budget proposing such increase shall be introduced and approved in the manner otherwise provided in N. J. S. 40A:4-5 at least 20 days prior to the date on which such referendum is to be held, and shall be published in the manner otherwise provided in N. J. S. 40A:4-6 at least 12 days prior to said referendum date.

2. This act shall take effect immediately, shall be retroactive to January 1, 1980, and shall expire December 31, 1980.

Approved February 5, 1980.

CHAPTER 4

AN ACT concerning district supervisors of soil conservation districts and repealing section 8 of P. L. 1979, c. 459 (C. 4:24-21.1).

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

Repealer.

1. Section 8 of P. L. 1979, c. 459 (C. 4:24-21.1).

2. This act shall take effect immediately.

Approved February 27, 1980.

CHAPTER 5

AN ACT concerning the allocation, certification and election of delegates and alternates to the 1980 Republican National Convention.

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

1. Notwithstanding any provision of Title 19, Elections, of the Revised Statutes or rules of the Republican National Committee to the contrary, the Secretary of State shall certify to the several county clerks and county boards of elections that the 21 delegates-at-large and 21 alternates-at-large allocated by the Republican National Committee for election to the 1980 Republican National Convention from New Jersey shall be chosen as follows: a. six delegates-at-large and six alternates-at-large to be elected by the voters of the party throughout the State, b. one delegate-at-large and one alternate-at-large to be elected by the voters of the party in each of the 15 New Jersey Congressional districts and c. of the 45 district delegates and alternates allocated to New Jersey, three delegates and alternates to be elected by the voters of the party in each of the 15 Congressional districts.

2. This act shall take effect immediately.

Approved February 28, 1980.

CHAPTER 6

AN ACT concerning fiduciaries' compensation and supplementing chapter 10 of Title 3A of the New Jersey Statutes.

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

C. 3A:10-2.4 Annual notice of interim corpus commissions.

1. A fiduciary acting as trustee under a will or acting as a guardian, within 60 days after the end of each tax year of the trust or guardianship, shall furnish to each beneficiary currently receiving income, and to any other beneficiary interested in the income and to any person interested in the principal of the trust who shall make a demand therefor, a statement showing any corpus commissions taken during the tax year and the basis upon which those commissions were computed, including the inventory value and value as of the date the commissions were computed.

2. This act shall take effect immediately.

Approved February 29, 1980.

CHAPTER 7

AN ACT concerning juries, and amending N. J. S. 2A:70-1.

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

1. N. J. S. 2A:70-1 is amended to read as follows:

Grand and petit jury lists; number of names.

2A:70-1. The jury commissioners of each county shall, at least 40 days prior to the commencement of each stated session of the Superior Court in their county, make two lists, alphabetically arranged and consecutively numbered, of persons liable to jury duty, having regard to the just distribution of jury service among those persons qualified therefor in the various wards and municipalities of such county. The lists shall state their occupation and places of abode, showing their respective municipalities and wards, if any, in municipalities, and shall be designated respectively the "grand jury list" and the "petit jury list." The number of persons named on the grand jury list shall at no time be less than 125 nor more than 500, to be determined by the assignment judge of the Superior Court for the county. The number of persons named on the petit jury list shall at no time be less than 250, the number to be determined by such assignment judge. A copy of each list shall be delivered forthwith to such assignment judge. The board of chosen freeholders of any county by resolution may provide for the purchase and use of the jury commissioners of the county electromechanical devices commonly designated automatic business machines with punch cards and card sorting machines.

2. This act shall take effect immediately.

Approved March 5, 1980.

CHAPTER 8

AN ACT concerning the financial responsibility of counties for certain patients maintained in State institutions and supplementing chapter 4 of Title 30 of the Revised Statutes.

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

C. 30:4-68.1 Satisfaction of payments by counties; liability due to loss of accreditation; credit for certain obligations.

1. In the case of Medicaid and Medicare eligible patients, the maintenance costs to be paid by the counties shall be satisfied by Federal Medicaid or Medicare payments to the State. Should a State hospital for the mentally ill lose its accreditation and subsequently not receive Federal Medicaid and Medicare payments, the counties shall not be liable for the maintenance of Medicaid or Medicare eligible county patients.

In the case of any county which has incurred an obligation to the State for the maintenance of such patients between December 21, 1975 and January 1, 1980, $\frac{1}{3}$ of its obligation shall be forgiven. Any county which has made payments on account of such obligation shall receive a credit, to the extent that such payments exceed $\frac{2}{3}$ of its total obligation, against obligations due to the State for other patients.

2. This act shall take effect immediately and be retroactive to January 1, 1980.

Approved March 14, 1980.

CHAPTER 9

AN ACT to amend "A supplement to the 'Solid Waste Management Act (1970),' approved May 6, 1970 (P. L. 1970, c. 39; C. 13:1E-1 et seq.)," approved October 7, 1976 (P. L. 1976, c. 99).

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

1. Section 5 of P. L. 1976, c. 99 (C. 13:1E-42) is amended to read as follows:

C. 13:1E-42 Installation of system for interception, collection and treatment of leachates; departmental approval; permission for temporary disposal of septage and sewage sludge.

5. After March 15, 1980, no solid waste facility shall accept or receive for disposal, any hazardous waste, chemical waste, bulk liquid or pesticide unless such facility has installed a system for the interception, collection and treatment of any and all leachate generated at the facility, and has obtained approval from the department for the entire system. Requests for department approval may be in the form of an addendum to the registration statement submitted in accordance with section 5 (C. 13:1E-5) of the act to which this act is a supplement, shall be prepared by a New Jersey licensed professional engineer, and shall include detailed engineering drawings and specifications of the proposed system. In addition, requests for department approval shall specify the exact nature and quantity of the waste to be accepted at the facility, the method of handling and treating those wastes, and shall include proof that all necessary permits and licenses have been obtained for any discharge into the waters of the State.

Notwithstanding any provisions of this section to the contrary, the department may permit the temporary disposal of septage and sewage sludge at designated solid waste facilities, to the extent necessary to implement comprehensive plans and requirements for sludge management and septage management pursuant to law, and as necessary to meet short-term emergencies identified by the department. The permission shall be by written order fixing the date by which the disposal shall cease, which date shall be no later than March 15, 1981, in the case of septage and March 15, 1985 in the case of sewage sludge, and such date as the department deems reasonable in cases of emergency.

2. This act shall take effect immediately.

Approved March 14, 1980.

CHAPTER 10

AN ACT concerning the taxation of certain public utilities, and amending and supplementing P. L. 1940, c. 4.

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

1. Section 9 of P. L. 1940, c. 4 (C. 54:30A-24) is amended to read as follows:

C. 54:30A-24 Apportionment of taxes; certification to State Treasurer; payment of tax; appeal and review; lien on property; discounts, interests and penalties.

9. The balance of the excise tax imposed under subsection (a) of section 3 of this act upon each taxpayer in the year 1940 and each year thereafter is hereby apportioned, subject to the provisions of section 2 of this amendatory and supplementary act, to the various municipalities of this State in the proportion that the apportionment value of the scheduled property of such taxpayer located in, on or over any public street, highway, road or other public place in each municipality as of the preceding July 1 bears to the total apportionment value of such scheduled property of such taxpayer in this State as of that date. The Director of the Division of Taxation shall annually, on or before May 1, 1941 and May 1 in each year thereafter, compute and apportion the balance of such excise taxes in the manner herein set forth. Within 5 days after making such computation and apportionment the director shall certify to the State Treasurer the amount of such taxes apportioned to each municipality. At the same time, the director shall issue directly to each taxpayer statements of taxes due, and payments with respect thereto shall be remitted by each taxpayer to the director in the following manner: 35% thereof within 15 days after the date of certification of the apportionment by the director, 35% thereof on or before August 15 and 30% thereof on or before November 15. If for any reason, the making and delivery of such certificate of apportionment shall be delayed until after December 1 in any year, then and in that case, all of such taxes for such year affected by such certificate of apportionment shall become due and payable 30 days after the date of such certification of apportionment; and provided that in case of an appeal from any apportionment valuation or apportionment or any review thereof in any court, the portion of any such tax not paid prior to the commencement of such appeal or proceedings for review shall not become payable until 30 days after final determination of such appeal or review and certification or recertification, if required. The taxes payable by each taxpayer shall be and remain a first lien on the property and assets of such taxpayer on and after the date the same become payable as herein provided until paid with interest thereon, and the same shall be collected in the same manner and subject to the same discounts, interests and penalties as other taxes, and the same proceedings now available for the collection of personal taxes against other

corporations or individuals shall be applicable to the collection of the excise taxes hereby imposed and payable.

C. 54:30A-24.1 Apportionment to municipalities; exceptions; determination of per capita amounts; annual payment; anticipation of amount in budget; rules and regulations.

2. (New section) The director shall annually apportion to each municipality the amount to be apportioned to it pursuant to section 9 of P. L. 1940, c. 4 (C. 54:30A-24), except that: a. no municipality which in the 3 next preceding tax years had a municipal purposes tax rate of \$0.10 or less shall receive a total amount 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.) greater than it received in 1979, plus 50% of the difference between the amount it received pursuant to those laws in that year and the greater amount it would have received pursuant to those laws in the year for which the apportionment and payment is made; and, b. in no year shall any municipality receive an amount 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.) greater than an amount equal to \$700.00 per capita. Any contiguous municipalities wherein there are located electric generating stations included in the scheduled property of a public utility, both or all of which municipalities would be affected by a. above but would not be limited by b. above, shall not be affected by the apportionment limitations of this section. Any municipality which has had a municipal purposes tax rate of \$0.10 or less for any 3 tax years affecting its apportionment pursuant to this section shall be required to have a municipal purposes tax rate in excess of \$0.10 for 3 consecutive tax years before its apportionment shall cease to be affected pursuant to this section.

If in 1980 or any year thereafter, the application of the \$700.00 per capita limitation under this section would reduce the amount received by any municipality 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.) to less than 50% of the amount received pursuant to those laws in 1979, then, notwithstanding that limitation, the municipality shall receive in 1980 an amount equal to 50% of the amount received in 1979, and in any year thereafter an amount equal to 75% of the amount received in 1979; but in 1981 and each year thereafter such municipality shall annually appropriate and pay to the county in which it is located an amount equal to 35% of the amount received in that year, to be used for county purposes.

For the purposes of this section in determining per capita amounts, the most recent population estimates published by the New Jersey Department of Labor and Industry shall be utilized.

Amounts apportioned in each year to each municipality shall be annually paid to them by the State Treasurer, 25% thereof within 30 days after the date of certification of the apportionment by the director; 40% thereof on or before September 1, and 35% thereof on or before December 1 next thereafter. Any portion of the balance set forth in section 9 of P. L. 1940, c. 4 (C. 54:30A-24) remaining after the apportionments and payments are determined pursuant to this section shall be deposited in the "Municipal Purposes Tax Assistance Fund," established pursuant to P. L. 1980, c. 12 (C. 54:1-46 et seq.), to be used exclusively for the purpose of that fund.

Notwithstanding the provisions of the "Local Budget Law" (N. J. S. 40A:4-1 et seq.), any county, or municipality affected by the \$700.00 limitation set forth in this section, to which a payment is made pursuant to this section may anticipate the amount of such payment in its annual budget for the year in which such payment is made, and any municipality which is required to make an annual appropriation pursuant to this section shall make such appropriation in its annual budget for the year in which it shall receive the payment a portion of which it is required to appropriate. The Director of Local Government Services shall establish rules or regulations necessary to effectuate the purposes and provisions of this section.

3. This act shall take effect immediately and shall apply to any taxes payable under P. L. 1940, c. 4 (C. 54:30A-16 et seq.) on or after January 1, 1980.

Approved March 18, 1980.

CHAPTER 11

AN ACT concerning the taxation of certain public utilities, and amending and supplementing P. L. 1940, c. 5 (C. 54:30A-49 et seq.).

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

1. Section 12 of P. L. 1940, c. 5 (C. 54:30A-60) is amended to read as follows:

C. 54:30A-60 Apportionment of excise taxes.

12. The balance of the excise taxes imposed by section 6(a) of this act upon each taxpayer in the year 1940 and each year thereafter is hereby apportioned, subject to the provisions of section 4 of this amendatory and supplementary act, to the various municipalities in the proportion that the apportionment value of the scheduled property of such taxpayer located in, on or over any public street, highway, road or other public place in each municipality as of the preceding July 1 bears to the total apportionment value of such scheduled property of such taxpayer in this State as of that date. The Director of the Division of Taxation shall, on or before May 1, 1941, and annually before May 1 in each year thereafter, compute the balance of such excise taxes and such apportionment thereof in the manner herein provided.

2. Section 13 of P. L. 1940, c. 5 (C. 54:30A-61) is amended to read as follows:

C. 54:30A-61 Apportionment of excise taxes.

13. The balance of the excise taxes imposed by section 6(b) of this act upon each taxpayer in the year 1940 and each year thereafter is hereby apportioned, subject to the provisions of section 4 of this amendatory and supplementary act, to the various municipalities in the proportion that the apportionment value of the scheduled property of such taxpayer located in each municipality as of the preceding July 1 bears to the total apportionment value of the scheduled property of such taxpayer in this State as of that date. The Director of the Division of Taxation shall on or before May 1 in each year, compute the balance of such taxes and the apportionment thereof in the manner herein provided.

3. Section 14 of P. L. 1940, c. 5 (C. 54:30A-62) is amended to read as follows:

C. 54:30A-62 Certification of apportioned taxes; tax statement; issuance; payments; lien on property and assets; discounts, interest and penalties.

14. Within 5 days after making the computation and apportionment of the excise taxes under subsections (a) and (b) of section 6 of this act, the Director of the Division of Taxation shall certify to the State Treasurer the amount of such taxes apportioned to each municipality. At the same time, the director shall issue directly to each taxpayer statements of taxes due, and payments with respect thereto shall be remitted by each taxpayer to the director in the following manner: 35% thereof within 15 days after the date of certification of the apportionment by the director, 35% thereof on

or before August 15 and 30% thereof on or before November 15. If for any reason the making and delivering of a certificate of apportionment shall be delayed until after December 1 in any year then in that case all of the taxes for such year affected by such certificate of apportionment shall become due and payable 30 days after the date of such certification of apportionment; and provided, that in case of an appeal from any apportionment valuation or apportionment or any review thereof in any court, the portion of any such tax not paid prior to the commencement of any such appeal or proceedings for review, shall not become payable until 30 days after final determination of such appeal or review and the certification or recertification of the apportionment required. The taxes payable by each taxpayer under subsections (a) and (b) of section 6 of this act shall be and remain a first lien on the property and assets of such taxpayer on and after the date the same become payable, as herein provided, until paid with interest thereon, and the same shall be collected in the same manner and subject to the same discounts, interest and penalties as personal taxes against other corporations or individuals and the same proceedings now available for the collection of personal taxes against other corporations or individuals shall be applicable to the collection of the excise taxes hereby imposed and payable.

C. 54:30A-61.1 Apportionment to municipalities; exceptions; determination of per capita amounts; annual payment to; anticipation in annual budget; rules and regulations.

4. (New section) The director shall annually apportion to each municipality the amount to be apportioned to it pursuant to sections 12 and 13 of P. L. 1940, c. 5 (C. 54:30A-60 and 54:30A-61), except that: a. no municipality which in the 3 next preceding tax years had a municipal purposes tax rate of \$0.10 or less shall receive a total amount 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.) greater than it received in 1979, plus 50% of the difference between the amount it received pursuant to those laws in that year and the greater amount it would have received pursuant to those laws in the year for which the apportionment and payment is made; and, b. in no year shall any municipality receive an amount 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.) greater than an amount equal to \$700.00 per capita. Any contiguous municipalities wherein there are located electric generating stations included in the scheduled property of a public utility, both or all of which municipalities would be affected by a. above but would not be limited by b. above, shall not be affected by the

apportionment limitations of this section. Any municipality which has had a municipal purposes tax rate of \$0.10 or less for any 3 tax years affecting its apportionment pursuant to this section shall be required to have a municipal purposes tax rate in excess of \$0.10 for 3 consecutive tax years before its apportionment shall cease to be affected pursuant to this section.

If in 1980 or any year thereafter the application of the \$700.00 per capita limitation under this section would reduce the amount received by any municipality 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.) to less than 50% of the amount received pursuant to those laws in 1979, then, notwithstanding that limitation, the municipality shall receive in 1980 an amount equal to 50% of the amount received in 1979, and in any year thereafter an amount equal to 75% of the amount received in 1979; but in 1981 and each year thereafter such municipality shall annually appropriate and pay to the county in which it is located an amount equal to 35% of the amount received in that year, to be used for county purposes.

For the purposes of this section in determining per capita amounts, the most recent population estimates published by the New Jersey Department of Labor and Industry shall be utilized.

Amounts apportioned in each year to each municipality shall be annually paid to them by the State Treasurer, 25% thereof within 30 days after the date of certification of the apportionment by the director; 40% thereof on or before September 1, and 35% thereof on or before December 1 next thereafter. Any portion of the balance set forth in sections 12 and 13 of P. L. 1940, c. 5 (C. 54:30A-60 and 54:30A-61) remaining after the apportionments and payments are determined pursuant to this section shall be deposited in the "Municipal Purposes Tax Assistance Fund," established pursuant to P. L. 1980, c. 12 (C. 54:1-46 et seq.), to be used exclusively for the purposes of that fund.

Notwithstanding the provisions of the "Local Budget Law" (N. J. S. 40A:4-1 et seq.), any county, or municipality affected by the \$700.00 limitation set forth in this section, to which a payment is made pursuant to this section may anticipate the amount of such payment in its annual budget for the year in which such payment is made, and any municipality which is required to make an annual appropriation pursuant to this section shall make such appropriation in its annual budget for the year in which it shall receive the

payment a portion of which it is required to appropriate. The Director of Local Government Services shall establish rules or regulations necessary to effectuate the purposes and provisions of this section.

5. This act shall take effect immediately and shall apply to any taxes payable under P. L. 1940, c. 5 (C. 54:30A-49 et seq.) on or after January 1, 1980.

Approved March 18, 1980.

CHAPTER 12

AN Act providing for the distribution of certain funds to municipalities in certain cases, establishing a "Municipal Purposes Tax Assistance Fund," and making an appropriation.

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

C. 54:1-46 Short title.

1. This act shall be known and may be cited as the "Municipal Purposes Tax Assistance Act of 1980."

C. 54:1-47 Definitions.

2. As used in this act:

a. "Municipal equalized valuation" means the apportionment valuation of each municipality for the preceding tax year as shown in the Table of Aggregates prepared pursuant to R. S. 54:4-52;

b. "Municipal equalized valuation per capita" means the municipal equalized valuation divided by the population of the municipality;

c. "Municipal index of equalized valuation per capita" means the equalized valuation per capita of each municipality divided by the State equalized valuation per capita;

d. "Municipal purposes equalized tax rate" means the tax levy for "local municipal purposes" on which the tax rate is computed divided by the "apportionment valuation," both as shown for the preceding tax year in the table of aggregates prepared pursuant to R. S. 54:4-52;

e. "Participating municipality" means any municipality which is not a qualifying municipality, and which for the preceding tax

year had a municipal purposes equalized tax rate not less than one-half of the State municipal purposes equalized tax rate, and a municipal index of equalized valuation per capita of less than 2.0; provided that any municipality which has had a municipal purposes tax rate of \$0.10 or less for the 3 next preceding tax years shall be required to have a municipal purposes equalized tax rate of not less than one-half of the State municipal purposes equalized tax rate for 3 consecutive tax years before it shall be a participating municipality pursuant to this act;

f. "Population" means the most recent population estimates published by the New Jersey Department of Labor and Industry;

g. "Qualifying municipality" means any municipality which for the preceding tax year had a municipal purposes equalized tax rate not less than the State municipal purposes equalized tax rate, and a municipal index of equalized valuation per capita of less than 0.90;

h. "State equalized valuation" means the aggregate of the municipal equalized valuation of all municipalities;

i. "State equalized valuation per capita" means the State equalized valuation divided by the population of the State; and,

j. "State municipal purposes equalized tax rate" means the aggregate of the tax levies of all municipalities for "local municipal purposes" for the preceding tax year divided by the State equalized valuation.

C. 54:1-48 Municipal purposes tax assistance fund; establishment.

3. There is established in the Department of the Treasury for the purpose of providing State aid to qualifying and participating municipalities a "Municipal Purposes Tax Assistance Fund" to be administered by the State Treasurer. All amounts deposited in the fund pursuant to law shall be distributed to qualifying municipalities pursuant to this act.

C. 54:1-49 Payment to municipalities; formula.

4. The State Treasurer shall, upon the warrant of the State Comptroller, annually pay to each qualifying municipality a share of amounts annually deposited in the "Municipal Purposes Tax Assistance Fund" and set aside for qualifying municipalities, in an amount derived pursuant to the following formula:

$$MS = (F \div \Sigma P) \times P \div I$$

Where: MS is the share to be received by the qualifying municipality. (A per capita share of the amounts so deposited and set aside for qualifying municipalities, weighted by the municipal

index of equalized valuation per capita of each qualifying municipality.)

F is the total amount so deposited and set aside for qualifying municipalities.

P is the population of each qualifying municipality.

ΣP is the sum of the populations of all qualifying municipalities.

I is the municipal index of equalized valuation per capita of the qualifying municipality.

The amount to be distributed pursuant to this section to any qualifying municipality shall not be greater than an amount equal to 25% of the municipal purposes levy of the municipality for the tax year immediately preceding the tax year in which a payment is made under this act.

If in any year the amount of funds so deposited and set aside for qualifying municipalities is other than the sum of the municipal shares for all qualifying municipalities, then each qualifying municipality shall receive from the amount so deposited and set aside an amount which is equal in proportion to its municipal share of the sum of the municipal shares of all qualifying municipalities.

C. 54:1-50 Annual payment to municipalities; formula.

5. The State Treasurer shall, upon the warrant of the State Comptroller, annually pay to each participating municipality a share of amounts annually deposited in the "Municipal Purposes Tax Assistance Fund" and set aside for participating municipalities, in an amount derived pursuant to the following formula:

$$MS = (F \div \Sigma P) \times P \div I$$

Where: MS is the share to be received by the participating municipality. (A per capita share of the amounts so deposited and set aside for participating municipalities, weighted by the municipal index of equalized valuation per capita of each participating municipality.)

F is the total amount so deposited and set aside for participating municipalities.

P is the population of each participating municipality.

ΣP is the sum of the populations of all participating municipalities.

I is the municipal index of equalized valuation per capita of the participating municipality.

The amount to be distributed pursuant to this section to any participating municipality shall not be greater than an amount

equal to 25% of the municipal purposes levy of the municipality for the tax year immediately preceding the tax year in which a payment is made under this act.

If in any year the amount of funds so deposited and set aside for participating municipalities is other than the sum of the municipal shares for all participating municipalities, then each participating municipality shall receive from the amount so deposited and set aside an amount which is equal in proportion to its municipal share of the sum of the municipal shares of all participating municipalities.

C. 54:1-51 Amounts to be set aside.

6. Of the amount deposited in any year in the "Municipal Purposes Tax Assistance Fund," twenty-three twenty-sevenths of such amount shall be set aside and used for the purposes of section 4 of this act, and four twenty-sevenths of such amount shall be set aside and used for the purposes of section 5 of this act.

C. 54:1-52 Payment.

7. Amounts due each qualifying municipality shall be paid as follows: 50% on July 5 of each year and 50% on October 1 of each year.

C. 54:1-53 Annual appropriation to fund.

8. In addition to such amounts as are required by law to be deposited in the "Municipal Purposes Tax Assistance Fund," there shall be annually appropriated to the fund such sums as may be necessary to provide an amount annually available for the purposes of this act of not less than \$27,000,000.00.

C. 54:1-54 Inclusion of amounts in budget.

9. It shall be lawful in any year for a municipality receiving State aid pursuant to this act, upon notification by the State Treasurer of the amount of State aid to be received, to include an amount equal to such amount in its annual budget or any amendments or supplements thereto. Immediately thereafter, commitments may be made by such a municipality against the amounts so included in its budget or amendments or supplements thereto.

10. This act shall take effect immediately.

Approved March 18, 1980.

CHAPTER 13

AN ACT concerning unemployment compensation and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

C. 43:21-5a Reduction in amount of benefits; applicability of requirements; determination of reduction.

1. The amount of benefits payable to an individual for any week which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such individual shall be reduced, but not below zero, by an amount equal to the amount of such pension, retirement or retired pay, annuity, or other payment, which is reasonably attributable to such week; provided that, such reduced weekly benefit rate shall be computed to the next higher multiple of \$1.00 if not already a multiple thereof and that any such reduction in the weekly benefit rate shall reduce the maximum total benefits of the individual during the benefit year; provided further, that, if the provisions of the Federal Unemployment Tax Act permit, the Commissioner of Labor and Industry may prescribe in regulations which are consistent with the Federal Unemployment Tax Act either or both of the following:

a. The requirements of this section shall only apply in the case of a pension, retirement or retired pay, annuity, or other similar periodic payment under a plan maintained or contributed to by a base period or chargeable employer as determined under the chapter to which this act is a supplement;

b. The amount of any such reduction shall be determined taking into account contributions made by the individual for the pension, retirement or retired pay, annuity or other similar periodic payment.

2. This act shall take effect immediately, but shall remain inoperative until the date on which the Federal Unemployment Tax Act requires the State to comply with its pension deduction provisions in the same manner as is provided in this act.

Approved March 18, 1980.

CHAPTER 14

AN ACT concerning the anticipation of certain revenues by local units in their 1980 budgets.

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

1. Notwithstanding the provisions of N. J. S. 40A:4-27 or of any other law to the contrary, any local unit may anticipate as a miscellaneous revenue in its 1980 budget the total amount of all payments due and payable to the local unit during the fiscal year, directly or indirectly as a result of the sale of property by the local unit, when the obligation to make such payment is entered into prior to March 19, 1980.

2. This act shall take effect immediately, shall be retroactive to January 1, 1980, and shall expire December 31, 1980.

Approved March 19, 1980.

CHAPTER 15

AN ACT to amend and supplement "An act to authorize the Cedar Grove Board of Education to sell a portion of its lands for development of a senior citizen housing project and to authorize the township of Cedar Grove in the county of Essex to waive certain deed restrictions", approved August 27, 1979 (P. L. 1979, c. 175).

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

1. Section 1 of P. L. 1979, c. 175 is amended to read as follows:

1. The Cedar Grove Board of Education having determined that a portion of its vacant lands are no longer needed for school purposes and that there is a recognized shortage of senior citizen housing in the township of Cedar Grove, and with the township of Cedar Grove in the county of Essex and the Cedar Grove Senior Citizen Housing Association, having jointly petitioned the Legis-

lature for a special law pursuant to Article 4, section 7, paragraph 8 of the New Jersey Constitution and R. S. 1:6-1 et seq., the Cedar Grove Board of Education is hereby authorized, to privately sell, by resolution, a 10 acre parcel of land, hereinafter described, to the Cedar Grove Senior Citizen Housing Association, a nonprofit corporation, for a consideration of \$225,000.00 for the purpose of constructing housing for senior citizens qualified in accordance with the bylaws of the Cedar Grove Senior Citizen Housing Association; provided, however, that the contract of sale between the Cedar Grove Board of Education and the Cedar Grove Senior Citizen Housing Association shall contain and be subject to the following conditions:

a. That the Senior Citizen Housing Association secure financing from the New Jersey Housing Finance Agency, or the Department of Housing and Urban Development, or the appropriate funding source which is acceptable pursuant to the National Housing Act or United States Housing Act in an amount sufficient to satisfy project requirements; and

b. That the Senior Citizen Housing Association obtain the necessary variances and approvals for the construction of senior citizen housing from the appropriate local boards having jurisdiction thereover; except that in the event conditions a. and b. of this section cannot be satisfied by the Cedar Grove Senior Citizen Housing Association within the time prescribed in the contract, or in the event the property conveyed or to be conveyed shall fail to be developed into senior citizen housing within 10 years of the date of formal contract, or in the event said property after development ceases to be used for the purpose of senior citizen housing, then the contract of sale shall be rescinded, or title to the property shall thereupon revert to and revest in the Cedar Grove Board of Education and be subject to all restrictions and conditions of use originally imposed upon it in the deed from the Township to the Board of Education; except that such restrictions and conditions of use originally imposed shall not cause a reverter of the lands to the Township of Cedar Grove until the Board of Education has had a reasonable time, not to exceed 1 year, to determine what educational and recreational use can be made of the property and elects not or fails to select such use.

2. Section 2 of P. L. 1979, c. 175 is amended to read as follows:

2. The township of Cedar Grove in the county of Essex is further authorized to waive by ordinance any deed restrictions and any

expressed or implied reverter that may apply to the sale of the said 10 acre parcel of land located on the easterly side of Ridge Road between Pompton and Bradford Avenues in the township of Cedar Grove, which lands were deeded to the Cedar Grove Board of Education by the township of Cedar Grove for use for school purposes, and are described as follows:

TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, STATE OF NEW JERSEY:

Beginning at a point distant the following courses and distances from a point of curvature. Station 17 + 53.91, in the easterly line of Ridge Road as laid down on Essex County Right of Way Map, File 16-1-97, dated February 11, 1954; (a) South $33^{\circ}-25'-30''$ West, along the easterly line of Ridge Road, 19.70', to the dividing line between land of Bernard Schwam to the north and Cedar Grove Board of Education to the south, thence (b) South $58^{\circ}-03'$ East, along said dividing line, 750.00', to the point of beginning and running thence:

- (1) South $58^{\circ}-03'$ East, 800.00', thence;
- (2) South $32^{\circ}-05'$ West, through land of the Board of Education, 426.17', thence;
- (3) South $59^{\circ}-22'-45''$ West, still through said lands, 220.07', thence;
- (4) North $58^{\circ}-03'$ West, still through said lands, 366.85', thence;
- (5) North $14^{\circ}-49'-53''$ West, still through said lands, 454.89', thence;
- (6) North $32^{\circ}-05'$ East, still through said lands, 310.00', to the point of beginning. Containing 10.000 acres.

3. (New section) Wherever the term Cedar Grove Senior Citizen Housing Association shall appear it shall be deemed to include a non-profit corporation known as C.G.S.C.H.A., Inc., a corporation formed or to be formed for the purpose of implementing the construction project.

4. This act shall take effect immediately.

Approved March 21, 1980.

CHAPTER 16

AN ACT concerning retail installment sales and amending section 1 of P. L. 1961, c. 95 and sections 1 and 41 of P. L. 1960, c. 40.

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

1. Section 1 of P. L. 1961, c. 95 (C. 17:16C-40.1) is amended to read as follows:

C. 17:16C-40.1 Loans for financing passenger motor vehicles.

1. A sales finance company licensed under the provisions of the "Retail Installment Sales Act" of 1960 (P. L. 1960, c. 40), as amended and supplemented, or any act replacing or succeeding thereto which regulates "retail installment sales," may loan to any one person any sum of money up to a maximum of \$10,000.00 secured by a purchase money security interest to finance the purchase of a passenger motor vehicle not intended to be used for the transportation of passengers for hire or upon a contract basis. The principal amount of such loan may be repaid in not more than 48 substantially equal monthly installments. The sales finance company may charge interest at a rate not exceeding \$8.00 per \$100.00 per year. Such interest shall be computed on the full amount of such loan for the period from the making of the loan to the date of maturity of the final installment, and shall be added to the principal amount of the loan. For the purpose of this act, a purchase money security interest is hereby defined to be a security interest taken by a sales finance company, pursuant to the provisions of chapter 9 of Title 12A of the New Jersey Statutes, in connection with and as security for an advance of money on behalf of a retail buyer of a motor vehicle of the motor vehicle dealer in payment of the unpaid balance of the cash price.

2. Section 1 of P. L. 1960, c. 40 (C. 17:16C-1) is amended to read as follows:

C. 17:16C-1 Definitions.

1. In this act, unless the context otherwise requires, the following words and terms shall have the following meanings:

(a) "Goods" means all chattels personal which are primarily for personal, family or household purposes, including merchandise certificates and coupons to be exchanged for goods or services,

having a cash price of \$10,000.00 or less, but not including money or other choses in action. Goods shall not include chattels personal sold for commercial or business use.

(b) "Retail installment contract" means any contract, other than a retail charge account or an instrument reflecting a sale pursuant thereto, entered into in this State between a retail seller and a retail buyer evidencing an agreement to pay the retail purchase price of goods or services, which are primarily for personal, family or household purposes, or any part thereof, in two or more installments over a period of time. This term includes a security agreement, chattel mortgage, conditional sales contract, or other similar instrument and any contract for the bailment or leasing of goods by which the bailee or lessee agrees to pay as compensation a sum substantially equivalent to or in excess of the value of the goods, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of such goods upon full compliance with the terms of such retail installment contract.

(c) "Retail seller" means a person who sells or agrees to sell goods or services under a retail installment contract or a retail charge account to a retail buyer, and shall include a motor vehicle installment seller.

(d) "Retail buyer" means a person who buys or agrees to buy goods or services from a retail seller, not for the purpose of resale, pursuant to a retail installment contract or a retail charge account.

(e) "Person" means an individual, partnership, firm, corporation, banking institution, association or any other group of individuals however organized.

(f) "Sales finance company" means and includes any person engaging in this State in the business of acquiring or arranging for the acquisition of retail installment contracts or obligations incurred pursuant to retail charge accounts by purchase, discount, pledge or otherwise from a retail seller which is not wholly owned by or does not wholly own such person, and any person engaging, directly or indirectly, in the business of soliciting the purchase of retail installment contracts or obligations incurred pursuant to retail charge accounts from a retail seller which is not wholly owned by or does not wholly own such person, or in the business of aiding the retail seller in selling, assigning or arranging for the sale or assignment of retail installment contracts or obligations incurred pursuant to retail charge accounts, and any person other than a

retail seller who enters into a retail charge account with a retail buyer.

(g) "Motor vehicle" includes all vehicles used for transportation upon a highway propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

(h) "Motor vehicle installment seller" means a dealer in motor vehicles, who is required to be licensed under chapter 10 of Title 39 of the Revised Statutes and who sells or offers to sell a motor vehicle to a retail buyer under a retail installment contract.

(i) "Cash price" means the minimum price for which the goods or services subject to a retail installment contract or a retail charge account or other goods or services of like kind and quality may be purchased for cash from the seller by the buyer, as stated in the retail installment contract, the retail charge account or an instrument reflecting a sale pursuant thereto.

(j) "Down payment" means all payments made in cash or in goods or partly in cash and partly in goods, received by the retail seller prior to or substantially contemporaneous with either the execution of the retail installment contract or the delivery of the goods, whichever occurs later.

(k) "Official fees" means the filing or other fees required by law to be paid to a public officer to perfect an interest or lien, on the goods, retained or taken by a retail seller under a retail installment contract and motor vehicle license and transfer fees paid to the State.

(l) "Time price differential" means the amount or amounts, however denominated or computed, in addition to the cash price or prices, to be paid by the retail buyer for the privilege of purchasing goods or services pursuant to a retail installment contract or a retail charge account. The term does not include the amount, if a separate charge is made therefor, for insurance and official fees.

(m) "Holder" means any person, including a retail seller, who is entitled to the rights of a retail seller under a retail installment contract or retail charge account.

(n) "Banking institution" means any bank or national banking association authorized to do business in this State.

(o) "Commissioner" means the Commissioner of Banking of New Jersey and includes his deputies or any salaried employee of the Department of Banking named or appointed by the said commissioner to perform any function in the administration or enforcement of this act.

(p) "Payment-period" means the period of time scheduled by a retail installment contract to elapse between the days upon which installment payments are scheduled to be made on such contract; except that, when installment payments are scheduled to be omitted, pursuant to section 26, "payment-period" means the period of time scheduled by the contract to elapse between the days upon which installment payments are scheduled to be made during that portion of the contract period in which no installment payment is scheduled to be omitted.

(q) "Contract period" means the period beginning on the date of a retail installment contract and ending on the date scheduled by the contract for the payment of the final installment.

(r) "Retail charge account" means any account, other than a retail installment contract or a home repair contract which is subject to the "Home Repair Financing Act" (P. L. 1960, c. 41; C. 17:16C-62 et seq.), established by an agreement which prescribes the terms under which a retail buyer may from time to time purchase or lease goods or services which are primarily for personal, family or household purposes, and under which the unpaid balance thereunder, whenever incurred, is payable in one or more installments and under which a time price differential may be added in each billing period as provided herein. Retail charge account also includes all accounts arising out of the utilization by the holder of a credit card, letter of credit or other credit identification issued by a sales finance company, giving the holder the privilege of using the credit card, letter of credit or other credit identification to become a retail buyer in transactions out of which debt arises: (1) by the sales finance company's payment or agreement to pay the retail buyer's obligations; or (2) by the sales finance company's purchase from the retail seller of the obligations of the user of the credit card, letter of credit or other credit identification as a retail buyer.

(s) "Services" means and includes work, labor and services, professional and otherwise which are primarily for personal, family or household purposes but does not include services which are subject to the "Home Repair Financing Act," and insurance premiums financing which is subject to the "Insurance Premium Finance Company Act" (P. L. 1968, c. 221; C. 17:16D-1 et seq.).

(t) "Billing period" means the time interval between regular periodic billing statement dates. In the case of monthly billing periods, such intervals shall be considered equal intervals of time if the billing date of a billing period does not vary more than 4

days from the billing date of the immediately preceding billing period. In the case of billing periods which are not monthly, the permissible variation in billing dates shall be that proportion of 4 days (adjusted to the nearest whole number) which the number of days in the billing period bears to 30.

(u) 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.

3. Section 41 of P. L. 1960, c. 40 (C. 17:16C-41) is amended to read as follows:

C. 17:16C-41 Time price differential; rates for certain classifications.

41. A retail seller and a motor vehicle installment seller, under the provisions of this act, shall have authority to charge, contract for, receive or collect a time price differential as defined in this act, on any retail installment contract evidencing the sale of goods or services which shall not exceed the rates for the respective classifications as follows:

Class I. New motor vehicles, an amount not to exceed \$9.00 per \$100.00 per year;

Class II. Used motor vehicles of a model designated by the manufacturer by a year not more than 2 years prior to the year in which the sale is made, an amount not to exceed \$11.00 per \$100.00 per year;

Class III. Older used motor vehicles of a model designated by the manufacturer by a year more than 2 years prior to the year in which the sale is made, an amount not to exceed \$13.00 per \$100.00 per year;

Class IV. On all other goods or services, an amount not to exceed \$10.00 per \$100.00 per year.

The time price differential shall be computed on the amount of the principal balance as determined in section 27(f), from the date of the contract to the due date of the final installment, notwithstanding the fact that the contract is to be repaid in installments.

If the time price differential so computed is less than \$12.00, and if the due date of the last installment of the contract is more than

8 months after the date of the contract, a charge of not more than \$12.00 may be made in lieu of the time price differential. If the time price differential so computed is less than \$10.00, and if the due date of the last installment of the contract is 8 months or less after the date of contract, a charge of not more than \$10.00 may be made in lieu of the time price differential.

4. This act shall take effect immediately.

Approved March 24, 1980.

CHAPTER 17

AN ACT to amend "An act concerning the holding of referenda on municipal budgets during the 1980 budget year," approved February 5, 1980 (P. L. 1980, c. 3).

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

1. Section 1 of P. L. 1980, c. 3 is amended to read as follows:

1. Notwithstanding the provisions of P. L. 1979, c. 268 (C. 40A:4-45.3a) to the contrary, any referendum conducted during the 1980 budget year by a municipality pursuant to subsection i of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3i), for the purpose of requesting approval for increasing the municipal budget by more than 5% over the previous year's final appropriations, shall be held on Tuesday, February 26 or on Tuesday, April 8, 1980, or on Wednesday, April 9, 1980 as the governing body shall determine. The municipal budget proposing such increase shall be introduced and approved in the manner otherwise provided in N. J. S. 40A:4-5 at least 20 days prior to the date on which such referendum is to be held, and shall be published in the manner otherwise provided in N. J. S. 40A:4-6 at least 12 days prior to said referendum date.

2. This act shall take effect immediately.

Approved March 24, 1980.

CHAPTER 18

AN ACT concerning the Unemployment Compensation Law and the Temporary Disability Benefits Law, and amending R. S. 43:21-7, section 3 of P. L. 1948, c. 110 (C. 43:21-27) and section 22 of P. L. 1948, c. 110 (C. 43:21-46).

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

1. R. S. 43:21-7 is amended to read as follows:

Contributions.

43:21-7. Contributions. Employers other than those liable for payment in lieu of contributions on the basis set forth in subsection 3 of this act (C. 43:21-7.2), shall pay to the division for the Unemployment Compensation Fund, contributions as set forth in subsections (a), (b) and (c) hereof, and the provisions of subsections (d) and (e) shall be applicable to all employers consistent with the provisions of the Unemployment Compensation Law and the Temporary Disability Benefits Law. (a) Payment.

(1) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter (R. S. 43:21-1 et seq.), with respect to having individuals in his employ during such calendar year at the rates and on the basis hereinafter set forth. Such contributions shall become due and be paid by each employer to the division for the fund in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to \$0.005 or more, in which case it shall be increased to \$0.01.

(b) Rate of contributions. Each employer shall pay the following contributions:

(1) For the calendar year 1947, and each calendar year thereafter, $2\frac{7}{10}$ of wages paid by him during each such calendar year, except as otherwise prescribed by subsection (c) of this section.

(2) The "wages" of any individual, with respect to any one employer as the term is used in this subsection (b) and in subsections (c), (d) and (e) of this section 7, shall include the first \$3,000.00

paid during each calendar year prior to January 1, 1968, the first \$3,600.00 paid during each calendar year commencing on or after January 1, 1968 and prior to January 1, 1972, the first \$4,200.00 paid during each calendar year commencing on or after January 1, 1972 and prior to January 1, 1975, and the first \$4,800.00 paid during each calendar year commencing on or after January 1, 1975, for services performed either within or without this State; provided, that no contribution shall be required by this State with respect to services performed in another state if such other state imposes contribution liability with respect thereto. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid wages with respect to employment equal to \$3,000.00 to such individual during any calendar year prior to January 1, 1968, or equal to \$3,600.00 during any calendar year commencing on or after January 1, 1968 and prior to January 1, 1972, the first \$4,200.00 paid during each calendar year commencing on or after January 1, 1972 and prior to January 1, 1975, and the first \$4,800.00 paid during each calendar year commencing on or after January 1, 1975, any wages paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

(3) For calendar years beginning on and after January 1, 1976, the "wages" of any individual as defined in the preceding paragraph (2) of this subsection (b) shall be established and promulgated by the Commissioner of Labor and Industry on or before September 1 of the preceding year and shall be twenty-eight times the Statewide average weekly remuneration paid to workers by employers, as determined under R. S. 43:21-3 (c) (2), raised to the next higher multiple of \$100.00 if not already a multiple thereof, provided that if the amount of wages so determined for a calendar year is less than the amount similarly determined for the preceding year, the greater amount will be used; provided, further, that if the amount of such wages so determined does not equal or exceed the amount of wages as defined in subsection (b) of Section

3306 of the Federal Unemployment Tax Act, Chapter 23 of the Internal Revenue Code of 1954, the wages as determined in this paragraph in any calendar year shall be raised to equal the amount established under the Federal Unemployment Tax Act for that calendar year.

(c) Future rates based on benefit experience.

(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R. S. 43:21-1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employment such individual established base weeks constituting the basis of such benefits. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made the division shall promptly send either a copy of the benefit check or other form of notification to the employer against whose account the benefits are to be charged. Such copy or notification shall identify the employer against whose account the amount of such payment is being charged, shall show at least the name and social security account number of the claimant and shall specify the period of unemployment to which said check applies. If the total amount of benefits paid to a claimant and charged to the account of the appropriate employer exceeds 50% of the total base-year base week wages paid to the claimant by that employer, then such employer may apply to the division to have canceled from his account such excess benefit charges as specified above. Any such application for the cancellation of excess charges shall be submitted by the employer within 6 months from the date of the benefit check, payment of which creates such charges. In no event will the erasure

of such charges affect a contribution rate already assigned to the employer with respect to any fiscal year commencing prior to the date the application is received by the division.

The division shall furnish to each employer an annual summary statement of benefits charged to his account.

(2) The division may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) No employer's rate shall be lower than $2\frac{7}{10}\%$ unless assignment of such lower rate is consistent with the conditions applicable to additional credit allowance for such year under section 3303 (a) (1) of the Internal Revenue Code (U. S. Code Title 26, section 3303 (a) (1)), any other provision of this section to the contrary notwithstanding.

(4) (A) Each employer's rate shall be $2\frac{8}{10}\%$ except as otherwise provided in the following provisions. No employer's rate for the 12 months commencing July 1 of any calendar year shall be other than $2\frac{8}{10}\%$ unless as of the preceding January 31 such employer shall have paid contributions with respect to wages paid in each of the 3 calendar years immediately preceding such year; in which case such employer's rate for the 12 months commencing July 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceed the total benefits charged to his account for all such years, his contribution rate shall be:

(1) $2\frac{5}{10}\%$, if such excess equals or exceeds 4%, but less than 5% of his average annual payroll (as defined in paragraph (2), subsection (a) of section 43:21-19 of this Title);

(2) $2\frac{2}{10}\%$, if such excess equals or exceeds 5%, but is less than 6% of his average annual payroll;

(3) $1\frac{9}{10}\%$, if such excess equals or exceeds 6%, but is less than 7%, of his average annual payroll;

(4) $1\frac{6}{10}\%$, if such excess equals or exceeds 7%, but is less than 8%, of his average annual payroll;

(5) $1\frac{3}{10}\%$, if such excess equals or exceeds 8%, but is less than 9%, of his average annual payroll;

(6) 1%, if such excess equals or exceeds 9%, but is less than 10%, of his average annual payroll;

(7) $\frac{7}{10}$ of 1%, if such excess equals or exceeds 10%, but is less than 11%, of his average annual payroll;

(8) $\frac{4}{10}$ of 1%, if such excess equals or exceeds 11%, of his average annual payroll.

(B) If the total of an employer's contributions, paid on his own behalf, for all past periods for the purposes of this paragraph (4), is less than the total benefits charged against his account during the same period, his rate shall be:

(1) 4%, if such excess is less than 10% of his average annual payroll;

(2) $4\frac{3}{10}\%$, if such excess equals or exceeds 10%, but is less than 20% of his average annual payroll;

(3) $4\frac{6}{10}\%$, if such excess equals or exceeds 20% of his average annual payroll.

(C) Specially assigned rates. If no contributions were paid on wages for employment in any calendar year used in determining the average annual payroll of an employer eligible for an assigned rate under this paragraph (4), the employer's rate shall be specially assigned as follows: (i) if the reserve balance in its account is positive, its assigned rate shall be the highest rate in effect for positive balance accounts for that period, or $2\frac{8}{10}\%$, whichever is higher, and (ii) if the reserve balance in its account is negative, its assigned rate shall be the highest rate in effect for deficit accounts for that period.

(D) The contribution rates prescribed by subparagraphs (A) and (B) of this paragraph (4) shall be increased or decreased in accordance with the provisions of paragraph (5) of this subsection (c).

(5) (A) If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 4% but is less than 7% of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{3}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraphs (3) or

(4) of this subsection. If on March 31 of any calendar year the balance of the unemployment trust fund exceeds $2\frac{1}{2}\%$ but is less than 4% of the total taxable wages reported to the division of employment security as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by $\frac{1}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraphs (3) or (4) of this subsection.

If on March 31 of any calendar year the balance of the unemployment trust fund is less than $2\frac{1}{2}\%$ of the total taxable wages reported to the Division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer (1) eligible for a contribution rate calculation based upon benefit experience, shall be increased by (i) $\frac{1}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraphs (3), (4) (A) or (4) (B) of this subsection, and (ii) an additional amount equal to 20% of the total rate established herein, provided, however, that the final contribution rate for each employer shall be computed to the nearest multiple of $\frac{1}{10}\%$ if not already a multiple thereof; (2) not eligible for a contribution rate calculation based upon benefit experience shall be increased by $\frac{1}{10}$ of 1% over the contribution rate otherwise established under the provisions of paragraph (3) of this subsection.

(B) If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 10% but is less than $12\frac{1}{2}\%$ of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by $\frac{3}{10}$ of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided, that in no event shall the contribution rate of any employer be reduced to less than $\frac{4}{10}$ of 1% . If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds $12\frac{1}{2}\%$ of the total taxable wages reported to the division as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by $\frac{1}{10}$ of 1% if his account for all past

periods reflects an excess of contributions paid over total benefits charged of 3% or more of his average annual payroll, otherwise by $\frac{3}{10}$ of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided, that in no event shall the contribution rate of any employer be reduced to less than $\frac{4}{10}$ of 1%.

(C) The "balance" in the unemployment trust fund as the term is used in subparagraphs (A) and (B) above shall not include moneys credited to the State's account under section 903 of the Social Security Act, as amended (Title 42, U. S. Code, section 1103), during any period in which such moneys are appropriated for the payment of expenses incurred in the administration of Unemployment Compensation Law.

(6) Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July 1, 1948, and for any year commencing July 1 thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer including in the calculation the additional contribution so made. Any such additional contribution shall be made during the 30-day period following the date of the mailing to the employer of the notice of his contribution rate as prescribed in this section, unless, for good cause, the time for payment has been extended by the director for not to exceed an additional 60 days; provided, that in no event may such payments which are made later than 120 days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall pay, in addition to the required amount of additional payment, a penalty of 5% thereof or \$5.00, whichever is greater, not to exceed \$50.00. Any adjustment under this subsection shall be made only in the form of credits against accrued or future contributions.

(7) Transfers.

(A) Upon the transfer of the organization, trade or business, or substantially all the assets of an employer to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, the division shall transfer the employment experience of

the predecessor employer to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer, pursuant to regulations adopted by the division, if the division finds that the employment experience of the predecessor employer with respect to the organization, trade, assets or business, which has been transferred, may be considered indicative of the future employment experience of the successor in interest. Unless the predecessor employer was owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the successor in interest, or the predecessor employer and the successor in interest were owned or controlled (by legally enforceable means or otherwise), directly or indirectly, by the same interest or interests, the transfer of the employment experience of the predecessor shall not be effective if such successor in interest, within 4 months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, files a written notice with the division protesting the transfer of the employment experience of the predecessor employer.

(B) An employer, who transfers part of his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, may jointly make application with such successor in interest for transfer of that portion of the employment experience of the predecessor employer relating to the portion of the organization, trade, assets, or business transferred to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefits charges, et cetera, applicable to such predecessor employer. The Division may allow such transfer of employment experience pursuant to regulations adopted by the division, only if it finds that the employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Credit shall be given to the successor in interest only for the years during which contributions were paid by the predecessor employer with respect to that part of the organization, trade, assets or business transferred.

(C) A transfer of the employment experience in whole or in part having become final, the predecessor employer thereafter shall not be entitled to consideration for an adjusted rate based upon his or its experience or the part thereof, as the case may be, which has

thus been transferred. A successor in interest to whom employment experience or a part thereof is transferred pursuant to this subsection shall, as of the date of the transfer of the organization, trade, assets or business, or part thereof, immediately become an employer if not theretofore an employer subject to this chapter (R. S. 43:21-1 et seq.).

(d) Contribution of workers, transfers to temporary disability benefit fund.

(1) Each worker shall contribute to the fund 1% of his wages with respect to his employment with an employer which occurs on and after January 1, 1971 and prior to January 1, 1975, after such employer has satisfied the conditions set forth in subsection (h) of section 43:21-19 of this Title with respect to becoming an employer; provided, however, that such contribution shall be at the rate of $\frac{1}{4}$ of 1% of wages paid with respect to employment while the worker is in the employ of the State of New Jersey, or is covered by an approved private plan under the Temporary Disability Benefits Law or while the worker is exempt from the provisions of the Temporary Disability Benefits Law under section 7 of that law (C. 43:21-31); and provided further that there shall be no contributions by workers in the employ of any employer electing or required to make payments in lieu of contributions unless the employer is covered by the State plan under the Temporary Disability Benefits Law (C. 43:21-37 et seq.), and in that case contributions shall be at the rate of $\frac{3}{4}$ of 1%, and for periods after January 1, 1975, each worker shall contribute to the fund 1% of his wages with respect to his employment with an employer which occurs on and after January 1, 1975, after such employer has satisfied the condition set forth in subsection (h) of section 43:21-19 of this Title with respect to becoming an employer; provided, however, that such contribution shall be at the rate of $\frac{1}{2}$ of 1% of wages paid with respect to employment while the worker is in the employ of the State of New Jersey, or any governmental entity or instrumentality which is an employer as defined under R. S. 43:21-19(h)(5), or is covered by an approved private plan under the Temporary Disability Benefits Law or while the worker is exempt from the provisions of the Temporary Disability Benefits Law under section 7 of that law (C. 43:21-31); and provided further that effective January 1, 1978 there shall be no contributions by workers in the employ of any governmental or nongovernmental employer electing or required to make payments in lieu of contributions unless the employer is covered by the State

plan under the Temporary Disability Benefits Law (C. 43:21-37 et seq.), and in that case contributions shall be at the rate of $\frac{1}{2}$ of 1%. Each employer shall, notwithstanding any provision of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his payroll records, shall furnish such evidence thereof to his workers as the division may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the division in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he alone shall thereafter be liable for such contributions, and for the purpose of section 43:21-14 of this Title, such contributions shall be treated as employer's contributions required from him. As used in this chapter (R. S. 43:21-1 et seq.), except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

(2) (A) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, three-fourths of all worker contributions, received by the division with respect to wages paid prior to January 1, 1953, and upon which the rate of contributions is 1%.

(B) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, three-quarters of all worker contributions received by the division with respect to wages paid on and after January 1, 1953, and prior to January 1, 1971, and upon which the rate of contributions is $\frac{3}{4}$ of 1%.

(C) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, three quarters of all worker contributions, received by the division with respect to wages paid on or after January 1, 1971 and prior to January 1, 1975, and upon which the rate of contributions is 1%, and with respect to wages paid on and after January 1, 1975, there shall be deposited in and credited to the State Disability Benefits Fund, as established by law, one-half of all worker contributions received by the division upon which the rate of contribution is 1%.

(D) There shall be deposited in and credited to the State Disability Benefits Fund, as established by law, all worker contributions received by the Division with respect to wages paid on or

after January 1, 1972 and prior to January 1, 1975, upon which the rate of contributions is $\frac{3}{4}$ of 1% and with respect to wages paid on or after January 1, 1975, there shall be deposited to the State Disability Benefits Fund, as established by law, all worker contributions received by the division from all employers, upon which the rate of contributions is $\frac{1}{2}$ of 1%, except the State of New Jersey or any other governmental entity or instrumentality defined as an employer under R. S. 43:21-19(h) (5), unless the State of New Jersey or such other governmental entity or instrumentality is a "covered employer" as defined in R. S. 43:21-27.

(3) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State Disability Benefits Fund (in accordance with paragraph (2) of this subsection) plus the amount of his contributions, if any, required towards the costs of benefits under one or more approved private plans under the provisions of section 9 of the Temporary Disability Benefits Law (C. 43:21-33) and deducted from his wages, or the sum of such latter contributions if the employee is covered during such calendar year, only by two or more private plans, exceeds \$18.00 in any calendar year prior to January 1, 1971, \$27.00 during the calendar year 1971, \$31.50 during calendar years 1972, 1973 and 1974; \$24.00 during the calendar year 1975 or an amount equal to $\frac{1}{2}$ of 1% of the "wages" determined in accordance with the provisions of R. S. 43:21-7(b) (3) during the calendar years beginning on or after January 1, 1976, the employee shall be entitled to a refund of the excess if he makes a claim to the division within 2 years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the division from the State Disability Benefits Fund. No interest shall be allowed or paid with respect to any such refund. The division shall in accordance with prescribed regulations, determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law," such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund as provided in subparagraph (B) of paragraph (1) of this subsection with respect to coverage under private plans to the total wages so exempt plus the amount of such wages subject to contributions to the disability benefits fund as provided in subparagraph (B) of

paragraph (2) of this subsection. The division shall, in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bears to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of R. S. 43:21-14, with respect to collection of employer contributions shall apply to such assessments. The amount so recovered by the division shall be paid into the State Disability Benefits Fund.

(4) If an individual does not receive any wages from the employing unit which for the purposes of this chapter (R. S. 43:21-1 et seq.) is treated as his employer, or receives his wages from some other employing unit, such employer shall nevertheless be liable for such individual's contributions in the first instance; and after payment thereof such employer may deduct the amount of such contributions from any sums payable by him to such employing unit, or may recover the amount of such contributions from such employing unit, or, in the absence of such an employing unit, from such individual, in a civil action; provided, proceedings therefor are instituted within 3 months after the date on which such contributions are payable. General rules shall be prescribed whereby such an employing unit may recover the amount of such contributions from such individuals in the same manner as if it were the employer.

(5) Every employer who has elected to become an employer subject to this chapter (R. S. 43:21-1 et seq.), or to cease to be an employer subject to this chapter (R. S. 43:21-1 et seq.), pursuant to the provisions of section 43:21-8 of this Title, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the director may determine to be necessary to give notice thereof to persons in his service.

(6) Contributions by workers, payable to the division as herein provided, shall be exempt from garnishment, attachment, execution, or any other remedy for the collection of debts.

(e) Contributions by employers to State Disability Benefits Fund.

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c) of this section, contribute $\frac{1}{2}$ of 1% of the wages paid by such employer to workers with respect to employment unless he is not a

covered employer as defined in section 3 of the Temporary Disability Benefits Law (C. 43:21-27 (a)), except that the rate for the State of New Jersey shall be $\frac{1}{10}$ of 1% for the calendar year 1980 and for the first 6 months of 1981. Prior to July 1, 1981 and each year thereafter, the division shall review the experience accumulated in the account of the State of New Jersey and establish a rate for the next following fiscal year which, in combination with worker contributions, will produce sufficient revenue to keep the account in balance; except that the rate so established shall not be less than $\frac{1}{10}$ of 1%. Such contributions shall become due and be paid by the employer to the division for the State Disability Benefits Fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to \$0.005 or more, in which case it shall be increased to \$0.01.

(2) During the continuance of coverage of a worker by an approved private plan of disability benefits under the Temporary Disability Benefits Law, the employer shall be exempt from the contribution required by subparagraph (1) above with respect to wages paid to such worker.

(3) (A) The rates of contribution as specified in subparagraph (1) above shall be subject to modification as provided herein with respect to employer contributions due on and after July 1, 1951.

(B) A separate disability benefits account shall be maintained for each employer required to contribute to the State Disability Benefits Fund and such account shall be credited with contributions deposited in and credited to such fund with respect to employment occurring on and after January 1, 1949. Each employer's account shall be credited with all contributions paid on or before January 31 of any calendar year on his own behalf and on behalf of individuals in his service with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him to the fund either on his own behalf or on behalf of such individuals. Benefits paid to any covered individual in accordance with Article

III of the Temporary Disability Benefits Law on or before December 31 of any calendar year with respect to disability in such calendar year and in preceding calendar years shall be charged against the account of the employer by whom such individual was employed at the commencement of such disability or by whom he was last employed if out of employment.

(C) The division may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(D) Prior to July 1 of each calendar year, the division shall make a preliminary determination of the rate of contribution for the 12 months commencing on such July 1 for each employer subject to the contribution requirements of this subsection (e).

(1) Such preliminary rate shall be $\frac{1}{2}$ of 1% unless on the preceding January 31 of such year such employer shall have been a covered employer who has paid contributions to the State Disability Benefits Fund with respect to employment in the 3 calendar years immediately preceding such year.

(2) If the minimum requirements in (1) above have been fulfilled and the credited contributions exceed the benefits charged by more than \$500.00, such preliminary rate shall be as follows:

(i) $\frac{3}{10}$ of 1% if such excess over \$500.00 exceeds 1% but is less than $1\frac{1}{4}$ % of his average annual payroll (as defined in this chapter (R. S. 43:21-1 et seq.));

(ii) $\frac{15}{100}$ of 1% if such excess over \$500.00 equals or exceeds $1\frac{1}{4}$ % but is less than $1\frac{1}{2}$ % of his average annual payroll;

(iii) $\frac{1}{10}$ of 1% if such excess over \$500.00 equals or exceeds $1\frac{1}{2}$ % of his average annual payroll.

(3) If the minimum requirements in (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than \$500.00 plus 1% of his average annual payroll, or if the benefits charged exceed the contributions credited but by not more than \$500.00, the preliminary rate shall be $\frac{1}{4}$ of 1%.

(4) If the minimum requirements in (1) above have been fulfilled and the benefits charged exceed the contributions credited by more than \$500.00, such preliminary rate shall be as follows:

(i) $\frac{35}{100}$ of 1% if such excess over \$500.00 is less than $\frac{1}{4}$ of 1% of his average annual payroll;

(ii) $\frac{45}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{1}{4}$ of 1% but is less than $\frac{1}{2}$ of 1% of his average annual payroll;

(iii) $\frac{55}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{1}{2}$ of 1% but is less than $\frac{3}{4}$ of 1% of his average annual payroll;

(iv) $\frac{65}{100}$ of 1% if such excess over \$500.00 equals or exceeds $\frac{3}{4}$ of 1% but is less than 1% of his average annual payroll;

(v) $\frac{75}{100}$ of 1% if such excess over \$500.00 equals or exceeds 1% of his average annual payroll.

(5) Determination of the preliminary rate as specified in (2), (3) and (4) above shall be subject, however, to the condition that it shall in no event be decreased by more than $\frac{1}{10}$ of 1% of wages or increased by more than $\frac{2}{10}$ of 1% of wages from the preliminary rate determined for the preceding year in accordance with (1), (2), (3) or (4), whichever shall have been applicable.

(E) (1) Prior to July 1 of each calendar year the division shall determine the amount of the State Disability Benefits Fund as of December 31 of the preceding calendar year increased by the contributions paid thereto during January of the the current calendar year with respect to employment occurring in preceding calendar years. If such amount exceeds the total of the amounts withdrawn from the unemployment trust fund pursuant to section 23 of the Temporary Disability Benefits Law plus the amount at the end of such preceding calendar year of the unemployment disability account (as defined in section 22 of said law), such excess shall be expressed as a percentage of the wages on which contributions were paid to the State Disability Benefits Fund on or before January 31 with respect to employment in the preceding calendar year.

(2) The division shall then make a final determination of the rates of contribution for the 12 months commencing July 1 of such year for employers whose preliminary rates are determined as provided in (D) hereof, as follows:

(i) If the percentage determined in accordance with paragraph (E) (1) of this subsection equals or exceeds $1\frac{1}{4}\%$ the final employer rates shall be the preliminary rates determined as provided in (D) hereof, except that if the employer's pre-

liminary rate is determined as provided in (D) (2) or (D) (3) hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest $\frac{5}{100}$ of 1%, but in no case shall such final rate be less than $\frac{1}{10}$ of 1%.

(ii) If the percentage determined in accordance with paragraph (E) (1) of this subsection equals or exceeds $\frac{3}{4}$ of 1% and is less than $1\frac{1}{4}$ of 1%, the final employer rates shall be the preliminary employer rates.

(iii) If the percentage determined in accordance with paragraph (E) (1) of this subsection is less than $\frac{3}{4}$ of 1%, but in excess of $\frac{1}{4}$ of 1%, the final employer rates shall be the preliminary employer rates determined as provided in (D) hereof increased by the difference between $\frac{3}{4}$ of 1% and such percentage taken to the nearest $\frac{5}{100}$ of 1%; provided, however, that no such final rate shall be more than $\frac{1}{4}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (2) hereof, more than $\frac{1}{2}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (1) and (D) (3) hereof, nor more than $\frac{3}{4}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (4) hereof.

(iv) If the amount of the State Disability Benefits Fund determined as provided in paragraph (E) (1) of this subsection is equal to or less than $\frac{1}{4}$ of 1%, then the final rate shall be $\frac{2}{5}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (2) hereof, $\frac{7}{10}$ of 1% in the case of an employer whose preliminary rate is determined as provided in (D) (1) and (D) (3) hereof, and 1.1% in the case of an employer whose preliminary rate is determined as provided in (D) (4) hereof. Notwithstanding any other provision of law or any determination made by the division with respect to any 12-month period commencing on July 1, 1970, the final rates for all employers for the period beginning January 1, 1971, shall be as set forth herein.

2. Section 3 of P. L. 1948, c. 110 (C. 43:21-27) is amended to read as follows:

C. 43:21-27 Definitions.

3. As used in this act, unless the context clearly requires otherwise:

(a) (1) "Covered employer" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, who is an employer subject to the chapter to which this act is a supplement, designated as the Unemployment Compensation Law (R. S. 43:21-1 et seq.), except the State, its political subdivisions, and any instrumentality of the State unless (i) such governmental entity elects to become a covered employer under the Temporary Disability Benefits Law provided, however, that commencing with the effective date of this act the State of New Jersey, including Rutgers, The State University, the College of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology, shall be deemed a covered employer, as defined herein.

(2) Any governmental entity or instrumentality which is an employer under R. S. 43:21-19(h)(5) may elect to become a "covered employer" under this subsection beginning with the date on which its coverage under subsection 19(h)(5) begins or as of January 1 of any year thereafter by filing written notice of such election with the division within at least 30 days of the effective date. Such election shall remain in effect for at least 2 full calendar years and may be terminated as of January 1 of any year thereafter by filing with the division a written notice of termination at least 30 days prior to the termination date.

(b) "Covered individual" means any person who is in employment, as defined in the chapter to which this act is a supplement, for which he is entitled to remuneration from a covered employer, or who has been out of such employment for less than 2 weeks. However, a "covered individual" who is employed by the State of New Jersey, including Rutgers, The State University, the College of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology, or by any governmental entity or instrumentality which elects to becoming a "covered employer" pursuant to this amendatory act, shall not be eligible to receive any benefits under the Temporary Disability Benefits Law until such individual has exhausted all sick leave accumulated as an employee in the classified service of the State or accumulated under terms and conditions similar to classified employees or accumulated under terms and conditions pursuant to the laws of this State or as the result of a negotiated contract with any governmental entity or instrumentality which elects to become a "covered employer".

(c) "Division" or "commission" means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Industry, and any transaction or exercise of authority by the director of the division shall be deemed to be performed by the division.

(d) "Day" shall mean a full calendar day beginning and ending at midnight.

(e) "Disability" shall mean such disability as is compensable under section 5 of this act.

(f) "Disability benefits" shall mean any cash payments which are payable to a covered individual pursuant to this act.

(g) "Period of disability" with respect to any individual shall mean the entire period of time, during which he is continuously and totally unable to perform the duties of his employment, except that two periods of disability due to the same or related cause or condition and separated by a period of not more than 14 days shall be considered as one continuous period of disability; provided, the individual has earned wages during such 14-day period with the employer who was his last employer immediately preceding the first period of disability.

(h) "Wages" shall mean all compensation payable by covered employers to covered individuals for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash.

(i) "Base week" means any calendar week during which an individual earned not less than \$15.00 from a covered employer, in employment as defined in the chapter to which this act is a supplement.

(j) "Average weekly wage" means the amount derived by dividing a covered individual's total wages earned from his most recent covered employer during the base weeks in the 8 calendar weeks immediately preceding the calendar week in which disability commenced, by the number of such base weeks. If this computation yields a result which is less than the individual's average weekly earnings in employment, as defined in the chapter to which this act is a supplement, with all covered employers during the basic weeks in such 8 calendar weeks, then the average weekly wage shall be computed on the basis of earnings from all covered employers during the 8 base weeks immediately preceding the week in which the disability commenced.

3. Section 22 of P. L. 1948, c. 110 (C. 43:21-46) is amended to read as follows:

C. 43:21-46 State disability benefits fund.

22. State disability benefits fund. (a) The State disability benefits fund, hereinafter referred to as the fund, is hereby established. The fund shall remain in the custody of the State Treasurer, and to the extent of its cash requirements shall be deposited in authorized public depositories in the State of New Jersey. There shall be deposited in and credited to the fund the amount of worker and employer contributions provided under subsections (d) and (e) of R. S. 43:21-7, less refunds authorized by the chapter (R. S. 43:21-1 et seq.) to which this act is a supplement, and the entire amount of interest and earnings from investments of the fund, and all assessments, fines and penalties collected under this act. The fund shall be held in trust for the payment of disability benefits pursuant to this act, for the payment of benefits pursuant to subsection (f) of R. S. 43:21-4, and for the payment of any authorized refunds of contributions. All warrants for the payment of benefits shall be issued by and bear only the signature of the Director of the Division of Unemployment and Temporary Disability Insurance or his duly authorized agent for that purpose. All other moneys withdrawn from the fund shall be upon warrant signed by the State Treasurer and countersigned by the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Industry of the State of New Jersey. The Treasurer shall maintain books, records and accounts for the fund, appoint personnel and fix their compensation within the limits of available appropriations. The expenses of the treasurer in administering the fund and its accounts shall be charged against the administration account, as hereinafter established. A separate account, to be known as the administration account, shall be maintained in the fund, and there shall be credited to such account an amount determined to be sufficient for proper administration, not to exceed, however, 8/100 of 1% of the wages with respect to which current contributions are payable into the fund, and the entire amount of any assessments against covered employers, as hereinafter provided, for costs of administration prorated among approved private plans. The costs of administration of this act including R. S. 43:21-4 (f) shall be charged to the administration account.

(b) A further separate account, to be known as the unemployment disability account, shall be maintained in the fund. Such

account shall be charged with all benefit payments under R. S. 43:21-4 (f).

Prior to July 1 of each calendar year, the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Industry of the State of New Jersey shall determine the average rate of interest and other earnings on all investments of the State disability benefits fund for the preceding calendar year. An amount equal to the sum of the amounts withdrawn from the unemployment trust fund pursuant to section 23 hereof multiplied by such average rate shall be determined by the division and credited to the unemployment disability account as of the end of the preceding calendar year.

If the unemployment disability account shall show an accumulated deficit in excess of \$200,000.00 at the end of any calendar year after interest and other earnings have been credited as provided hereinabove, the division shall determine the ratio of such deficit to the total of all taxable wages paid during the preceding calendar year, and shall make an assessment against all employers in an amount equal to the taxable wages paid by them during such preceding calendar year to employees, multiplied by such ratio, but in no event shall any such assessment exceed $\frac{1}{10}$ of 1% of such wages; provided, however, that the assessment made against the State (including Rutgers, The State University of New Jersey, the College of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology) shall not exceed the sum of all benefits paid under the provisions of R. S. 43:21-4 (f) as the result of employment with the State. Such amounts shall be collectable by the division in the same manner as provided for the collection of employee contributions under this chapter (R. S. 43:21-1 et seq.). In making this assessment, the division shall furnish to each affected employer a brief summary of the determination thereof. The amount of such assessments collected by the division shall be credited to the unemployment disability account.

As used in this section, "taxable wages" shall mean wages with respect to which employer contributions have been paid or are payable pursuant to subsections (a), (b) and (c) of R. S. 43:21-7.

(c) A board of trustees, consisting of the State Treasurer, the Secretary of State, the Commissioner of Labor and Industry, the director of the division, and the State Comptroller, is hereby created. The board shall invest and reinvest all moneys in the fund in excess of its cash requirements, and such investments shall be

made in obligations legal for savings banks; provided, however, that the provisions of this subsection shall in all respects be subject to the provisions of chapter 270 of the laws of 1950.

(d) There is hereby appropriated, to be paid out of the fund, such amounts as may from time to time be required for the payment of disability benefits, and such amounts as may be required each year, as contained in the annual appropriation act, for the administration of this act including R. S. 43:21-4 (f).

4. This act shall take effect immediately.

Approved March 26, 1980.

CHAPTER 19

AN ACT to amend and supplement "An act concerning the rate of mileage reimbursement allowance to officers or employees of the State in certain cases," filed April 13, 1943 (P. L. 1943, c. 188).

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

1. Section 1 of P. L. 1943, c. 188 (C. 52:14-17.1) is amended to read as follows:

C. 52:14-17.1 Mileage reimbursement rate.

1. All mileage in lieu of actual expenses of transportation allowed an officer or employee of the State traveling by his own automobile on official business away from his designated post of duty or official station shall be at the rate of \$0.18 per mile unless otherwise adjusted by law.

C. 52:14-17.1a Computation to determine adjustment of rate; formula.

2. (New section) On the first business day of January and the first business day of July of each year a computation shall be made to determine whether the mileage reimbursement allowed in section 1 of P. L. 1943, c. 188 (C. 52:14-17.1) is to be adjusted on that date according to the following formula:

$$\text{Adjustment} = \frac{\text{C.P.-B.P.}}{18}$$

where:

a. Adjustment means the result of the above calculation in the number of whole cents plus one-half cent where the remainder is five-ninths or greater;

b. C.P. means the price paid for regular gasoline by the State on the date of the computation; and

c. B.P. means the price paid for regular gasoline by the State on the effective date of this amendatory and supplementary act.

3. This act shall take effect immediately.

Approved March 26, 1980.

CHAPTER 20

AN ACT to amend "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

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

1. Section 19 of P. L. 1948, c. 67 (C. 17:9A-19) is amended to read as follows:

C. 17:9A-19 Establishment and maintenance of branch offices; location; capital requirements.

19. A. Any bank or savings bank may, pursuant to a resolution of its board of directors or board of managers, establish and maintain branch offices, subject to the conditions and limitations of this article.

B. No bank or savings bank shall establish or maintain a branch office which is located outside the municipality in which it maintains its principal office, except that a bank or savings bank may establish and maintain a branch office or offices anywhere in the State:

(1) When such bank is a receiving bank as defined in section 132 or a receiving savings bank as defined in section 205, and each proposed branch will be established at a location occupied by the principal office or a branch office of a merging bank, as defined in section 132; or a merging savings bank, as defined in section 205; or

(2) When each proposed branch will be established at a location occupied by the principal office or a branch office of a banking institution in liquidation or in contemplation of liquidation.

(3) (Deleted by amendment.)

C. No bank shall hereafter establish a full branch office unless its capital stock and surplus shall at least equal the minimum capital stock and surplus required by section 4 on the organization of a bank to transact business at the location occupied by the principal office of the bank proposing to establish such full branch office, plus at least \$100,000.00 of capital stock for each full branch office maintained or proposed to be established by such bank.

D. No savings bank shall hereafter establish a full branch office unless its surplus shall at least equal the minimum capital deposits required by section 8 on the organization of a savings bank to transact business at the location occupied by the principal office of the savings bank proposing to establish such full branch office, plus at least \$100,000.00 of surplus for each full branch office maintained or proposed to be established by such savings bank.

E. (Deleted by amendment.)

F. (Deleted by amendment.)

G. (Deleted by amendment.)

H. (Deleted by amendment.)

I. During the year beginning January 1, 1975, and ending on December 31, 1975, no bank or savings bank shall, except as provided in subsection B. of this section, establish a full branch office or a minibranch office in a municipality, other than that in which it maintains its principal office, which has a population of less than 30,000, and in which another banking institution maintains its principal office. For the purposes of this subsection, the principal office of each bank or national bank which is a subsidiary of a bank holding company which controls two or more banking institutions shall be deemed to be a branch office.

J. During the year beginning January 1, 1976, and ending on December 31, 1976, no bank or savings bank shall, except as provided in subsection B. of this section, establish a full branch office or a minibranch office in a municipality, other than that in which it maintains its principal office, which has a population of less than 20,000, and in which another banking institution maintains its principal office. For the purposes of this subsection, the principal office of each bank or national bank which is a subsidiary of a bank holding company which controls two or more banking institutions shall be deemed to be a branch office.

K. During the year beginning January 1, 1977 and thereafter, no bank or savings bank shall, except as provided in subsection B.

of this section, establish a full branch office, a minibranch office or a communication terminal branch office in a municipality, other than that in which it maintains its principal office, which has a population of less than 10,000, and in which another banking institution maintains its principal office. For the purposes of this subsection, the principal office of each bank or national bank which is a subsidiary of a bank holding company which controls two or more banking institutions shall be deemed to be a branch office.

L. Except as otherwise provided by law, no foreign bank as defined in section 315 shall establish, operate or maintain in this State any full branch office, minibranch office or communication terminal branch office.

2. This act shall take effect immediately.

Approved March 31, 1980.

CHAPTER 21

AN ACT relating to the transportation system of the State and making appropriations therefor.

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

1. The appropriations herein made are appropriated out of the Transportation Rehabilitation and Improvement Fund of 1979 established in section 15 of the "New Jersey Transportation Rehabilitation and Improvement Bond Act of 1979", P. L. 1979, c. 165.

2. There is appropriated the sum of \$90,000,000.00 for the improvement of public transportation facilities to be allocated to the following projects:

PROJECT	DESCRIPTION	ESTIMATED COST THROUGH 6/30/81
Erie Lackawanna (Morristown) Reelectrification	Purchase of high speed and electric commuter cars and the rehabilitation and extension of the railroad electrified system on the Morristown Line from Hoboken to Dover, includ- ing the Gladstone and Montclair branches.	(\$160,000,000)
New York and Long Branch (North Jersey Coast) Electrification	Purchase of high speed electric railroad cars, electrification and rehabili- tation of the North Jersey Coast Line from South Amboy to Long Branch. Additional improvements from Bay Head to Long Branch are also included.	(64,000,000)
Bus Acquisition	Purchase of approximately 940 replacement buses pur- suant to P. L. 1979, c. 33, which authorizes such pur- chase with funds to be provided by the Port Authority of New York and New Jersey.	(120,000,000)
	Purchase of approximately 140 buses for (South Jersey) area beyond the regional bus area prescribed by P. L. 1979, c. 33.	(19,000,000)
Newark Subway Modernization	Improvements to track, signals, stations and main- tenance facilities on the 4.3 mile Newark City Subway.	(37,000,000)

PROJECT	DESCRIPTION	ESTIMATED COST THROUGH 6/30/81
Raritan Valley Upgrade	Purchase of new diesel locomotives and coach restoration of passenger stations, double tracking of connections at Aldene and Hunter and track rehabilitation.	(85,000,000)
Rail Station Restoration	Restoration of various stations on the State's commuter lines.	(19,000,000)
Rail Equipment Modernization	Reconditioning and modifying of Arrow I and Arrow II Multiple Unit Cars, purchase of diesel locomotives, rehabilitation of locomotive-hauled coaches, rehabilitation of rail diesel cars, purchase of Arrow III MU cars and the acquisition of cab control cars.	(73,000,000)
Red Bank-Lakewood Central Jersey Line	Track rehabilitation and improvements.	(2,000,000)
Systemwide Track Rehabilitation	Program to rehabilitate track on all lines not included in other projects.	(31,000,000)
Major Railroad Equip- ment Repair Shop— Design and Land Acquisition	Purchase of land and preliminary design work for constructing a major equipment repair shop.	(4,000,000)
Camden Transporta- tion Center	Design of a coordinated rail rapid downtown transit bus transfer and terminal facility in Camden.	(2,000,000)

PROJECT	DESCRIPTION	ESTIMATED COST THROUGH 6/30/81
Improvements to Rail Equipment Maintenance Facilities at Sunnyside Yard	Expansion of existing engine house and maintenance facilities.	(14,000,000)
Hoboken Terminal Improvement	Rehabilitation of existing bus terminal and creation of parking spaces.	(2,000,000)
Bus Exact Fare Boxes	Expansion and replacement of existing obsolete fare equipment.	(3,000,000)
Bus Service Vehicles	Replacement of obsolete service vehicles.	(2,000,000)
Montclair Connection	Link the Boonton Line to the Montclair Branch at Montclair to provide Boonton Line riders with direct access to Newark.	(8,000,000)
Railroad Fixed Facility and Equipment Upgrade and Rehabilitation	Repair and rehabilitation of rail fixed facilities including stations, track, signals, maintenance facility and equipment.	(26,000,000)
Hoboken Power Plant and Switch Heaters		(1,000,000)
Pollution Control at Fueling Sites	To meet requirements of State and Federal environmental agencies.	(1,000,000)
Silicone Transformers	For commuter rail cars to meet Federal environmental requirements.	(15,000,000)
Repairs to Railroad Bridges		(8,000,000)
PATCO Improvements	Various improvements to existing facility.	(4,000,000)

PROJECT	DESCRIPTION	ESTIMATED COST THROUGH 6/30/81
Northeast Corridor Intercity Station Improvements	Parking decks and other station repairs at Trenton, Metropark and Newark.	(1,000,000)
Bus Fixed Facility Rehabilitation	Including garages and bus turnarounds.	(5,000,000)
Bus Shelters	Bus shelters along bus routes throughout the State.	(6,000,000)
Joint Development Urban Initiative Projects		(4,000,000)
Bus and Rail Park & Ride Facilities		(6,000,000)
Marketing Program	Includes printing capa- bility and distribution centers; statewide phone information service; facility and rolling stock graphics; and other related improvements.	(2,000,000)
Bus Stop Signs		(2,000,000)
Specialized Equip- ment Acquisition for the Transporta- tion Disadvantaged	To provide specialized transportation services to the transportation disadvantaged.	(2,000,000)
Railroad Station Paging System		(1,000,000)
Major Railroad Equipment Repair Shop Construction	Includes provisions of a major repair/rebuild shop, stores, track and turnouts, site preparation and utili- ties, a new power plant and oil separator for a rail equipment repair facility primarily for	(2,000,000)

PROJECT	DESCRIPTION	ESTIMATED COST THROUGH 6/30/81
Miscellaneous, contract adjustments, professional services.	repairs to equipment operating on the Hoboken Division.	
	SUBTOTAL	(\$731,000,000)
	Less Port Authority Funds	(120,000,000)
	Less Federal Funds (Funding at this level is dependent upon enactment of increased funding from Windfall Profits Tax)	(521,000,000)
	TOTAL APPROPRIATION	\$90,000,000

3. Notwithstanding the provisions of subtitle 4 of Title 27 of the Revised Statutes and P. L. 1946, c. 301 (C. 27:15A-1 et seq.), there is established a program of State aid for the improvement of county and municipal roads with emphasis on projects for the resurfacing, restoration and reconstruction of heavily traveled roads, and for projects facilitating urban revitalization. The State share of the costs of projects shall not exceed 90% of the eligible project costs. The commissioner is authorized to adopt such rules and regulations as shall be necessary to implement this program. The rules and regulations shall be submitted to the Senate and General Assembly Transportation and Communications Committees, the President of the Senate and the Speaker of the General Assembly for their review not less than 20 days prior to their promulgation.

4. a. There is authorized from the fund for purposes of the State aid program the sum of \$12,000,000.00, which shall be allocated at the commissioner's discretion for local projects facilitating urban revitalization and for emergency projects.

b. There is authorized from the fund for this program the sum of \$48,000,000.00 to counties and municipalities which shall be allocated among counties on a formula basis

$$(\% \text{ allocation} = \frac{\% \text{ population} + \% \text{ road mileage}}{2})$$

which gives equal consideration to population and road mileage factors; except that the total sum allocated to county and municipal projects in any county shall not be less than \$1,000,000.00. In determining priority for funding of county and municipal projects within each county's allocation, the commissioner shall be guided by criteria relating to volume of traffic, safety considerations, readiness to obligate funds and local taxing capacity.

c. There is authorized from the fund the sum of \$20,000,000.00 which shall be used to provide the local share of Federal aid programs for the improvement of county and municipal roads.

5. It shall be lawful for each county and municipality, upon notification by the commissioner of approval for and the amount of State aid allocated to a project, to include an amount equal to the amount of such State aid in its annual budget and any amendments and supplements thereto. Immediately thereafter, commitments may be made by counties and municipalities against the amounts so included in their budgets and amendments and supplements thereto.

6. When the commissioner shall notify the governing body of a county or municipality, of the amount of State funds allocated to a project, the governing body may borrow money on temporary loan to an amount not to exceed the amount of the State funds allocated to the project in anticipation of the payment of the amount of State funds so allocated to the county or municipality in accordance with the provisions of this act, and may apply the proceeds of the loan to the payment of the cost of the project. The temporary loan shall be repaid upon payment to the county or municipality of the sum in anticipation of payment of which the loan was made.

7. There is appropriated as authorized by section 4 of this act the sum of \$40,000,000.00 for the improvement of county and municipal roads as indicated:

a. Discretionary State aid to counties and municipalities for local projects facilitating urban revitalization and emergency projects . . . \$6,000,000.00:

b. State aid to counties and municipalities on a formula basis for programs emphasizing projects for the resurfacing, restoration and reconstruction of heavily traveled roads or similar projects . . . \$24,000,000.00;

c. State aid for the local share of Federal aid programs for the improvement of county and municipal roads . . . \$10,000,000.00.

8. There is appropriated the sum of \$135,000.000.00 for the improvement of State highways to be allocated to the following projects:

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH 6/30/81
1 & 9	Bridge over Conrail, Avenel, bridge replacement	Middlesex	(\$1,200,000)
1 & 9	Route 1 & 9 over route 35, deck rehabilitation	Middlesex	(33,750)
1 & 9	Bayway circle cut through	Union	(210,000)
1 & 9	East Grand street to east Bond street, lowering of route	Union	(250,000)
1 & 9	Overpass at north & south end of Pulaski Skyway, stage 2, structure rehabilitation	Essex, Hudson	(1,740,000)
1 & 9	Structure rehabilitation over St. Paul's avenue	Hudson	(500,000)
1 & 9	Bayway circle to east Jersey street, viaduct study	Union	(125,000)
1 & 9	Bridge over Waverly yards and South street, structure rehabilitation	Essex	(250,000)
1 & 9	Morses creek between Stiles street and Wood avenue, culvert replacement	Union	(75,000)
1 & 9T	At Broadway-Wallis avenue, channelization, jughandle, left turn slot	Hudson	(701,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH 6/30/81
1 & 9T	Passaic river to route 440, safety improvements	Hudson	(856,000)
1	Route 1 ramps, New Warren and Warren streets	Mercer	(1,200,000)
3	Bloomfield avenue to Passaic avenue, landscape	Passaic	(100,000)
3	Passaic river to route 1 & 9, safety improvements	Bergen, Hudson	(1,080,000)
4	Bridges on the Passaic river, route 20 & Sprout brook, structure rehabilitation	Bergen	(77,000)
4	Saddle river to I-95, improvements	Bergen	(3,000,000)
5	Extension of retaining wall south of Undercliff avenue	Bergen	(67,000)
7	Bridge over ELRR, #0901-154, bridge rehabilitation	Hudson	(1,500,000)
9	Garden State Parkway to route 1, barrier curb, widening, resurfacing, feasibility study	Middlesex	(700,000)
9	Intersection improvement at route 30, Absecon	Atlantic	(25,000)
9	Bridge replacement over Nacote creek	Atlantic	(500,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH 6/30/81
9	Intersection at route 9 & Ernston road, route 34 to Garden State Park- way, widening, re- surfacing, barrier curb	Middlesex	(3,000,000)
9	Vicinity of Pine street & 10th street, FTC monitors	Ocean	(43,000)
9	Hilliard boulevard to Mill creek, drainage	Ocean	(75,000)
9	Intersection at Mill Creek road, jug- handles & channel- ization	Ocean	(1,000,000)
9	Vicinity of Pacific avenue to Stone Har- bor boulevard, road rehabilitation	Cape May	(500,000)
9	Route 526 to West Farms road, dual- ization	Ocean, Monmouth	(11,500,000)
9 & 35	Cheesequake creek to Edison bridge, barrier curb, resur- facing	Middlesex	(5,750,000)
9; 40 & 322	Doughty road to U. S. 40 & 322, left turn, channelization	Atlantic	(535,000)
9 & 444	Main street to Edi- son bridge, safety improvements	Middlesex	(800,000)
9W	Walker Hollow, borough of Alpine, alignment improve- ment	Bergen	(632,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED
			COST THROUGH 6/30/81
10	Ledgewood circle to Livingston circle, highway & safety improvements	Morris	(5,607,000)
15	At county route 94, intersection improvement	Sussex	(525,000)
15	I-80 to county route 52, landscape	Passaic	(100,000)
23	Clove brook culvert replacement	Sussex	(1,000,000)
24	Park avenue to Brooklake road, landscape	Morris	(70,000)
27	I-95 north to Metuchen, landscape	Middlesex	(120,000)
28; 22	Route 22 to Somerville circle, resurfacing, drainage	Somerset	(2,000,000)
30	Laurel road, jug-handles	Camden	(30,000)
30	Bridge replacement over Garretts ditch, structure #0103-158	Atlantic	(310,000)
30	Virginia & Adriatic avenues to Shore road interchange, study for reconstruction	Atlantic	(150,000)
30	Clementon road, intersection improvement	Camden	(110,000)
30	Davis road & Charman place, intersection improvement	Camden	(125,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH 6/30/81
30	Gloucester avenue, intersection improvement	Camden	(200,000)
30; 130	Collingswood circle, channelization	Camden	(250,000)
17	Terrace avenue- Polify road to New York state line, improvements	Bergen	(4,800,000)
17	Park and ride at route 17 & Franklin turnpike, Ridgewood	Bergen	(1,017,000)
18	Albany street bridge to D & R canal outlet lock, canal restoration	Middlesex	(300,000)
18	Garden State Park- way to route 34, landscape	Monmouth	(180,000)
18	Dutch Lane road to Normandy road, signs, lighting	Monmouth	(1,616,000)
18	Pedestrian bridge, St. Thomas school, Old Bridge township	Middlesex	(600,000)
18	Structure over Lawrence brook, deck repairs	Middlesex	(250,000)
18F	Garden State Park- way to Brielle circle, grading, paving, structures	Monmouth	(575,000)
20	I-80 to inter loop	Passaic	(1,300,000)
21	Improvements in Newark	Essex	(1,675,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH 6/30/81
21F	Oriental street to Hope avenue, signs	Essex	(1,500,000)
22	Westbound overpass over route 21, structure #0718-154, structure rehabilitation	Essex	(40,000)
22	Route 22 & county route 523, intersection, left turn slots, signalization	Hunterdon	(50,000)
22	Readington line to county route 641, landscape	Hunterdon	(160,000)
22	Chapel island, ramp revisions	Union	(125,000)
22	Bridge rehabilitation over Waverly yards	Essex	(3,300,000)
22	Straw Church circle improvements	Warren	(660,000)
23	New York avenue to Maple Lake road, dualization	Passaic, Morris	(10,500,000)
23	I-80 to New street, dualization, widening	Passaic	(27,500,000)
31	Marshall's corner-Woodsville road to East Amwell-Hopewell line, resurfacing	Mercer	(1,190,000)
33	Ward avenue to Robbinsville, widening	Mercer	(450,000)
33	Corlies avenue-Route 35 to Route 71, widening	Monmouth	(50,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH 6/30/81
33	Route 18 to Route 35, landscape	Monmouth	(75,000)
35	¼ mile south of Amboy road, Spa spring drainage	Middlesex	(275,000)
36	Hazlet Park and Ride	Monmouth	(380,000)
37	Garden State Parkway to Dover township line, highway & intersection improvement at Hospital drive, Mule road & St. Catherine boulevard	Ocean	(437,000)
38	New Jersey Turnpike to Pemberton road, dualization, jughandles	Burlington	(3,600,000)
38	Pine street to Lumberton road, resurfacing	Burlington	(550,000)
40	Woodstown bypass, grading, paving, structures on new alignment	Salem	(300,000)
40 & 322	Intersection improvement at Main street & Franklin avenues	Atlantic	(50,000)
40 & 322	Intersection improvement at Port Republic, English Creek road	Atlantic	(15,000)
40 & 322	Intersection with West End avenue	Atlantic	(100,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH 6/30/81
41	Route 70 to Route 38, widening 2-4 lanes	Camden	(4,145,000)
41 & 42	Evesham to Woodbury—Almoneson road, widening	Gloucester	(2,000,000)
42	Black Horse pike to Creek road, landscape	Camden, Gloucester	(200,000)
42 & 295	Route 2 connector to I-295, grading, paving, structures	Camden	(70,000)
42 & 322	Route 168 to Main street, widening, resurfacing, jug-handles	Gloucester	(350,000)
45	Modification to roadway approach over PRSL	Salem	(110,000)
45	Channelization at Routes 46 & 47	Salem	(75,000)
45	High street to 322, rehabilitation and resurfacing	Gloucester	(260,000)
46	Structure #1409-157 over Rockaway river, Rockaway township, DLWRR, structure rehabilitation	Morris	(225,000)
46	Elimination of Little Ferry traffic circle	Bergen	(50,000)
46	Intersection improvement at Two Bridges road & Route 46	Essex	(3,550,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED
			COST THROUGH 6/30/81
46	Musconetcong river to beginning of dualization, resurfacing	Morris	(10,000)
46	Naughtright road to Schooley Mt. road, jughandles & signals	Morris	(50,000)
46	Passaic river to Route 17, barrier curb	Bergen	(2,636,000)
47	350 Ft. North of Almond avenue to Butler avenue, drainage, resurfacing	Cumberland	(20,000)
47	Hand avenue to Goshen road, widening & resurfacing, possible realignment	Cape May	(100,000)
47	GSP to West of 6th street, channelization	Cape May	(30,000)
49	Barrett's Run, culvert replacement, structure #060-150	Cumberland	(575,000)
50	Intersection improvement county road 31	Cape May	(25,000)
55F	Rt. 40 to 42	Gloucester	(17,100,000)
55F	Scotland road to Route 40, landscape	Salem, Gloucester	(58,000)
57	Bridge replacement over Pohatcong creek, structure #2105164	Warren	(850,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED
			COST THROUGH 6/30/81
63	Lafayette avenue to Brinkerhoff avenue at Route 5, resurfac- ing, intersection improvements, structure repair	Bergen	(1,284,000)
70	Vicinity of Upper Station road, bridge over PCRR, bridge removal, drainage	Burlington	(41,000)
70	Laurelton circle to Brielle circle, widening	Monmouth, Ocean	(150,000)
70	Bridge over Bear Swamp road, bridge rehabilitation, struc- ture #0310-153	Burlington	(98,000)
70	Bridge rehabilitation over Pole Bridge Branch, structure #0311-153	Burlington	(100,000)
70	Route 9 to Chambers Bridge road, widen- ing, resurfacing, jughandles	Ocean	(535,000)
71	Sylvan Lake bridge to 11th street, resurfacing	Monmouth	(575,000)
72	Route 9 to Mana- hawkin bay, scenic lands acquisition	Ocean	(400,000)
73	Haddonfield- Kresson road, intersection improvement	Burlington	(64,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH 6/30/81
73	Route 38 to River road, landscape	Burlington, Camden	(180,000)
73	Structure rehabilitation over Route 30, structure #0415-150	Camden	(75,000)
73	Route 38 to N. J. Turnpike, resurfacing, widening, jughandle	Burlington	(2,500,000)
77	Shirley road to Route 40 circle, Salem resurfacing and minor widening	Salem	(2,400,000)
78	Route I-78 Belmont-Hillside Interchange, additional ramps	Essex	(161,000)
80	Ford road to Parsippany-Troy Hills twp. line, landscape	Morris	(160,000)
81	Route 1 to N. J. Turnpike Interchange 13A, grading, paving, structures	Union	(13,500,000)
82	Rahway River Bridge replacement	Union	(27,000)
87	Five legged Intersection at Maryland and Huron aves., intersection improvement and drainage	Atlantic	(293,000)
88	Beaver Dam rd. to Memorial drive, bridge replacement	Ocean	(3,000,000)
88	Culvert at Metedeconk river	Ocean	(340,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH
			6/30/81
90F	Haddonfield road to Route 73, grading, paving, structures	Camden, Burlington	(250,000)
92F	Hightstown by-pass, grading, paving, structures	Mercer	(1,145,000)
94	Intersection at County rd. 515	Sussex	(10,000)
109	Intersection Route 109 and County road 585, geometric revisions	Cape May	(250,000)
130	Church street and Cinnaminson ave., intersection improvements	Burlington	(25,000)
130	Assicunk creek to Route 206, widening, resurfacing, barrier curb, jughandles	Burlington	(1,000,000)
130	Vicinity of Brook- lawn circle, Penn- Reading Seashore Line to South River drive, drainage	Camden, Gloucester	(415,000)
130	Bridge over Big Timber creek, rehabilitation	Camden, Gloucester	(650,000)
130	Rancocas Creek bridge, replacement	Burlington	(13,500,000)
130	Wood street to South of Rising Sun road, resurfacing and rehabilitation	Burlington	(3,000,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH 6/30/81
130	Georges road, left turn slot and minor realignment	Middlesex	(400,000)
147	Route 9 to New Jersey avenue, dualization and bridge realignment	Cape May	(800,000)
152	Somers Point to Longport, bridge replacement, reconstruction	Atlantic	(800,000)
159	Bridge replacement over Passaic river, structure #0727-152	Morris, Essex	(1,250,000)
166	Over Jakes Branch of Toms river, bridge replacement	Ocean	(30,000)
169	Bayonne Bridge to Communipaw avenue, grading, paving, structures	Hudson	(4,280,000)
185	Harbor drive to Caven Point road	Hudson	(12,799,000)
202	Intersection Route 202 and Mt. Airy road to 250 ft. west of Mt. Airy road and Woodlawn road to Childs road, Olcott square, resurfacing and drainage	Somerset	(100,000)
206	Route 27 to Route I-287	Somerset	(192,000)

New Jersey State Library

ROUTE	DESCRIPTION	COUNTY	ESTIMATED COST THROUGH
			6/30/81
206	Somerset county line to Route I-80, resurfacing, safety improvements	Morris	(200,000)
206	Retaining wall north of Augusta, slope revision	Sussex	(35,000)
208	Maple avenue to Fairlawn avenue, widening	Bergen	(20,000)
280	Route I-280 to Raymond boulevard connector—ramp	Essex	(161,000)
287	Route 80 to Route 202, landscape	Morris	(120,000)
322	Malaga road intersection, resurfacing and drainage	Atlantic	(44,000)
322	Mechanics street to Route I-295, widening	Gloucester	(250,000)
439	Morris avenue to West of Irvington avenue, drainage improvement	Union	(1,100,000)
440	Woodbridge avenue to State street, resurfacing, drainage	Middlesex	(1,500,000)
444	Wood avenue and Route 444 Interchange, Metropark stage III	Middlesex	(360,000)
444	Garden State Parkway, Interchange 8 to 12S, rehabilitation, widening	Cape May	(750,000)

ROUTE	DESCRIPTION	COUNTY	ESTIMATED
			COST THROUGH 6/30/81
444	New Jersey Turnpike to Morris avenue, landscape	Middlesex, Union	(250,000)
444	Pedestrian overpass, Atlantic avenue	Cape May	(550,000)
VARIOUS	Inspection and rat- ing of bridges		(2,250,000)
VARIOUS	Improvement of traffic circles Statewide		(4,000,000)
VARIOUS	Intersection and related safety improvements		(4,000,000)
STATEWIDE	Miscellaneous, con- tract adjustments, utilities, engineer- ing, right of way, relocation expenses, professional services		(3,000,000)
STATEWIDE	Bridge replacement and rehabilitation		(1,000,000)
TOTAL			(\$231,099,750)
Less Federal Funds			(96,099,750)
TOTAL APPROPRIATIONS			\$135,000,000

9. Such sums as may be necessary to meet any expense incurred by the issuing officials under the act hereinafter mentioned for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of said act are appropriated.

10. It is the purpose of this act that the funds from which said appropriations shall be met shall be those funds which shall be derived from the sale of the Transportation Rehabilitation and Improvement Bonds the issuance of which is provided for by P. L. 1979, c. 165, which act was submitted to and approved by the people at the general election held on November 6, 1979.

11. The State Treasurer is authorized and directed to set up and maintain the aforementioned appropriations in the Transportation Rehabilitation and Improvement Fund of 1979. The funds herein appropriated may be expended by the commissioner for the uses and purposes enumerated herein, subject to the same restrictions and control as are exercised over all other appropriated State funds, but not inconsistent with the provisions of P. L. 1979, c. 165.

12. The department is empowered to enter into negotiations with the Federal Government for the purpose of securing any available financial grants and to receive any such grants and thereafter the State Treasurer may cause them to be established and maintained in the aforementioned fund. Any funds so established and maintained may be expended by the department for the uses and purposes enumerated herein, subject to the same restrictions and control as are exercised over all other appropriated State funds, but not inconsistent with the provisions of P. L. 1979, c. 165.

13. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized and directed to make such correction of the title or text, or both, of any item in this act necessary to make an appropriation available for the purpose of its intention. The correction shall be by written ruling reciting in appropriate detail the facts thereof and the reasons therefor, attested by the signature of the director and filed by him in his office as an official record, and any action thereunder, including disbursements, and the audit thereof, shall be legally binding and of full force.

14. The amount appropriated by this act for the cost of the improvement of public transportation facilities, the improvement of county and municipal roads or the cost of the improvement of State highways shall be set forth in one or more construction programs by the commissioner in accordance with the provisions of Title 27 of the Revised Statutes. No funds shall be expended pursuant to such construction programs without the approval of the Governor.

15. From the amount provided in this act for the improvement of public transportation facilities, county and municipal roads, and State highways, there may be allocated such amounts as the department, in accordance with the provisions of Title 27 of the Revised Statutes, may determine for personal service by contract or, in lieu thereof, by State employees for planning, engineering, design,

research, construction, right-of-way acquisition, or other costs related to the construction program; provided, however, that these expenditures shall be subject to transfers approved as prescribed in section 17 of this act. The department, in accordance with the provisions of Title 27 of the Revised Statutes, is authorized and directed to take such steps as shall be necessary to implement and carry out the programs authorized by the "New Jersey Transportation Rehabilitation and Improvement Bond Act of 1979" and may establish, as provided by law, such positions as shall be necessary to achieve this purpose within the limits of funds appropriated herein and approved for this purpose.

16. In order that all costs, whether direct or indirect, of implementing the "New Jersey Transportation Rehabilitation and Improvement Bond Act of 1979" shall be paid from the fund established in section 15 thereof, the Director of the Division of Budget and Accounting, where appropriate and practicable, shall charge the fund and credit to the General State Fund or expenditure source such sums as may have been expended from other State appropriations for direct or indirect costs related to the programs herein authorized.

17. In order that some degree of flexibility in administering the provisions of this act may be had, the commissioner may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item to any other item; provided, however, that the total amount of funds expended for any program shall be subject to the limitations in section 4 of the "New Jersey Transportation Rehabilitation and Improvement Bond Act of 1979". Upon approval of such application by said director and by the Legislative Budget Officer in writing, said director shall make such transfer as provided by law.

18. The purposes of and terms in this act shall be governed by and be interpreted consistently with the "New Jersey Transportation Rehabilitation and Improvement Bond Act of 1979", P. L. 1979, c. 165.

19. The department shall report quarterly to the Senate and Assembly Transportation and Communications Committees on the status of each project. The report shall also include information on major changes in project status or major impediments to the accomplishment of the planned projects.

20. This act shall take effect immediately provided, however, that appropriations included herein shall be available for eligible project costs incurred subsequent to November 6, 1979 or for reimbursement of general fund or other appropriations utilized for eligible expenditures after that date.

Approved April 15, 1980.

CHAPTER 22

AN ACT to amend "An act to limit and regulate child labor in this State; to provide for examinations and inspections under the provisions of this act; to provide for the enforcement of this act and regulations made thereunder; to prescribe penalties for the violation thereof; and to repeal other acts," approved June 25, 1940 (P. L. 1940, c. 153).

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

1. Section 3 of P. L. 1940, c. 153 (C. 34:2-21.3) is amended to read as follows:

C. 34:2-21.3 Employment of minors under 18.

3. Except as provided in section 15 and except for domestic service or messengers employed by communications companies subject to the supervision and control of the Federal Communications Commission, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation more than 6 consecutive days in any 1 week, or more than 40 hours in any 1 week, or more than 8 hours in any 1 day, nor shall any minor under 16 years of age be so employed, permitted, or suffered to work before 7 a.m. or after 6 p.m. of any day; nor shall any minor between 16 and 18 years of age be so employed, permitted or suffered to work before 6 a.m. or after 11 p.m. of any day; provided, that minors between 16 and 18 years of age may be employed after 11 p.m. during any regular school vacation season, and in a restaurant after 12 o'clock midnight on such days which do not precede a regularly scheduled school day, with a special written permit from their parents or legal guardian stating the hours they are permitted to work; provided, further

that minors 14 and 15 years of age may be employed in a concert or a theatrical performance up to 11 p.m.; and provided, further, that minors not less than 16 years of age and who are attending school may be employed as pinsetters only in public bowling alleys up to 11:30 p.m., but may not be so employed during the school term without a special written permit from the superintendent of schools or the supervising principal as the case may be, which permit must state that the minor has undergone a complete physical examination by the medical inspector, and, in the opinion of the superintendent or supervising principal may be so employed, without injury to health or interference with progress in school, such special permits to be good for a period of 3 months only and are revocable in the discretion of the superintendent or supervising principal. Such permit may not be renewed until satisfactory evidence has been submitted to the superintendent or supervising principal showing that the minor has had a physical examination and the minor's health is not being injured by said work; and provided, further, that minors between 16 and 18 years of age may not be employed after 10 p.m. during the regular school vacation seasons in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law. The combined hours of work and hours in school of minors under 16 employed outside school hours shall not exceed a total of 8 per day.

This section is not applicable to the employment of a minor between 16 and 18 years of age during the months of June, July, August or September by a summer resident camp, conference or retreat operated by a nonprofit or religious corporation or association, unless the employment is primarily general maintenance work or food service activities.

2. This act shall take effect immediately.

Approved April 18, 1980.

CHAPTER 23

AN ACT appropriating funds from the Medical Education Facilities Fund for the expansion of certain medical education facilities in Piscataway, New Jersey and acquisition of land and construction thereon of certain medical education facilities in Camden, New Jersey, to accommodate the College of Medicine and Dentistry of New Jersey-South Jersey Medical Education Program.

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 Medical Education Facilities Fund created pursuant to the "New Jersey Medical Education Facilities Bond Act of 1977" (P. L. 1977, c. 235), the sum of \$8,558,000.00 for the acquisition of land and construction and improvement thereon of medical education facilities necessary to accommodate the clinical teaching and research program of the College of Medicine and Dentistry's New Jersey School of Osteopathic Medicine and the CMDNJ—Rutgers Medical School's allopathic clinical program in Camden, New Jersey, and for equipment therefor.

2. There is also appropriated to the Department of Higher Education from the Medical Education Facilities Fund the sum of \$1,242,000.00 for expansion and improvement of the CMDNJ—Rutgers Medical School basic science facility in Piscataway, New Jersey, to accommodate expanded first and second year medical student enrollments of the CMDNJ—New Jersey School of Osteopathic Medicine, and for equipment therefor.

3. The appropriations made pursuant to this act shall be subject to the provisions of P. L. 1977, c. 235.

4. This act shall take effect immediately

Approved April 22, 1980.

CHAPTER 24

AN ACT concerning property tax remissions and rebates on certain property devoted to park purposes in certain counties of the first class, and supplementing Article 3, Chapter 4 of Title 54 of the Revised Statutes.

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

C. 54:4-5.1 Entitlement to remission or rebate on certain property.

1. The provisions of R. S. 54:4-5, or any other law, to the contrary notwithstanding, no municipality shall be entitled to a remission or rebate of any portion of the county taxes paid or payable on the ratables subject to taxation by virtue of the abolition of the park commission of the county that owned or occupied lands in the municipality and the transfer of such ownership or occupation to any division, department, agency or instrumentality of the county government, which transfer occurred within 4 years of the adoption in that county of one of the forms of government provided by the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.).

2. This act shall take effect immediately and shall be retroactive in its effect to January 1, 1979.

Approved May 1, 1980.

CHAPTER 25

AN ACT concerning racing days and the parimutuel pool; amending and supplementing P. L. 1940, c. 17; amending P. L. 1967, c. 40; and amending P. L. 1971, c. 137.

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

1. Section 24 of P. L. 1940, c. 17 (C. 5:5-44) is amended to read as follows:

C. 5:5-44 Renewal of permit upon application for designated races; allotment of additional racing days.

24. a. In the event any person, partnership, association, corporation or public body corporate and politic is granted a permit under this act to conduct a race meeting pursuant to provisions thereof, such permit shall be renewed upon application of the permitholder yearly for the next succeeding 10 years, for the same dates allotted to such permitholder during the preceding year, where it is in the public interest to do so, or for such other dates, not exceeding 75 racing days in the aggregate for running racing and not exceeding 100 days in the aggregate for harness racing, as the commission shall designate; provided, however, that should any permitholder reject any or all of the days to which they are entitled, the commission may allot them, or any of them, among the remaining permitholders. Such allotment shall be on a basis which in the discretion of the commission appears most appropriate for the purpose of providing continuity of racing in the State; and provided, further, that such permitholder has not violated any of the provisions of this act.

b. In addition to the racing days aforesaid, the commission shall allot equally among the four running racing permitholders an additional 100 racing days. The commission may also allot among the harness racing permitholders an additional 200 days, in any proportion it deems fit where it is in the public interest to do so. For purposes of this section, the term public interest shall include the following factors: (1) Protecting the State's revenues from racing and generating additional revenues to the State, its agencies and subdivisions; (2) Providing for continuity of racing and year-round racing so as to promote the racing industry and maintain and enhance the employment which it provides in this State; (3) Providing a recreational opportunity for residents in the several areas of the State where licensed tracks are situate; (4) Maintaining and improving this State's competitive position with regard to neighboring racing states.

c. In the event any permitholder should reject any or all of the days to which they are entitled or which they are allotted by the commission, the commission may allot those days, or any of them, among the remaining permitholders. Such allotment shall be on a basis which in the discretion of the commission appears most appropriate for the purpose of providing continuity of racing in the State and where the commission finds such allotment to be in the public interest; and provided, further, that such permitholder has not violated any of the provisions of this act.

2. Section 44 of P. L. 1940, c. 17 (C. 5:5-64) is amended to read as follows:

C. 5:5-64 Distribution of sums deposited in pool and breaks.

44. Each holder of a permit shall distribute all sums deposited in any pool where the patron is required to select one horse to the winners thereof, less an amount which in harness races shall not exceed 17% of the total deposits plus the breaks and which in other races shall not exceed 17% of the total deposits plus the breaks. In every pool where the patron is required to select two horses, the holder of each permit for either harness or running track shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 19% of the total deposits plus the breaks. In every pool where the patron is required to select three or more horses, every holder of a permit shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 25% of the total deposits, plus the breaks. Every permitholder shall distribute to the persons holding winning tickets in any of the aforementioned pools, as a minimum, a sum not exceeding \$0.10, calculated on the basis of each dollar deposited in any pool after the deduction of the said 17%, 19% or 25%, as the case may be. Should the amount remaining in the pool be insufficient to pay the winners the minimum, the breakage accruing in that race, or any necessary portion thereof, shall be applied toward making up any such deficiency. The breaks are hereby defined as the odd cents over any multiple of \$0.10, calculated on the basis of \$1.00 otherwise payable to a patron. Every permitholder engaged in the business of conducting running or harness race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P. L. 1971, c. 137 (C. 5:10-1 et seq.), shall pay to the commission for the use of the State the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in a pool as herein provided. The New Jersey Sports and Exposition Authority shall retain all breaks commencing on May 10, 1971 as revenue to the authority, except as the same shall have been applied toward making up a deficiency in a pool as herein provided.

Payment of such breaks shall be made every seventh day of any and every race meeting and shall be accompanied by a report under oath showing the daily and total amount of such breaks together with such other information as the commission may require. All sums held by any permitholder for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto

within 6 months from the time such tickets are issued shall be paid to the commission upon the expiration of such 6-month holding period.

Where it is shown to the satisfaction of the commission that the reason for the parimutuel tickets being outstanding and unclaimed is the loss, misplacement or theft of said tickets within the confines and control of the parimutuel department of any permitholder, and it is further shown to the satisfaction of the commission that said parimutuel tickets have been cashed by such parimutuel department, the commission may adjust and credit the permitholder's account accordingly and the permitholder shall reimburse any employee who has been held personally accountable and paid for such lost, stolen or misplaced tickets.

All outstanding parimutuel ticket money shall be deposited in an account separate and apart from the track's mutuel or general treasury account. The outstanding parimutuel ticket account shall be subject to the rules and regulations prescribed by the Division of New Jersey Racing Commission.

3. Section 46 of P. L. 1940, c. 17 (C. 5:5-66) is amended to read as follows:

C. 5:5-66 Undistributed deposits; disposition.

46. Every permitholder engaged in the business of conducting horse race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P. L. 1971, c. 137 (C. 5:10-1 et seq.), shall make disposition of the deposits remaining undistributed pursuant to section 44 as follows:

a. In the case of harness races:

(1) Pay to the commission 3.30% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall pay to the commission 4.30% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 7.30% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total

of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(2) Hold and set aside in an account designated as a special trust account 1.15% of such total contributions in all pools to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(a) 37% thereof to increase purses and grant awards for starting horses as provided or as may be provided by rules of the New Jersey Racing Commission with payment to be made in the same manner as payment of other purses and awards;

(b) 55% thereof for the establishment of a Sire Stakes Program for standardbred horses with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(c) 5% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in New Jersey through payment of awards to owners and breeders of New Jersey bred horses which are registered with the Standardbred Breeders' and Owners' Association of New Jersey and which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallions roster of the Standardbred Breeders' and Owners' Association of New Jersey which sire such registered New Jersey bred money earners;

(d) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

(3) Retain 6% of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall retain 6.5% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 8% of the total contributions. Each permitholder shall contribute out of its 8% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the Racing Commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(4) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 6.55% of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.2% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permitholder shall distribute as purse money 7.05% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 8.55% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 8.55% to be distributed as purse money, a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

b. In the case of running races:

(1) Where the amount derived from the parimutuel handle does not exceed \$1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) Pay to the commission 42% of 1% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year; but notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 1.42% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing

fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(b) Hold and set aside in an account designated as a special trust account 23% of 1% of such total contributions to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 18% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payments of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money winners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(c) Retain 8.57% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 9.66% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 12.12% of the total contributions.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 7.16% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 8.07% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 10.11% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all pari-mutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder.

(e) 50% of 1% of all pools shall be deducted and set aside in a special trust account for the establishment and support by the

commission of the thoroughbred breeding industry in New Jersey; to improve purses for closed races; to provide awards for owners and breeders of registered New Jersey bred horses who earn portions of purses in closed races at New Jersey race tracks and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders' Association of New Jersey which sire such New Jersey bred money earners and awards to the New Jersey Thoroughbred Breeders' Association for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the commission while the thoroughbred open breeder awards shall be administered and disbursed by the New Jersey Department of Agriculture. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(f) 12% of 1% shall be deposited in a separate special trust account for use by the commission in keeping thoroughbred tracks and stable facilities open during periods of time when they are not normally in operation when to do so would serve the public interest.

(g) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account referred to in subparagraph (e) of this paragraph.

(2) Where the amount derived from the parimutuel handle exceeds \$1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) Pay to the commission 3.42% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year; but, notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 4.42% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or

by any other body having power to assess or collect license fees or taxes.

(b) Hold and set aside in an account designated as a special trust account 23% of 1% of such total contributions to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 18% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payments of awards to owners and breeders of registered New Jersey bred horses which earned portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money winners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(c) Retain 6.81% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 7.88% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 10.29% of the total contributions.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 5.92% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 6.85% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 8.94% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all pari-mutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder.

(e) 50% of 1% of all pools shall be deducted and set aside in a special trust account for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey; to

improve purses for closed races; to provide awards for owners and breeders of registered New Jersey bred horses who earn portions of purses in closed races at New Jersey race tracks and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders' Association of New Jersey which sire such New Jersey bred money earners and awards to New Jersey thoroughbred breeders associations for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the commission while the thoroughbred open breeder awards shall be administered and disbursed by the New Jersey Department of Agriculture. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(f) 12% of 1% shall be deposited in a separate special trust account for use by the New Jersey Racing Commission in keeping thoroughbred tracks and stable facilities open during periods of time when they are not normally in operation when to do so would serve the public interest.

(g) Notwithstanding the foregoing, for pools and where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account referred to in subparagraph (e) of this paragraph.

Notwithstanding any other provision of this section, every harness permitholder engaged in the business of conducting harness race meetings shall retain from the funds designated in subsection a. (1) of this section an additional 1% of the total contributions to all parimutuel pools for his own uses and purposes, in addition to those sums herein mentioned in subsection a. (3) of this section, during the period of November 1 to March 31, referred to as winter racing days. Any running race permitholder operating pursuant to subsection b. (2) of this section shall retain from the funds designated in subsection b. (2) (a) an additional 1% of the total contributions to all parimutuel pools for his own uses and purposes, in addition to those sums herein mentioned in subsection b. (2) (c), for any winter racing days as herein defined.

4. Section 7 of P. L. 1971, c. 137 (C. 5:10-7) is amended to read as follows:

C. 5:10-7 Horse race meetings.

7. a. The authority is hereby authorized, licensed and empowered to apply to the Racing Commission for a permit or permits to hold

and conduct, as part of the Meadowlands complex, horse race meetings for stake, purse or reward, and to provide a place or places on the race meeting grounds or enclosure for wagering by patrons on the result of such horse races by the parimutuel system, and to receive charges and collect all revenues, receipts and other sums from the ownership and operation thereof; provided that only the authority through its employees shall conduct such horse race meetings and wagering and the authority is expressly prohibited from placing in the control of any other person, firm or corporation the conduct of such horse race meetings, or wagering.

b. Except as otherwise provided in this section, such horse race meetings and parimutuel wagering shall be conducted by the authority in the manner and subject to compliance with the standards set forth in P. L. 1940, c. 17 (C. 5:5-22 et seq.) and the rules, regulations and conditions prescribed by the Racing Commission thereunder for the conduct of horse race meetings and for parimutuel betting at such meetings.

c. Application for said permit or permits shall be on such forms and shall include such accompanying data as the Racing Commission shall prescribe for other applicants. The Racing Commission shall proceed to review and act on any such application within 30 days after its filing and the Racing Commission is authorized in its sole discretion to determine whether a permit shall be granted to the authority. If, after such review, the Racing Commission acts favorably on such application, a permit shall be granted to the authority without any further approval and shall remain in force and effect so long as any bonds or notes of the authority issued for the purposes of the Meadowlands complex remain outstanding, the provision of any other law to the contrary notwithstanding. In granting a permit to the authority to conduct a horse race meeting, the Racing Commission shall not be subject to any limitation as to the number of tracks authorized for the conduct of horse race meetings pursuant to any provision of P. L. 1940, c. 17 (C. 5:5-22 et seq.). Said permit shall set forth the dates to be allotted to the authority for its initial horse race meetings. Thereafter application for dates for horse race meetings by the authority and the allotment thereof by the Racing Commission, including the renewal of the same dates theretofore allotted, shall be governed by the applicable provisions of P. L. 1940, c. 17 (C. 5:5-22 et seq.). Notwithstanding the provision of any other law to the contrary, the Racing Commission shall allot annually to the authority, in the case of harness racing, not less than 100 racing days, and in the case of running racing,

not less than 56 racing days, if and to the extent that application is made therefor.

d. No hearing, referendum or other election or proceeding, and no payment, surety or cash bond or other deposit, shall be required for the authority to hold or conduct the horse race meetings with parimutuel wagering herein authorized.

e. The authority shall determine the amount of the admission fee for the races and all matters relating to the collection thereof.

f. Distribution of sums deposited in parimutuel pools to winners thereof shall be in accordance with the provisions of section 44 of P. L. 1940, c. 17 (C. 5:5-64) pertaining thereto. The authority shall make disposition of the deposits remaining undistributed as follows:

(1) In the case of harness races:

(a) Hold and set aside in an account designated as a special trust account 1% of such total contributions in all pools to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 42½% thereof to increase purses and grant awards for starting horses as provided or as may be provided by rules of the New Jersey Racing Commission with payment to be made in the same manner as payment of other purses and awards;

(ii) 49% thereof for the establishment of a Sire Stakes Program for standardbred horses with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(iii) 5½% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in New Jersey through payment of awards to owners and breeders of New Jersey bred horses which are registered with the Standardbred Breeders' and Owners' Association of New Jersey and which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallions roster of the Standardbred Breeders' and Owners' Association of New Jersey which sire such registered New Jersey bred money earners;

(iv) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

Payment of the sums held and set aside pursuant to subparagraphs (iii) and (iv) shall be made to the commission every seventh

day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require.

(b) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 5% of such total contribution. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.5% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the authority. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the authority shall distribute as purse money 5.5% of the total contributions and for pools where the patron is required to select three or more horses, the authority shall distribute as purse money 7% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, the authority shall retain out of the 7% to be distributed as purse money, a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(2) In the case of running races:

(a) Hold and set aside in an account designated as a special trust account 15% of 1% of such total contributions to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 10% of 1% thereof for contributions and awards designed to improve and promote the thoroughbred breeding industry in New Jersey through payment of awards to owners and breeders of registered New Jersey bred horses which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion rosters of the Thoroughbred Breeders' Association of New Jersey which sire such registered New Jersey bred money earners;

(ii) 5% of 1% thereof for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration.

(b) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 4.24% of such total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.9% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the authority. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the authority shall distribute as purse money 7.24% of the total contributions.

(c) For pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account established pursuant to section 46 b. (1) (e) and 46 b. (2) (e) of P. L. 1940, c. 17 (C. 5:5-66).

Payment of the sums held and set aside pursuant to subparagraphs (a) and (c) of this subsection shall be made to the commission every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require.

In addition, as an initial payment to the State, an amount equal to $\frac{1}{2}$ of 1% of all parimutuel pools shall be deposited annually in the General State Fund. All amounts remaining in parimutuel pools, including the breaks, after such distribution and payments shall constitute revenues of the authority. Except as otherwise expressly provided in this section 7, the authority shall not be required to make any payments to the Racing Commission or others in connection with contributions to parimutuel pools.

In the event that a written agreement between the authority and the respective horsemen's associations shall require the distribution of additional sums of money to increase purses or contributions to the special trust accounts hereinabove provided or both, any such distribution to be made in the year 1981 shall be made by the authority only from, and to the extent of, available moneys from the

preceding year set aside for such purpose after application of the authority's revenues, moneys or other funds as provided in subsection b. (1), (2), (3), (4) and (5) of section 6 of P. L. 1971, c. 137.

g. All sums held by the authority for payment of outstanding parimutuel tickets not claimed by the person or persons entitled thereto within the time provided by law shall be paid to the Racing Commission upon the expiration of such time without further obligation to such ticketholder.

h. No admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from the authority by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

i. Any horse race meeting and the parimutuel system of wagering upon the result of horse races held as such race meeting shall not under any circumstances, if conducted as provided in the act and in conformity thereto, be held or construed to be unlawful, other statutes of the State to the contrary notwithstanding.

j. Each employee of the authority engaged in the conducting of horse race meetings shall obtain the appropriate license from the Racing Commission subject to the same terms and conditions as is required of similar employees of other permitholders. The Racing Commission may suspend any member of the authority upon approval of the Governor and the license of any employee of the authority in connection with the conducting of horse race meetings pending a hearing by the Racing Commission for any violation of the New Jersey laws regulating horse racing or any rule or regulation of the commission. Such hearing shall be held and conducted in the manner provided in said laws.

5. Section 5 of P. L. 1967, c. 40 (C. 5:5-88) is amended to read as follows:

C. 5:5-88 Payment to commission; special account; distribution of moneys.

5. Every permitholder shall remit and pay to the commission in installments and at the same time and manner provided in section 46 of P. L. 1940, c. 17 all moneys set aside in the special trust account for contributions and awards and horse breeding and promotion pursuant to section 46 a. (2) (c) and (d) thereof, section 46 b. (1) (b) and (2) (b) thereof, and subsection f. (1) (a) (iii) and (iv) and subsection f. (2) (a) of section 7 of P. L. 1971, c. 137 (C. 5:10-7). All such special trust account moneys received by the commission shall be separately accounted for and paid into the

State treasury for deposit and maintenance by the State Treasurer in a special account entitled "New Jersey Horse Breeding and Development Account." Moneys credited to such special account shall be appropriated to and used by the Department of Agriculture, under the supervision of the State Board of Agriculture after consultation with and approval of the State Treasurer, for contributions and awards to improve and promote thoroughbred and standardbred breeding in the manner and amount as provided in said sections.

The Department of Agriculture is authorized to confer with and seek the advice of the New Jersey Equine Advisory Board with reference to the distribution of the moneys as herein provided.

C. 5:5-93 Standards for breeding and ownership.

6. (New section) The Standardbred Breeders' and Owners' Association, in the case of standardbred horses, and the Thoroughbred Breeders' Association, in the case of thoroughbred horses, shall promulgate standards for determining New Jersey ownership, individual or corporate, of horses for the purposes of qualifying for breeder or stallion awards or for races limited to New Jersey owned or New Jersey bred horses. Such standards shall be subject to the approval of the Racing Commission. Any objection to such standards or the implementation of those standards may be appealed to the commission.

7. Notwithstanding the provisions of section 44 of P. L. 1940, c. 17 (C. 5:5-64), every permitholder engaged in the business of conducting running race meetings where the amount derived from the parimutuel handle does not exceed \$1 million per day based on such contributions accumulated and averaged during the calendar year 1980 shall retain the breaks during its 1980 meeting for use in supplementing the purses distributed by the permitholder up to a maximum average daily purse distribution of \$60,000.00. Any funds not used for such purse supplements shall be paid to the commission for the use of the State at the conclusion of the permitholder's 1980 meeting.

8. This act shall take effect immediately. Sections 1 through 3 and 5 through 7 shall be retroactive to January 1, 1980, and section 4 shall be retroactive to January 1, 1979, except as otherwise may be expressly provided.

Approved May 6, 1980.

CHAPTER 26

AN ACT appropriating funds from the Medical Education Facilities Fund for the purpose of construction of medical education facilities.

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

1. There is hereby appropriated to the Department of Higher Education from the Medical Education Facilities Fund, created pursuant to the "New Jersey Medical Education Facilities Bond Act of 1977" (P. L. 1977, c. 235), the sum of \$2.268 million for the purpose of constructing a cancer education, research and treatment center for the new College Hospital at the Newark campus of the College of Medicine and Dentistry of New Jersey (CMDNJ).

2. The appropriation made pursuant to this act shall be subject to the provisions of P. L. 1977, c. 235.

3. This act shall take effect immediately.

Approved May 19, 1980.

CHAPTER 27

AN ACT appropriating funds from the Institutional Construction Fund for the construction, renovation and improvement of institutional facilities.

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

1. There is hereby appropriated to the Department of Human Services, from the sale of bonds authorized pursuant to the "Institutional Construction Bond Act of 1978," created by P. L. 1978, c. 79 and approved by the people of New Jersey on November 7, 1978, the sum of \$17,700,000 for the following construction projects:

Division of Mental Health and Hospitals	
Community Capital Improvement Program Grants . .	\$2,500,000
Total Division of Mental Health and Hospitals .	\$2,500,000

Division of Mental Retardation

Community Grant Program	\$2,000,000
Renovation of Institutional Buildings	13,200,000
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Total Division of Mental Retardation	\$15,200,000
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Total Department of Human Services	\$17,700,000

2. There is also appropriated from the proceeds of the sale of the above mentioned bonds, such items as may be necessary to meet any expense incurred by the issuing officials under P. L. 1978, c. 79 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of said act.

3. The State Treasurer and the State Department of Human Services are authorized and empowered to enter into agreements with the Federal Government in order to secure and receive available financial grants which are related in purpose to the above enumerated appropriations. The State Treasurer is authorized and directed to establish and maintain separate accounts in the Institutional Construction Fund for funds appropriated under this act and for financial grants received from the Federal Government. The Department of Human Services may requisition funds so established and maintained for the uses and purposes specifically enumerated under this act, subject to the same restrictions and control as are exercised over all other appropriated State funds and subject to the provisions of P. L. 1978, c. 79.

4. The Director of the Division of Budget and Accounting in the Department of Treasury is authorized and directed to make such corrections in the title or text, or both, of any appropriation item authorized under this act necessary to make such appropriation available for the purposes for which it was intended. Such correction shall be made by a written ruling which shall set forth an explanation of the need for such 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 such ruling, including disbursements and the audit thereof, shall be legally binding and of full force and effect.

5. The Director of the Division of Budget and Accounting is authorized to approve expenditures for predesign program

planning and other related costs for capital projects authorized under this act.

6. 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 to any other item within the respective department accounts in the Institutional Construction Fund. Such transfer shall be made upon the written approval of said director and of the Legislative Budget Officer in the Office of Legislative Services.

7. This act shall take effect immediately.

Approved May 19, 1980.

CHAPTER 28

AN ACT to amend and supplement the "Casino Control Act," approved June 2, 1977 (P. L. 1977, c. 110).

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

1. Section 52 of P. L. 1977, c. 110 (C. 5:12-52) is amended to read as follows:

C. 5:12-52 Appointment and terms of commission members.

52. Appointment and Terms of Commission Members. a. Initial appointments to the commission made pursuant to this amendatory and supplementary act shall be for terms as follows:

- (1) One member for 2 years;
- (2) One member for 3 years;
- (3) One member for 4 years; and
- (4) One member for 5 years.

b. The term of each of the members first appointed pursuant to this amendatory and supplementary act shall be designated by the Governor.

c. After the initial appointments, all members shall be appointed for terms of 5 years; provided, however, that no member shall serve more than two terms of 5 years each.

d. Appointments to the commission and designation of the chairman, except for the initial designation pursuant to this amendatory

and supplementary act, shall be made by the Governor with the advice and consent of the Senate. Prior to nomination, the Governor shall cause an inquiry to be conducted by the Attorney General into the nominee's background, with particular regard to the nominee's financial stability, integrity, and responsibility and his reputation for good character, honesty, and integrity.

e. Appointments to fill vacancies on the commission shall be for the unexpired term of the member to be replaced.

f. The member designated by the Governor to serve as chairman shall serve in such capacity throughout such member's entire term and until his successor shall have been duly appointed and qualified. No such member, however, shall serve in such capacity for more than 10 years. The chairman shall be the chief executive officer of the commission. All members shall devote full time to their duties of office and shall not pursue or engage in any other business, occupation or other gainful employment.

g. A commissioner may be removed from office for misconduct in office, willful neglect of duty, or other conduct evidencing unfitness for his office, or for incompetence. A proceeding for removal may be instituted by the Attorney General in the Superior Court. Notwithstanding any provision of this or any other act, any commissioner or employee of the commission shall automatically forfeit his office or position upon conviction of any crime. Any commissioner or employee of the commission shall be subject to the duty to appear and testify and to removal from his office, position or employment in accordance with the provisions of P. L. 1970, c. 72 (C. 2A:81-17.2a et seq.).

h. Each member of the commission shall serve for the duration of his term and until his successor shall be duly appointed and qualified, subject to the limitations in subsections e. and f. of this section; provided, however, that in the event that a successor is not duly appointed and qualified within 120 days after the expiration of the member's term, a vacancy shall be deemed to exist.

2. Section 53 of P. L. 1977, c. 110 (C. 5:12-53) is amended to read as follows:

C. 5:12-53 Compensation of members.

53. Compensation of Members. Each member of the commission other than the chairman shall receive compensation of \$60,000.00 per annum. The compensation of the chairman shall be \$65,000.00 per annum.

3. Section 54 of P. L. 1977, c. 110 (C. 5:12-54) is amended to read as follows:

C. 5:12-54 Organization and employees.

54. Organization and Employees. a. The commission may establish, and from time to time alter, such plan of organization as it may deem expedient, and may incur expenses within the limits of funds available to it.

b. The commission shall elect annually by a majority of the full commission one of its members, other than the chairman, to serve as vice-chairman for the ensuing year. The vice-chairman shall be empowered to carry out all of the responsibilities of the chairman as prescribed in this act during his absence, disqualification, or inability to serve.

c. The commission shall appoint an executive secretary who shall serve at its pleasure and shall be responsible for the conduct of its administrative affairs. No person shall be eligible for such appointment unless he shall have at least 5 years of responsible experience in public or business administration or possesses broad management skills. The salary of the executive secretary shall be fixed by the commission; provided, however, that such salary shall not exceed \$41,000.00.

d. The commission may employ such other personnel as it deems necessary. All employees of the commission, except for secretarial and clerical personnel, shall be in the unclassified service of the Civil Service. All employees of the commission shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act" (P. L. 1941, c. 100; C. 34:13A-1 et seq.), as amended. Notwithstanding the provisions of any other law to the contrary, the commission may employ legal counsel who shall represent the commission in any proceeding to which it is a party, and who shall render legal advice to the commission upon its request. The commission may contract for the services of other professional, technical and operational personnel and consultants as may be necessary to the performance of its responsibilities under this act. Members and employees of the commission shall be enrolled in the Public Employees Retirement System of New Jersey (P. L. 1954, c. 84; C. 43:15A-1 et seq.).

4. Section 73 of P. L. 1977, c. 110 (C. 5:12-73) is amended to read as follows:

C. 5:12-73 Meetings and quorum.

73. Meetings and Quorum. a. Meetings of the commission will be held at the discretion of the chairman at such times and places

as he may deem necessary and convenient, or at the call of three members of the commission.

b. The commission shall in all respects comply with the provisions of the "Open Public Meetings Act" (P. L. 1975, c. 231; C. 10:4-6 et seq.).

c. Any other law, rule or regulation to the contrary notwithstanding, the commission shall take all necessary steps to ensure that all interested persons are given adequate notice of commission meetings, and the agenda of such meetings, through the utilization of all media engaged in the dissemination of information.

d. A majority of the full commission shall determine any action of the commission, except that no casino license may be issued without the approval of 4 members. In the event that a vacancy has existed in the commission for more than 60 days, a majority of the full commission may act with respect to any matter, including the issuance of a casino license.

5. Section 90 of P. L. 1977, c. 110 (C. 5:12-90) is amended to read as follows:

C. 5:12-90 Licensing of casino employees.

90. Licensing of Casino Employees. a. No person may commence employment as a casino employee unless he is the holder of a valid casino employee license.

b. Any applicant for a casino employee license must, prior to the issuance of any such license, produce sufficient information, documentation and assurances to meet the qualification criteria, including New Jersey residency, contained in subsection b. of section 89 of this act and any additional residency requirement imposed under subsection c. of this section; except that the standards for business ability and casino experience may be satisfied by a showing of casino job experience and knowledge of the provisions of this act and regulations pertaining to the particular position involved, or by successful completion of a course of study at a licensed school in an approved curriculum.

c. The commission may, by regulation, require that all applicants for casino employee licenses be residents of this State for a period not to exceed 6 months immediately prior to the issuance of such license, but application may be made prior to the expiration of the required period of residency. The commission shall, by resolution, waive the required residency period for an applicant upon a showing that the residency period would cause undue hardship upon the casino licensee which intends to employ said applicant, or upon a showing of other good cause.

d. The commission shall endorse upon any license issued hereunder the particular positions as defined by regulation which the licensee is qualified to hold.

e. The commission shall deny a casino employee license to any applicant who is disqualified on the basis of the criteria contained in section 86 of this act.

f. For the purposes of this section, casino security employees shall be considered casino employees and must, in addition to any requirements under other laws, be licensed in accordance with the provisions of this act.

g. A temporary license may be issued by the commission to casino employees for positions not directly related to gaming activity if, in its judgment, the issuance of a plenary license will be restricted by necessary investigations and said temporary licensing of the applicant is necessary for the operations of the casino. Unless otherwise terminated pursuant to this act, a temporary license issued pursuant to this subsection shall expire 6 months from the date of its issuance and be renewable, at the discretion of the commission, for one additional 6 month period. Positions "directly related to gaming activity" shall include, but not be limited to, boxmen, floormen, dealers or croupiers, cage personnel, count room personnel, slot and slot booth personnel, credit and collection personnel, casino surveillance personnel, and casino security employees whose employment duties require or authorize access to the casino. This subsection shall expire 18 months subsequent to its enactment; provided, however, that temporary licenses issued pursuant to this subsection may be continued and renewed subsequent to the expiration of this subsection as if such expiration had not occurred.

h. Notwithstanding the provisions of subsection e. of this section, no applicant shall be denied a casino employee license on the basis of a conviction of any of the offenses enumerated in this act as disqualification criteria provided that the applicant has affirmatively demonstrated his rehabilitation. In determining whether the applicant has affirmatively demonstrated his rehabilitation the commission shall consider the following factors:

- (1) The nature and duties of the position applied for;
- (2) The nature and seriousness of the offense;
- (3) The circumstances under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the applicant when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;

(7) Any social conditions which may have contributed to the offense;

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

6. Section 91 of P. L. 1977, c. 110 (C. 5:12-91) is amended to read as follows:

C. 5:12-91 Casino hotel employee licenses.

91. Casino Hotel Employee Licenses. a. No person may commence employment as a casino hotel employee unless he is the holder of a valid casino hotel employee license issued by the commission.

b. Any applicant for a casino hotel employee license must, prior to the issuance of any such license, produce sufficient information, documentation and assurances to meet the qualification criteria, including New Jersey residency, contained in subsections b. (1), b. (2) and b. (4) of section 89 of this act and any additional residency requirement imposed under subsection c. of this section. No casino hotel employee license shall be issued to any person disqualified on the basis of the criteria contained in section 86 of this act.

c. The commission may, by regulation, require that all applicants for casino hotel employee licenses be residents of this State for a period not to exceed 3 months immediately prior to the issuance of such license, but application may be made prior to the expiration of the required period of residency. The commission shall waive the required residency period for an applicant upon a showing that the residency period would cause undue hardship upon the casino licensee which intends to employ said applicant, or upon a showing of other good cause.

d. Notwithstanding the provisions of subsection b. of this section, no applicant shall be denied a casino hotel employee license on the basis of a conviction of any of the offenses enumerated in this act as disqualification criteria, provided that the applicant has affirmatively demonstrated his rehabilitation. In determining whether the applicant has affirmatively demonstrated his rehabilitation the commission shall consider the following factors:

- (1) The nature and duties of the position applied for;
- (2) The nature and seriousness of the offenses;

- (3) The circumstances under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the applicant when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;
- (7) Any social conditions which may have contributed to the offense;

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

e. The commission may waive any disqualification criterion for a casino hotel employee consistent with the public policy of this act and upon a finding that the interests of justice so require.

f. A temporary license may be issued by the commission if in its judgment the issuance of a permanent license will be restricted by necessary investigations and said temporary licensing of the applicant is necessary for the operations of the hotel. Unless otherwise terminated pursuant to this act, a temporary license issued pursuant to this subsection shall expire 6 months from the date of its issuance and be renewable, at the discretion of the commission, for one additional 6-month period.

7. Section 92 of P. L. 1977, c. 110 (C. 5:12-92) is amended to read as follows:

C. 5:12-92 Licensing and registration of casino service industries.

92. Licensing and Registration of Casino Service Industries.

a. All casino service industries offering goods or services on a regular basis which directly relate to casino or gaming activity, including gaming equipment manufacturers, suppliers and repairers, schools teaching gaming and either playing or dealing techniques, and casino security services, shall be licensed in accordance with the provisions of this act prior to conducting any business whatsoever with a casino licensee, its employees or agents, and in the case of a school, prior to enrollment of any students or offering of any courses to the public whether for compensation or not; provided however, that upon a showing of good cause by a casino licensee for each business transaction, the commission may permit an applicant for a casino service industry license to conduct business transactions with such casino licensee prior to the licensure of that applicant under this subsection.

b. Each casino service industry in subsection a. of this section, as well as its owners, management and supervisory personnel and other principal employees must qualify under the standards, except residency, established for qualification of a casino key employee under this act. In addition, if the business or enterprise is a school teaching gaming and either playing or dealing techniques, each resident director, instructor, principal employee, and sales representative employed thereby shall be licensed under the standards established for qualification of a casino employee under this act; provided, however, that nothing in this subsection shall be deemed to require, in the case of a public school district or a public institution of higher education, the licensure or qualification of any individuals except those instructors and other principal employees responsible for the teaching of playing or dealing techniques. The commission, in its discretion, may issue a temporary license to an applicant for an instructor's license upon a finding that the applicant meets the educational and experiential requirements for such license, that the issuance of a permanent license will be restricted by necessary investigations, and that temporary licensing is necessary for the operation of the gaming school. Unless otherwise terminated pursuant to this act, a temporary license issued pursuant to this subsection shall expire 6 months from the date of its issuance and be renewable, at the discretion of the commission, for one additional 6-month period. The temporary licensing provisions of this subsection shall expire 18 months subsequent to its enactment; provided, however, that temporary licenses issued pursuant to this subsection may be continued and renewed subsequent to the expiration of the temporary licensing provisions of this subsection as if such expiration had not occurred.

c. All casino service industries not included in subsection a. of this section shall be licensed in accordance with rules of the commission prior to commencement or continuation of any business with a casino licensee or its agents. Such casino service industries, whether or not directly related to gaming operations, shall include suppliers of alcoholic beverages, food and nonalcoholic beverages; garbage handlers; vending machine providers; linen suppliers; maintenance companies; shopkeepers located within the approved hotel; and limousine services contracting with casino licensees. The commission may exempt any person or field of commerce from the licensing requirements of this subsection if the person or field of commerce demonstrates (1) that it is regulated by a public agency or that it will provide goods or services in insubstantial

or insignificant amounts or quantities, and (2) that licensing is not deemed necessary in order to protect the public interest or to accomplish the policies established by this act. Upon granting an exemption or at any time thereafter, the commission may limit or place such restrictions thereupon as it may deem necessary in the public interest, and shall require the exempted person to cooperate with the commission and the division and, upon request, to provide information in the same manner as required of a casino service industry licensed pursuant to this subsection provided, however, that no exemption shall be granted unless the casino service industry complies with the requirements of sections 134 and 135 of this act.

d. Licensure pursuant to subsection c. of this section of any casino service industry may be denied to any applicant disqualified in accordance with the criteria contained in section 86 of this act.

8. Section 94 of P. L. 1977, c. 110 (C. 5:12-94) is amended to read as follows:

C. 5:12-94 Approval and denial of registrations and licenses other than casino licenses.

94. Approval and Denial of Registrations and Licenses Other Than Casino Licenses. a. Upon the filing of an application for any license or registration required by this act other than a casino license, and after submission of such supplemental information as the commission may require, the commission shall request the division to conduct such investigation into the qualification of the applicant, and the commission shall conduct such hearings concerning the qualification of the applicant in accordance with its regulations as may be necessary to determine qualification for such license or registration.

b. After such investigation, the commission may either deny the application or grant a license to or accept the registration of an applicant whom it determines to be qualified to hold such license or registration.

c. The commission shall have the authority to deny any application pursuant to the provisions of this act. When an application is denied, the commission shall prepare and file its order denying such application with the general reasons therefor, and if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including the specific findings of facts.

d. When the commission grants an application, the commission may limit or place such restrictions thereupon as it may deem

necessary in the public interest. Licenses shall be granted and registrations approved for a term of 1 year; provided, however, that casino employee licenses for positions directly related to gaming activity and for gaming school resident director, instructor, principal employee and sales representative licenses shall be granted for a term of 2 years; and provided further that casino employee licenses for positions not directly related to gaming activity, casino hotel employee licenses, and casino service industry licenses issued pursuant to subsection c. of section 92 of P. L. 1977, c. 110 (C. 5:12-92 c.) shall be granted for a term of 3 years.

e. After an application is submitted to the commission, final action of the commission shall be taken within 90 days after completion of all hearings and investigations and the receipt of all information required by the commission.

9. (New section) In order to effect an orderly transition, any part-time member of the commission who is serving in the course of a term of office on the effective date of this amendatory and supplementary act shall continue to serve as a part-time commissioner for the duration of his term of office and until his full-time successor is duly appointed and qualified, but not later than 120 days following the expiration of his term of office; provided, however, that in the event of the termination of his service prior to the expiration of his term, a full-time successor shall be appointed for a term to be designated by the Governor pursuant to section 52 of P. L. 1977, c. 110 (C. 5:12-52). Any part-time member of the commission who is serving as a holdover on the effective date of this amendatory and supplementary act shall continue to serve until his full-time successor is duly appointed and qualified, but not later than 120 days following the effective date of this amendatory and supplementary act. The chairman of the commission on the effective date of this amendatory and supplementary act shall continue to serve as chairman until November 15, 1980, and until such time as a successor chairman is designated pursuant to this amendatory and supplementary act. Thereafter he shall continue as a member of the commission for a term which shall expire on July 25, 1981.

10. This act shall take effect immediately, but shall remain inoperative until Senate No. 1068 and Senate No. 1069 are enacted into law.

Approved May 20, 1980.

CHAPTER 29

A SUPPLEMENT to the "Casino Control Act" approved June 2, 1977
(P. L. 1977, c. 110, C. 5:12-1 et seq.).

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

1. Notwithstanding the provisions of P. L. 1978, c. 7, section 26 (C. 5:12-95.7), any temporary casino permit heretofore issued with a final expiration date prior to June 30, 1980 may be extended for one additional 4-month period.

2. This act shall take effect immediately.

Approved May 20, 1980.

CHAPTER 30

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, 1980 and regulating the disbursement thereof," approved June 28, 1979 (P. L. 1979, c. 119).

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

1. The following sums are appropriated out of the source of funds specifically indicated for the purposes herein specified:

STATE AID

DEPARTMENT OF THE TREASURY

77100. Shared and State-collected Local Taxes—State Aid
Extraordinary:

There are hereby appropriated so much of the proceeds derived from the imposition of the public utility gross receipts and franchise taxes as may be required for payment to municipalities in which public utility scheduled property is

located 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.).

2. This act shall take effect immediately.

Approved May 30, 1980.

CHAPTER 31

AN Act concerning the New Jersey Education Facilities Authority
and supplementing chapter 72A 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:72A-11.1 Authority's additional powers and duties.

1. In addition to other powers and duties which have been granted to the authority, whenever any public or private college has constructed or acquired any work or improvement which would otherwise qualify under this act except for the fact that such construction or acquisition was undertaken and financed without assistance from the authority, the authority may purchase such work or improvement, and lease the same to such college, or may lend funds to such college for the purpose of enabling the latter to retire obligations incurred for such construction or acquisition; except that the amount of any such price or loan shall not exceed the original project cost. All powers, rights, obligations and duties granted to or imposed upon the authority, colleges, State departments and agencies or others by this chapter in respect to projects shall apply to the same extent with respect to transactions pursuant to this section; except that any action otherwise required to be taken at a particular time in the progression of a project may, where the circumstances are so required in connection with a transaction under this section, be taken with the same effect as if taken at that particular time.

2. This act shall take effect immediately.

Approved June 3, 1980.

CHAPTER 32

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued pursuant to a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that notices relating to such election were not published as required by the provisions of the Absentee Voting Law (P. L. 1953, c. 211, C. 19:57-1 et seq.) as amended and supplemented; provided, however, that no action, suit or other proceeding of any nature to contest the validity of such election 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 theretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved June 3, 1980.

CHAPTER 33

AN ACT to amend the "Additional State School Building Aid Act," approved July 13, 1978 (P. L. 1978, c. 74).

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

1. Section 5 of P. L. 1978, c. 74 (C. 18A:58-33.26) is amended to read as follows:

C. 18A:58-33.26 Determination by resolution; ordinance or proposal authorizing issuance of bonds; endorsement by commissioner.

5. a. If the State Board of Education shall find that any such school district is not able to provide the suitable educational facilities described hereinabove the State Board of Education shall by resolution determine (1) that such school district is entitled to receive additional State school building aid pursuant to this act, (2) the number of pupils in resident enrollment in such school district on September 30, 1976 for purposes of computation under this act or the number of handicapped pupils between the ages of 13 and 21 whose vocational education needs were not met prior to the enactment of this act, (3) the principal amount of bonds (which amount is hereinafter sometimes referred to as the "entitlement") which are to be entitled to the benefits of the provisions of this act, and (4) the maturity schedule for such principal amount of bonds approved by said board.

b. At any time within 18 months after the adoption by the State Board of Education of the resolution referred to in subsection a. with respect to a particular school district, said school district may submit to the Commissioner of Education a copy of a proposal or ordinance authorizing the issuance of bonds entitled to the benefits of this act in accordance with said resolution, provided that such ordinance or proposal had not been adopted, approved or become effective prior to January 1, 1978, and to make or provide any and all investigations, determinations, endorsements, certifications, considerations, approvals, restrictions, limitations, consents, resolutions, estimates or approvals, which may be required or provided by this act with respect to any such ordinance or proposal, school district or school district projects or educational facilities, as if such ordinance or proposal had not been adopted, approved or become effective, and any bonds authorized by such ordinance or proposal shall be entitled to all the benefit of this act. If no such proposal or ordinance is submitted within 18 months the said resolution shall be of no further force and effect and the commissioner shall so notify said school district. The Commissioner of Education shall be and is hereby authorized to endorse upon any copy of such proposal or ordinance a certification thereof as being the proposal or ordinance as to which a determination of the State Board of Education has been made as aforesaid, and such indorsement shall be made in such form or manner as said commissioner shall determine.

2. This act shall take effect immediately.

Approved June 3, 1980.

CHAPTER 34

AN Act to amend the title of "An act relating to the authorization, acquisition, financing and operation of water systems, solid waste systems and sewage disposal systems by or on behalf of any county or any one or more municipalities, providing for the creation and the establishment of the powers of authorities as public bodies corporate and politic to undertake the same, for the issuance of bonds and other obligations therefor, and for service charges and other means to meet the expense thereof, and supplementing Title 40 of the Revised Statutes," approved August 22, 1957 (P. L. 1957, c. 183) as said title was amended by P. L. 1977, c. 384, so that the same shall read "An act relating to the authorization, acquisition, financing and operation of water systems, hydroelectric systems, solid waste systems and sewage disposal systems by or on behalf of any county or any one or more municipalities, providing for the creation and the establishment of the powers of authorities as public bodies corporate and politic to undertake the same, for the issuance of bonds and other obligations therefor, and for service charges and other means to meet the expense thereof, and supplementing Title 40 of the Revised Statutes," and to amend and supplement the body of said act.

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

Title amended.

1. The title of P. L. 1957, c. 183, as said title was amended by P. L. 1977, c. 384, is amended to read as follows:

An Act relating to the authorization, acquisition, financing and operation of water systems, hydroelectric systems, solid waste systems and sewage disposal systems by or on behalf of any county or any one or more municipalities, providing for the creation and the establishment of the powers of authorities as public bodies corporate and politic to undertake the same, for the issuance of bonds and other obligations therefor, and for service charges and other means to meet the expense thereof, and supplementing Title 40 of the Revised Statutes.

2. Section 2 of P. L. 1957, c. 183 (C. 40:14B-2) is amended to read as follows:

C. 40:14B-2 Declaration of policy.

2. It is hereby declared to be in the public interest and to be the policy of the State to foster and promote by all reasonable means the provision and distribution of an adequate supply of water for the public and private uses of counties and municipalities and their inhabitants, the collection, disposal and recycling of solid waste, including sewage sludge, in an environmentally sound manner, the relief of lands and waters in or bordering the State from pollution, from domestic, industrial and other sources, including pollution derived from chemical and hazardous wastes, and thus the reduction and ultimate abatement of the menace to the public health resulting from such pollution, and the generation of hydroelectric power. It is the purpose and object of this act to further and implement such policy by

(1) Authorizing counties, or municipalities either separately or in combination with other municipalities, by means and through the agency of a municipal authority, to acquire, construct, maintain, operate or improve works for the accumulation, supply or distribution of water, works for the collection, treatment, recycling, and disposal of solid wastes, works for the collection, treatment, purification or disposal of sewage or other wastes, and works for the generation of hydroelectric power;

(2) Authorizing service charges to occupants or owners of property for direct or indirect connection with and the use, products or services of such works, and providing for the establishment, collection and enforcement of such charges;

(3) Creating as bodies corporate and politic municipal authorities to have full responsibility and powers with respect to such works and the establishment, collection, enforcement, use and disposition of all such service charges;

(4) Providing for the financing of such works, for the issuance of bonds therefor, and for the payment and security of such bonds; and

(5) In general, granting to counties and municipalities and to such municipal authorities discretionary powers to provide for utility services designed to provide or distribute such a supply of water, to recycle or dispose of solid waste, to relieve pollution of such waters in or bordering the State at the expense of the users of such services or of counties or municipalities or other persons

contracting for or with respect to the same or to generate hydro-electric power.

3. Section 3 of P. L. 1957, c. 183 (C. 40:14B-3) is amended to read as follows:

C. 40:14B-3 Definitions.

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

(1) "Municipality" shall mean any city of any class, any borough, village, town, township, or any other municipality other than a county or a school district, and except when used in sections 4, 5, 6, 11, 12, 13, 42 or 45 of this act, any agency thereof or any two or more thereof acting jointly or any joint meeting or other agency of any two or more thereof;

(2) "County" shall mean any county of any class;

(3) "Governing body" shall mean, in the case of a county, the board of chosen freeholders, or in the case of those counties organized pursuant to the provisions of the "Optional County Charter Law" (P. L. 1972, c. 154; C. 40:41A-1 et seq.), the board of chosen freeholders and the county executive, the county supervisor or the county manager, as appropriate, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

(4) "Person" shall mean any person, association, corporation, nation, State or any agency or subdivision thereof, other than a county or municipality of the State or a municipal authority;

(5) "Municipal authority" shall mean a public body created or organized pursuant to section 4, 5 or 6 of this act and shall include a municipal utilities authority created by one or more municipalities and a county utilities authority created by a county;

(6) Subject to the exceptions provided in section 10, 11 or 12 of this act, "district" shall mean the area within the territorial boundaries of the county, or of the municipality or municipalities, which created or joined in or caused the creation or organization of a municipal authority;

(7) "Local unit" shall mean the county, or any municipality, which created or joined in or caused the creation or organization of a municipal authority;

(8) "Water system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or

to be acquired, constructed or operated by a municipal authority for the purposes of the municipal authority, including reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, waterworks or sources of water supply, wells, purification or filtration plants or other plants and works, connections, rights of flowage or division, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the accumulation, supply or distribution of water;

(9) "Sewerage system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by a municipal authority for the purposes of the municipal authority, including sewers, conduits, pipelines, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, connections, outfalls, compensating reservoirs, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes;

(10) "Utility system" shall mean a water system, solid waste system, sewerage system, or a hydroelectric system or any combination of such systems, acquired, constructed or operated or to be acquired, constructed or operated by a municipal authority;

(11) "Cost" shall mean, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of a utility system and of all or any property, rights, easements, privileges, agreements and franchises deemed by the municipal authority to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the municipal authority prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of said utility system or part thereof and the placing of the same in operation, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of or interest on bonds during or after such

acquisition or construction as the municipal authority may determine, and also reimbursements to the municipal authority or any county, municipality or other person of any moneys theretofore expended for the purposes of the municipal authority or to any county or municipality of any moneys theretofore expended for or in connection with water supply, solid waste, water distribution, sanitation or hydroelectric facilities;

(12) "Real property" shall mean lands both within or without the State, and improvements thereof or thereon, or any rights or interest therein;

(13) "Construct" and "construction" shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of a utility system;

(14) "Industrial wastes" shall mean liquid or other wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resource, and shall include any chemical wastes or hazardous wastes;

(15) "Sewage" shall mean the water-carried wastes created in and carried, or to be carried, away from residences, hotels, apartments, schools, hospitals, industrial establishments, or any other public or private building, together with such surface or ground water and industrial wastes and leachate as may be present;

(16) "Pollution" means the condition of water resulting from the introduction therein of substances of a kind and in quantities rendering it detrimental or immediately or potentially dangerous to the public health, or unfit for public or commercial use;

(17) "Bonds" shall mean bonds or other obligations issued pursuant to this act;

(18) "Service charges" shall mean water service charges, solid waste service charges, sewer service charges, hydroelectric service charges or any combination of such charges, as said terms are defined in section 21 or 22 of this act or in section 7 of this amendatory and supplementary act;

(19) "Compensating reservoir" shall mean the structures, facilities and appurtenances for the impounding, transportation and release of water for the replenishment in periods of drought or at other necessary times of all or a part of waters in or bordering the State diverted into a utility system operated by a municipal authority;

(20) "Sewerage authority" shall mean a public body created pursuant to the Sewerage Authorities Law (P. L. 1946, c. 138) or the acts amendatory thereof or supplemental thereto;

(21) "County sewer authority " shall mean a sanitary sewer district authority created pursuant to the act entitled "An act relating to the establishment of sewerage districts in first- and second-class counties, the creation of Sanitary Sewer District Authorities by the establishing of such districts, prescribing the powers and duties of any such authority and of other public bodies in connection with the construction of sewers and sewage disposal facilities in any such district, and providing the ways and means for paying the costs of construction and operation thereof," approved April 23, 1946 (P. L. 1946, c. 123), or the acts amendatory thereof or supplemental thereto;

(22) "Chemical waste" shall mean a material normally generated by or used in chemical, petrochemical, plastic, pharmaceutical, biochemical or microbiological manufacturing processes or petroleum refining processes, which has been selected for waste disposal and which is known to hydrolyze, ionize or decompose, which is soluble, burns or oxidizes, or which may react with any of the waste materials which are introduced into the landfill, or which is buoyant on water, or which has a viscosity less than that of water or which produces a foul odor. Chemical waste may be either hazardous or nonhazardous;

(23) "Effluent" shall mean liquids which are treated in and discharged by sewage treatment plants;

(24) "Hazardous wastes" shall mean any waste or combination of waste which poses a present or potential threat to human health, living organisms or the environment. "Hazardous waste" shall include, but not be limited to, waste material that is toxic, corrosive, irritating, sensitizing, radioactive, biologically infectious, explosive or flammable;

(25) "Leachate" shall mean a liquid that has been in contact with solid waste and contains dissolved or suspended materials from that solid waste;

(26) "Recycling" shall mean the separation, collection, processing or recovery of metals, glass, paper and other materials for reuse or for energy production and shall include resource recovery;

(27) "Sludge" shall mean any solid, semisolid, or liquid waste generated from a municipal, industrial or other sewage treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects; "Sludge" shall not include effluent.

(28) "Solid waste" shall mean garbage, refuse, and other discarded materials resulting from industrial, commercial and agri-

cultural operations, and from domestic and community activities, and shall include all other waste materials including sludge, chemical waste, hazardous wastes and liquids, except for liquids which are treated in public sewage treatment plants and except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms;

(29) "Solid waste system" shall mean and include the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an authority pursuant to the provisions of this act, including transfer stations, incinerators, recycling facilities, sanitary landfill facilities or other property or plants for the collection, recycling or disposal of solid waste and all vehicles, equipment and other real and personal property and rights thereon and appurtenances necessary or useful and convenient for the collection, recycling, or disposal of solid waste in a sanitary manner;

(30) "Hydroelectric system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an authority pursuant to the provisions of this act, including all that which is necessary or useful and convenient for the generation, transmission and sale of hydroelectric power at wholesale;

(31) "Hydroelectric power" shall mean the production of electric current by the energy of moving water;

(32) "Sale of hydroelectric power at wholesale" shall mean any sale of hydroelectric power to any person for purposes of resale of such power.

4. Section 6 of P. L. 1957, c. 183 (C. 40:14B-6) is amended to read as follows:

C. 40:14B-6 Sewerage authority; reorganization.

6. a. The governing body of any municipality which shall have created a sewerage authority may, by ordinance duly adopted, provide and determine that said sewerage authority shall be reorganized as a municipal authority and thereupon and thereby cause said sewerage authority to be organized as a public body corporate and politic existing under and by virtue of this act.

b. In any county which has created a sewerage authority or a county sewer authority or authorities each such authority shall be reorganized as a county utilities authority and shall be continued as a public body corporate and politic existing under and by virtue

of the municipal authorities law, P. L. 1957, c. 183 (C. 40:14B-1 et seq.). The governing body of any county wherein a sewerage authority or a county sewer authority or authorities was reorganized pursuant to this section shall record such reorganization by resolution and file such resolution with the Secretary of State pursuant to section 7 of this act (C. 40:14B-7).

c. No authority reorganized pursuant to this section shall acquire, construct, maintain, operate or improve a water system, a solid waste system or a hydroelectric system until such time as the governing body authorizes such action by ordinance in the case of a municipality, or by resolution in the case of a county.

d. Said body shall consist of the members of said sewerage authority or of said county sewer authority holding office at the time of such organization together with successors in such membership appointed as if said sewerage authority or county sewer authority had originally been created pursuant to section 4 of this act, and, upon the passage of this amendatory and supplementary act or upon the taking effect of such ordinance and the filing of a certified copy thereof as in section 7 of this act provided, said body shall constitute a municipal authority contemplated and provided for in this act and an agency and instrumentality of said municipality, or county. Said body as such municipal authority shall have all of the rights and powers granted and be subject to all of the duties and obligations imposed by this act and, subject to the rights (if any) of the holders of any bonds or other obligations of said sewerage authority or county sewer authority theretofore issued, said body shall be the successor in all respects to said sewerage authority or county sewer authority and forthwith succeed to all of the rights, property, assets and franchises of said sewerage authority, or county sewer authority and the said bonds or other obligations of said sewerage authority or county sewer authority shall be assumed by and become the obligations of said municipal authority, and the property of said sewerage authority or county sewer authority shall be vested in said municipal authority. Said body may at any time, by resolution duly adopted, change its corporate name and adopt the name and style of "the municipal utilities authority" with the name of said municipality or county inserted.

5. Section 9 of P. L. 1957, c. 183 (C. 40:14B-9) is amended to read as follows:

C. 40:14B-9 Creation of subsequent other authorities; prohibition.

9. No governing body of any county which may create any municipal authority pursuant to this act or which records the reorganization of any preexisting sewerage authority or county sewer authority as a municipal authority pursuant to this act, shall thereafter create any other municipal authority or a sewerage authority. No governing body (1) of any county which shall have created any sewerage authority or any county sewer authority, or (2) of a municipality constituting the whole or any part of the district of a municipal authority or of the district of a sewerage authority, or (3) of any municipality constituting the whole or any part of the sewerage district of a county sewer authority which shall have entered into a contract or contracts with such municipality, shall create or join in the creation of a municipal authority or a sewerage authority except subject to the rights (if any) of the holders of any bonds or other obligations of such other authority then outstanding and upon the written consent of such other authority and in accordance with the terms and conditions of such consent, and in the event such consent be given and a municipal authority or sewerage authority be created pursuant thereto, the terms and conditions of such consent shall thereafter be in all respects binding upon the municipal authority or sewerage authority so created and the county or municipality creating or joining in the creation of the same, and any water supply or distribution system, solid waste system, system of sewers or sewage disposal plants or hydroelectric system constructed or maintained in conformity with the terms and conditions of such consent by the municipal authority or sewerage authority so created shall be deemed not to be competitive with the utility system of the said other authority giving such consent.

6. Section 19 of P. L. 1957, c. 183 (C. 40:14B-19) is amended to read as follows:

C. 40:14B-19 Purposes of every municipal authority.

19. (a) The purposes of every municipal authority shall be (1) the provision and distribution of an adequate supply of water for the public and private uses of the local units, and their inhabitants, within the district, and (2) the relief of waters in or bordering the State from pollution arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution, and the consequent improvement of conditions affecting the public health, (3) the provision of sewage collection and disposal service within or without the district,

and (4) the provision of water supply and distribution service in such areas without the district as are permitted by the provisions of this act, and (5) the provision of solid waste services and facilities within or without the district in a manner consistent with the Solid Waste Management Act, P. L. 1970, c. 39 (C. 13:1E-1 et seq.) and in conformance with the solid waste management plans adopted by the solid waste management districts created therein, and (6) the generation, transmission and sale of hydroelectric power at wholesale, and (7) the operation and maintenance of utility systems owned by other governments located within the district through contracts with said governments.

(b) Every municipal authority is hereby authorized, subject to the limitations of this act, to acquire, in its own name but for the local unit or units, by purchase, gift, condemnation or otherwise, lease as lessee, and, notwithstanding the provisions of any charter, ordinance or resolution of any county or municipality to the contrary, to construct, maintain, operate and use such reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping and ventilating stations, treatment, purification and filtration plants or works, trunk, intercepting and outlet sewers, water distribution systems, waterworks, sources of water supply and wells at such places within or without the district, such compensating reservoirs within a county in which any part of the district lies, and such other plants, structures, boats and conveyances, as in the judgment of the municipal authority will provide an effective and satisfactory method for promoting purposes of the municipal authority.

(c) Every municipal authority is hereby authorized and directed, when in its judgment its sewerage system or any part thereof will permit, to collect from any and all public systems within the district all sewage and treat and dispose of the same in such manner as to promote purposes of the municipal authority.

C. 40:14B-21.1 Authority for sale of hydroelectric power.

7. (New section) Every municipal authority is hereby authorized to charge and collect rents, rates, fees or other charges for sale of hydroelectric power at wholesale.

8. This act shall take effect immediately.

Approved June 6, 1980.

CHAPTER 35

AN ACT establishing an Interagency Task Force on Home Care Services and establishing a home health care pilot program within the Department of Human Services.

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

C. 30:4E-1 Legislature's findings and declaration of policy.

1. The Legislature hereby finds and declares that the effective and appropriate provision of home health care and homemaker services to persons in their homes can be an important step toward eliminating not only the nursing home bed shortage which currently exists in this State but also preventing the inappropriate placement of our citizens into other forms of institutional care.

Although there exists in this State a large number of agencies providing home health care and homemaker services, there also exists the problem of severe service fragmentation. There are different types of agencies, providing somewhat different services, subjected to different State and Federal regulations, and eligible for different sources of reimbursement. This fragmentation has in fact meant that to date home health care has not been able to reach its full potential as an integral part of the health care delivery system.

The Legislature finds therefore that there is a tremendous need for greater coordination and information in the home health care field. There needs to be effected not only coordination of the services rendered by home health care and homemaker agencies, but also some coordination of the often conflicting State and Federal regulations. Only through such coordination will home health care and homemaker agencies be able to render an adequate array of services to patients in their homes, thereby avoiding prolonged institutionalization, concomitant high costs and associated adverse social and medical implications.

C. 30:4E-2 Task force; organization; membership; powers and duties.

2. a. The Commissioner of Human Services shall organize an Interagency Task Force on Home Care Services, hereinafter known as the "task force," which shall consist of the commissioner, the Commissioner of Health, the Commissioner of Insurance and the Commissioner of Community Affairs or their designated repre-

sentatives. The task force shall review and coordinate efforts among departments to develop home health care and homemaker services and shall consult on the propriety and effects of State and Federal home health care and homemaker legislation, rules, and regulations. The task force shall work toward regulatory and legislative change which it feels will promote the utilization of home health care and homemaker services as an alternative to institutional care.

b. The task force shall meet as frequently as its business may require and at least once in each calendar quarter of each year.

c. The task force shall consult on a regular basis with the State-wide Health Coordinating Council and with public and private non-profit, proprietary, and hospital based providers of home health care and homemaker services. The task force shall also consult with service consumers.

C. 30:4E-3 Pilot program; establishment.

3. The Department of Human Services, in consultation with the task force, shall establish a pilot program which provides for the use of home health care and homemaker services as an alternative to nursing home care and other forms of institutional care. The program shall be aimed specifically at eliminating barriers which exist at the State and Federal levels that act to inhibit the use of home health care and homemaker services.

C. 30:4E-4 Reports to Senate and Assembly committee chairmen; contents.

4. Six months after the effective date of this act, the Department of Human Services shall report to the chairmen of the Senate and Assembly Committees on Institutions, Health and Welfare on its progress in establishing a home health care pilot program. The report may also include recommendations for appropriate legislation, rules, regulations and other actions which would enhance the availability, appropriate utilization, and coordination of home health care and homemaker services in this State.

5. This act shall take effect immediately.

Approved June 12, 1980.

CHAPTER 36

AN ACT concerning purchases through the Division of Purchase and Property in the Department of the Treasury and amending P. L. 1959, c. 40.

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

1. Section 1 of P. L. 1959, c. 40 (C. 52:27B-56.1) is amended to read as follows:

C. 52:27B-56.1 Purchases by director.

1. The Director of the Division of Purchase and Property may, by joint action, purchase any articles used or needed by the State and the Palisades Interstate Park Commission, the New Jersey Highway Authority, the New Jersey Turnpike Authority, the Delaware River Joint Toll Bridge Commission, the Port Authority of New York and New Jersey, the South Jersey Port Corporation, the Passaic Valley Sewerage Commission, the Delaware River Port Authority, Rutgers, The State University, the New Jersey Sports and Exposition Authority, the New Jersey Housing Finance Agency, the New Jersey Mortgage Finance Authority, the New Jersey Health Care Facilities Financing Authority, the New Jersey Education Facilities Authority, the New Jersey Economic Development Authority, the New Jersey Expressway Authority or any other agency, commission, board, authority or other such governmental entity which is established and is allocated to a State department or any bi-state governmental entity of which the State of New Jersey is a member.

2. This act shall take effect immediately.

Approved June 19, 1980.

CHAPTER 37

AN Act to amend the title of "An act creating the Medical-Vision Advisory Panel in the Division of Motor Vehicles and prescribing its functions, powers and duties," approved February 24, 1977 (P. L. 1977, c. 26), so that the same shall read "An act creating the Medical Advisory Panel in the Division of Motor Vehicles and prescribing its functions, powers and duties," and to amend the body of said act.

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

Title amended.

1. The title of P. L. 1977, c. 26 is amended to read as follows: An act creating the Medical Advisory Panel in the Division of Motor Vehicles and prescribing its functions, powers and duties.

2. Section 1 of P. L. 1977, c. 26 (C. 39:2-13) is amended to read as follows:

C. 39:2-13 Medical Advisory Panel; membership.

1. There is hereby created in the Division of Motor Vehicles a special study and advisory panel to be known as the Medical Advisory Panel consisting of physicians licensed to practice medicine and surgery (including physicians specialty-board certified in internal medicine, psychiatry, neurology, physical medicine, and ophthalmology), licensed optometrists, and officials of the division supervising motor vehicle driver licensing.

3. Section 3 of P. L. 1977, c. 26 (C. 39:2-15) is amended to read as follows:

C. 39:2-15 Powers and duties.

3. The Medical Advisory Panel shall study and review all medical criteria and vision standards applicable to the licensing of motor vehicle drivers by the division and recommend such additions and revisions thereof as it shall deem necessary and appropriate. Any such recommended additions and revisions may be adopted by the division on a trial basis to determine the necessity and validity thereof.

The director may from time to time require panel members to give testimony at administrative hearings concerning applicants

and licensees who may suffer from medical, vision, psychiatric, psychological or characterological disorders relating to a person's ability to safely operate a motor vehicle.

4. This act shall take effect immediately.

Approved June 20, 1980.

CHAPTER 38

AN ACT concerning a standard provision for cancellation in any policy of life or health insurance, other than group insurance, and supplementing subtitle 3 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:25-2.1 Cancellation of policy during first 10 days.

1. No policy of life insurance, other than group insurance, shall be delivered or issued for delivery in this State unless such policy contains in substance a provision or has attached to it a notice stating that during a period of no less than 10 days after the date the policyholder receives the policy, the policyholder may cancel the policy and receive from the insurer a prompt refund of any premium paid therefor, including any policy fees or other charges, by mailing or otherwise surrendering the policy to the insurer together with a written request for cancellation.

C. 17B:26-3.1 Notice; contents.

2. Except as provided in N. J. S. 17B:26-28, each health insurance policy, other than group and blanket insurance, delivered or issued for delivery to any person in this State shall contain a provision or have attached to it a notice as follows:

Cancellation during first 10 days: During a period of 10 days after the date the policyholder receives the policy, the policyholder may cancel the policy and receive from the insurer a prompt refund of any premium paid therefor, including any policy fees or other charges, by mailing or otherwise surrendering the policy to the insurer together with a written request for cancellation.

3. This act shall take effect 90 days after the date of enactment.

Approved June 20, 1980.

CHAPTER 39

AN ACT concerning fees payable to constables or sergeants-at-arms of county district courts and amending N. J. S. 22A:2-38.

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

1. N. J. S. 22A:2-38 is amended to read as follows:

Fees.

22A:2-38. From the fees mentioned in section 22A:2-37 of this Title, the clerk of the county district court shall pay to constables, sergeants-at-arms or other officers designated as process servers pursuant to the provisions of N. J. S. 2A:18-5 the following fees:

Serving summons or notice on one defendant, \$2.00.

Serving summons on every additional defendant, \$1.00.

Warrant to arrest, *capias*, or commitment, for each defendant served, \$10.00.

Serving writ and summons in replevin, taking bond and any inventory, against one defendant, \$5.00. Against each additional defendant, \$1.00.

Serving writ in replevin when issued subsequent to service of summons, \$3.00.

Every execution, or any order in the nature of an execution on a judgment or execution against the body, for each defendant, \$1.50.

Writ of attachment and making inventory, \$3.00.

Warrant for possession, \$5.00.

For every mile of travel in serving any summons or *capias* against the body, execution, subpoena, notice or order, the distance to be computed by counting the number of miles in and out, by the most direct route from the place where process is issued, at the same rate per mile set by the county governing body for other county employees.

In additon to the foregoing, the following fees for constables and sergeants-at-arms shall be taxed in the costs and collected on execution, writ of attachment or order in the nature of an execution on any final judgment, or on a valid and subsisting levy of an execution or attachment which may be the effective cause in producing payment or settlement of a judgment or attachment.

For advertising property under execution or any order, \$3.00.

For selling property under execution or any order, \$5.00.

On every dollar of the first \$1,000.00 collected on execution, writ of attachment or any order, \$0.10, and on every dollar of any amount in excess thereof, \$0.05.

2. This act shall take effect July 1, 1980.

Approved June 20, 1980.

CHAPTER 40

AN ACT concerning fees payable to clerks of county district courts and amending N. J. S. 22A:2-37.

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

1. N. J. S. 22A:2-37 is amended to read as follows:

Fees.

22A:2-37. In all civil actions and proceedings in the county district court, the following fees shall be paid to the clerk:

Copy of proceedings or transcript of the same, per folio, \$0.20.

Instituting action without process where the amount claimed does not exceed \$500.00, \$8.00.

Instituting action without process where the amount claimed exceeds \$500.00, \$10.00.

Filing a pleading stating a counterclaim, where the amount claimed does not exceed \$500.00, \$7.00.

Filing a pleading stating a counterclaim, where the amount claimed exceeds \$500.00, \$9.00.

Execution, or an order in the nature of execution, on a judgment, or execution against the body, for one defendant, \$4.00.

Execution against the body, each additional defendant, \$1.00.

Copy of execution, or other order, in the nature of execution, \$0.50.

Mileage of constable in serving any summons, execution or warrant against the body, the distance to be computed by counting

the number of miles, in and out, by the most direct route from the place where process is issued, for every mile, \$0.10.

Summons, one defendant, where the amount does not exceed \$500.00, \$9.60. For each additional defendant, \$1.40.

Summons, one defendant, where the amount exceeds \$500.00, \$12.00. For each additional defendant, \$1.40.

In tenancy, one defendant, \$7.10. For each additional defendant, \$0.40.

In replevin, for service of summons, one defendant, where the amount or value of goods does not exceed \$500.00, \$9.60. For each additional defendant, \$1.40.

In replevin, for service of summons, one defendant, where the amount or value of goods exceeds \$500.00, \$12.00. For each additional defendant, \$1.40.

In replevin, where writ is served with summons, one defendant, where the amount or value of goods does not exceed \$500.00, \$14.50. For each additional defendant, \$1.40.

In replevin, where writ is served with summons, one defendant, where the amount or value of goods exceeds \$500.00, \$17.00. For each additional defendant, \$1.40.

In replevin, where writ is issued subsequent to service of summons, \$10.50.

Summons in third party complaints, one defendant, where the amount does not exceed \$500.00, \$9.60. For each additional defendant, \$1.40.

Summons in third party complaints, one defendant, where the amount exceeds \$500.00, \$12.00. For each additional defendant, \$1.40.

Actions instituted by capias or warrant to arrest, one defendant, where the amount does not exceed \$500.00, \$17.65. For each additional defendant, \$11.00. Copy of warrant to arrest, \$0.50.

Actions instituted by capias or warrant to arrest, one defendant, where the amount exceeds \$500.00, \$20.00. For each additional defendant, \$11.00. Copy of warrant to arrest, \$0.50.

Certificate of judgment, \$1.00.

Jury of six men, \$15.00.

Jury of 12 men, \$30.00.

Capias, warrant to arrest, or commitment, one defendant, \$13.35. For each additional defendant, \$11.00.

Warrant for possession in tenancy, \$9.00.

Writ of attachment, where the amount does not exceed \$500.00, \$11.85.

Writ of attachment, where the amount exceeds \$500.00, \$13.00.

Certifying statement of judgment for docketing in the Superior Court, \$1.00.

Certifying statement of judgment on mechanic's lien for docketing, \$1.00.

Restoring case marked not moved, \$1.00.

Vacating default, \$1.00.

Except as specifically provided for herein, there shall be no charge for any order up until the time of final judgment. After final judgment orders for warrants, orders to show cause, discovery or any other order not specifically provided for herein the clerk shall charge the sum of \$1.00.

For advertising property under execution or any order, \$5.00.

For selling property under execution or any order, \$10.00.

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

Approved June 20, 1980.

CHAPTER 41

AN ACT to amend "An act concerning the qualifications for the appointment of municipal policemen in certain cases and supplementing Title 40A of the New Jersey Statutes," approved February 27, 1980 (P. L. 1979, c. 461).

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

1. Section 1 of P. L. 1979, c. 461 (C. 40A:14-127.1) is amended to read as follows:

C. 40A:14-127.1 Reappointment of former municipal policeman; maximum age requirement.

1. Notwithstanding the provisions of any other law to the contrary, any former municipal policeman who has separated from

service voluntarily or involuntarily other than by removal for cause on charges of misconduct or delinquency, shall be deemed to meet the maximum age requirement for appointment established by N. J. S. 40A:14-127, if his actual age, less the number of years of his previous service as a policeman, would meet the maximum age requirement established by said section, but no person may be appointed who is over the age of 45 as of the date of his reappointment; except that in the case of a municipal policeman whose separation from service was involuntary due to a lay-off or reduction in force, such person shall be deemed to meet the maximum age requirement for appointment by complying with the procedure established hereinbefore without regard to his actual age at the time of reappointment.

2. Section 3 of P. L. 1979, c. 461 (C. 40A:14-127.3) is amended to read as follows:

C. 40A:14-127.3 Police and firemen's retirement system; membership.

3. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman otherwise eligible for membership appointed pursuant to this act, provided that he shall contribute to the retirement system at a rate based on his current age at the time of reenrollment; except that in the case where reappointment occurs within 2 years following the person's separation and such person has not withdrawn his contributions from the retirement system pursuant to section 11 of P. L. 1944, c. 255 (C. 43:16A-11), the person's rate of contribution upon reappointment shall be the same as it was at the time of separation.

3. This act shall take effect immediately.

Approved June 20, 1980.

CHAPTER 42

AN ACT concerning county detectives and amending N. J. S.
2A:157-4.

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

1. N. J. S. 2A:157-4 is amended to read as follows:

Appointment of county detectives in second class counties; salaries.

2A:157-4. a. In counties of the second class having a population in excess of 500,000 there may be appointed not in excess of 28 county detectives, of whom one may be designated chief of county detectives, one deputy chief of county detectives, one captain of county detectives, six lieutenants of county detectives and four sergeants of county detectives.

b. In counties of the second class having a population between 460,000 and 500,000 there may be appointed not in excess of 28 county detectives, of whom one may be designated chief of county detectives, one deputy chief of county detectives, four captains of county detectives and six lieutenants of county detectives.

c. In counties of the second class having a population between 400,000 and 460,000, there may be appointed not in excess of 24 county detectives, of whom one may be designated chief of county detectives, one captain of county detectives, four lieutenants of county detectives, and two sergeants of county detectives.

d. In the counties of the second class having a population of 400,000 or under, there may be appointed not in excess of 12 county detectives of whom one may be designated chief of county detectives, one captain of county detectives, and three lieutenants of county detectives.

e. Their annual salaries shall be fixed as follows: chief of county detectives, not less than \$9,500.00; deputy chief of county detectives not less than \$9,000.00; captain of county detectives, not less than \$8,000.00; lieutenant of county detectives, not less than \$7,000.00; sergeant of county detectives, not less than \$6,500.00; and other county detectives, not less than \$6,000.00.

2. This act shall take effect immediately.

Approved June 20, 1980.

CHAPTER 43

AN ACT concerning county prosecutors and assistant county prosecutors and amending P. L. 1970, c. 6 and P. L. 1976, c. 15.

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

1. Section 1 of P. L. 1970, c. 6 (C. 2A:158-1.1) is amended to read as follows:

C. 2A:158-1.1 Full-time duties of county prosecutors in certain counties.

1. Any person appointed on or after January 20, 1970 to the office of county prosecutor of any of the following counties shall devote his entire time to the duties of his office and shall not engage in the practice of law or other gainful employment:

- a. Counties of the first class;
- b. Counties of the second class;
- c. Counties of the third class having a population between 60,000 and 72,000 under the 1970 Federal census;
- d. Counties of the third class having a population in excess of 120,000 under the 1970 Federal census;
- e. Counties of the fifth class; and
- f. Counties of the sixth class.

Any county prosecutor of any of the aforementioned counties in office on the effective date of this 1980 amendatory act who shall elect to devote his entire time to the duties of such office for the remainder of his term may elect so to do by filing a written election with the Governor, the Attorney General, the Secretary of State and the clerk of the board of chosen freeholders.

2. Section 2 of P. L. 1976, c. 15 (C. 2A:158-15.1a) is amended to read as follows:

C. 2A:158-15.1a Applicability of certain provisions of act to assistant prosecutors.

2. The provisions of P. L. 1970, c. 6, s. 3 (C. 2A:158-15.1) shall not apply to any assistant prosecutor in a county of the fifth class having a population of less than 150,000 under the 1960 Federal census or to any assistant prosecutor in a county of the sixth class, or to any assistant prosecutor in a county of the third class having a population of less than 61,000 under the 1970 Federal census, or to any assistant prosecutor in a county of the third class having a population between 120,000 and 175,000 under the 1970 Federal census; provided, however, that the county prosecutor of any such county, whether or not such county prosecutor is required to devote his entire time to the duties of such office, where there appears to be a reasonable necessity therefore and where approved by order of the assignment judge, may direct that any assistant prosecutor devote his entire time to the duties of such office and not engage in the practice of law or other gainful employment.

3. This act shall take effect immediately.

Approved June 23, 1980.

CHAPTER 44

AN ACT authorizing the planning, development, construction, acquisition, financing and operation of transportation systems by or on behalf of counties in which are located municipalities in which casino gaming is authorized, providing for the establishment of county transportation authorities for the performance of those functions, the issuance of bonds and other obligations therefor, and service charges to meet the expenses thereof, and supplementing Title 40 of the Revised Statutes.

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

C. 40:35B-1 Short title.

1. This act shall be known and may be cited as the "County Transportation Authorities Act."

C. 40:35B-2 Legislature's findings; declaration of policy.

2. The Legislature finds and declares that, as a result of the "Casino Control Act" (P. L. 1977, c. 110; C. 5:12-1 et seq.) and the introduction and development of legalized casino gaming in Atlantic City, intense demands have been placed upon the citizens of the Atlantic County region for the development and provision of integrated and adequate transportation systems. The Legislature finds that the orderly planning, development, construction, acquisition, financing and operation of modern transportation systems on a countywide basis in that region will benefit residents of, and visitors to, this State, promote the economic vitality of the region and the State, avoid the evils of haphazard growth and land-use development, and advance the efficient use of energy and other resources. The Legislature further finds that the present and future need for regional planning and development of transportation systems in Atlantic County is a wholly exceptional situation, no parallel to which exists, or is likely to exist in the near future, anywhere in the State.

The Legislature, therefore, declares that it is in the public interest of the citizens of this State to foster and promote by all reasonable means the provision of modern transportation and parking facilities in the Atlantic County region, and that the best means to accomplish this purpose is to authorize the creation of an appro-

prate regionally-oriented instrumentality in the county which will permit the most direct and immediate attention to the particular transportation needs of the Atlantic County region consistent with the need for, and procedures and structures established with respect to, efficient and convenient Statewide transportation systems.

C. 40:35B-3 Definitions.

3. As used in this act:

a. "Authority" means a county transportation authority created pursuant to section 4 of this act;

b. "Bonds" means any bonds, notes or other evidence of financial indebtedness issued by an authority pursuant to this act;

c. "Cost" means, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any property, rights, easements and franchises deemed by an authority to be necessary or useful and convenient therefor, including interest or discount on bonds to finance such cost, engineering and inspection costs and legal expenses, the cost of financial, professional and other advice, and the cost of issuance of the bonds;

d. "Construction" means the planning, designing, construction, reconstruction, replacement, extension, enlargement, improvement and betterment of parking and transportation facilities, and includes the demolition, clearance and removal of buildings or structures on land acquired, held, leased or used for that facility;

e. "District" means the area within the boundaries of the county which created the authority;

f. "Parking facility" means any area or place, garage, building, or other improvement or structure for the parking or storage of motor or other vehicles, including, without limitation: all real and personal property, driveways, roads and other structures or areas necessary or useful or convenient for access to a facility from a public street, road or highway, or from any transportation facility; meters, mechanical equipment necessary or useful, or convenient for or in connection with that parking or storage; and any structures, buildings, space or accommodations, whether constructed by an authority or by the lessee, to be leased for any business, commercial or other use, including the sale of gasoline or accessories for, or the repair or other servicing of automobiles and other motor vehicles, if, in the opinion of an authority, the inclusion, provision and leasing is necessary to assist in defraying the expenses of the authority and make possible the operation of the parking facility at reasonable rates, but the authority shall not itself engage in the sale of

gasoline or accessories for, or in the repair or other servicing of, automobiles or other motor vehicles except in emergency, nor in the sale of any service or commodity of trade or commerce;

g. "Transportation facility" means any area, place, building, or other structure designed to provide rail passenger service, motorbus regular route service, paratransit service, motorbus charter service, air passenger service, or marine passenger service, or any two or more of these services, to the public, and includes passenger stations, shelters and terminals, air passenger terminals, hangars, heliports, docking and launching facilities, parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights of way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbus and other motor vehicles, boats and other marine vehicles, aircraft, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of these services;

h. "Motorbus regular route service" means the operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers, for hire or otherwise, within the district or between points within the district and points without the district;

i. "Paratransit service" means any service, other than motorbus regular route service and charter service, including but not limited to, dial-a-ride, nonregular route, jitney or community minibus, and shared-ride services such as vanpools, limousines or taxicabs which are regularly available to the public. Paratransit services shall not include limousine or taxicab service reserved for the private and exclusive use of individual passengers;

j. "Motorbus charter service" means subscription, tour and other special motorbus services;

k. "Rail passenger service" means the operation of railroad, subway, or light rail systems including fixed and automated guideway systems for the purpose of carrying passengers in the district or between points within the district and points without the district;

l. "Air passenger service" means any service which involves the carriage of persons for compensation or hire by aircraft;

m. "Marine passenger service" means any service which involves the carriage of persons for compensation or hire by waterborne craft;

n. "Transportation system" means all parking and transportation facilities acquired, constructed, leased or operated by a county transportation authority for the purpose of providing to the public motorbus regular route service, paratransit service, motorbus charter service, rail passenger service, air passenger service, marine passenger service and any other service necessary for the fulfillment of the purposes of this act; and,

o. "Public transportation" or "public transportation service" means motorbus regular route service, paratransit service, motorbus charter service, rail passenger service, air passenger service, and marine passenger service.

C. 40:35B-4 Transportation authority; creation; governing board; membership; terms; removal; vacancies; ordinance or resolution; filing.

4. a. The governing body of any county in which is located a municipality in which casino gaming is authorized may by ordinance or resolution, as appropriate, create a public body corporate and politic with perpetual succession under the name and style of "the transportation authority" with the name of such county inserted. Every authority is constituted an instrumentality of the county exercising public and essential governmental functions.

b. The authority shall be governed by a board which shall consist of seven members. Five members shall be residents of the county, and shall be appointed by the governing body of the county. One member shall be a representative of the county government, appointed by the governing body of the county from among the freeholders, department heads and division directors of the county. One member shall be the Commissioner of the Department of Transportation, ex officio. Of the six members appointed by the governing body of the county, no more than three shall be members of the same political party.

c. Each public member of the board shall serve for a 5 year term to commence on July 1 of the year of appointment, except that, of those first appointed, one shall serve for a term of 1 year, one shall serve for a term of 2 years, one shall serve for a term of 3 years, one shall serve for a term of 4 years, and one shall serve for a term of 5 years.

The representative of the county government shall be annually appointed to serve for a 1 year term to commence on July 1 of the year of appointment.

d. The chairman of the board shall be designated upon appointment by the county governing body from among the public mem-

bers appointed thereby. The first chairman of the board shall be that member appointed by the county governing body for an initial 5 year term.

e. The Commissioner of Transportation may designate a representative from among the employees of his department to represent him at meetings of the board and such designee may lawfully vote and otherwise act on behalf of the commissioner. The designation shall be made annually in writing delivered to the board and shall continue in effect until revoked or amended by written notice delivered to the board.

f. Except for the commissssioner, each member of the board may be removed from office for cause by the respective appointing authority. A vacancy in the membership of the board, occurring other than by expiration of term, shall be filled in the same manner as the original appointment for the unexpired term. If the member representing the county government shall, for any reason, vacate his position with the county government his membership on the board shall immediately terminate, and the position shall be vacant. If any public member shall become a holder of, or candidate for, any elective office, or accept appointment to fill any elective office, his membership on the board shall immediately terminate, and the position shall be vacant.

g. A copy of the ordinance or resolution for the creation of an authority adopted pursuant to this section, duly certified by the appropriate officer of the county, shall be filed in the office of the Secretary of State and the office of the Director of the Division of Local Government Services. Upon proof of the filing, the authority shall, in any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract or obligation or act of the authority, be conclusively deemed to have been lawfully and properly created and authorized to transact business and exercise its powers under this act. A copy of any certified ordinance or resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

h. A copy of each order or resolution appointing any member of an authority pursuant to this section, duly certified by the appropriate officer, shall be filed in the office of the Secretary of State and the office of the Director of the Division of Local Government Services. A copy of the certified order or resolution, duly certified by or on behalf of the Secretary of State, shall be admis-

sible in evidence of the due and proper appointment of the member or members named therein.

C. 40:35B-5 Representative of municipality; appointment to board.

5. The governing body of any municipality in which any transportation facility of the authority is located may annually appoint a resident of the municipality as its representative to the board. The representative shall not be a member or an officer of the authority, but shall participate in all meetings, activities and proceedings of the board.

C. 40:35B-6 Creation of additional authority; prohibition; dissolution of previous authority; termination of terms; transfer of funds.

6. a. No county which shall create an authority pursuant to this act shall thereafter create any other county transportation authority, or utilize any other law for the provision of public transportation services which can be provided pursuant to this act, or create or join in the creation of any county parking authority pursuant to the "Parking Authority Law," P. L. 1948, c. 198 (C. 40:11A-1 et seq.) or P. L. 1972, c. 83 (C. 40:34A-1 et seq.), or any other law. No municipality or any other governmental entity within a county which shall create an authority pursuant to this act shall thereafter utilize any other law for the provision of public transportation services which can be provided pursuant to this act, nor create or join in the creation of any municipal parking authority pursuant to the "Parking Authority Law" or any other law.

b. If a county, or a municipality within a county which creates a county transportation authority pursuant to this act, shall have previously created a parking authority pursuant to the "Parking Authority Law," P. L. 1948, c. 198 (C. 40:11A-1 et seq.), P. L. 1972, c. 83 (C. 40:34A-1 et seq.), or any other law, that county or municipality shall provide, by ordinance or resolution, as appropriate, for the dissolution of the parking authority upon the effective date of the creation of the county transportation authority and for the transfer of the indebtedness and other obligations, and, except as herein provided, the property and assets of the parking authority to the county transportation authority. Any cash surplus accumulated by a municipal parking authority, not used in or necessary to the operations of the properties and projects of the parking authority, shall be transferred to the governing body of the municipality which established the parking authority.

The terms of office of any members appointed to the parking authority shall terminate immediately upon such effective date.

The officer having custody of the funds of the parking authority shall deliver all funds in his possession into the custody of the municipal or county finance officer, who shall deliver all such funds, except any portion representing an accumulated cash surplus not used in or necessary to the operations and projects of the parking authority, into the custody of the proper fiscal officer of the county transportation authority. The municipal finance officer shall cause that portion of any funds received from the parking authority which represents an accumulated cash surplus to be deposited in the general fund of the municipality to be used for local purposes. The county transportation authority shall have the power to complete any work, service or improvement, and to confirm and collect previously levied assessments, rates, and other charges, of the parking authority, which are incomplete, unconfirmed or uncollected on the effective date.

C. 40:35B-7 Election of vice-chairperson; appointment of officers and employees.

7. The county transportation authority, on or before July 10 annually, shall organize and elect from among its members a vice-chairman, who shall hold office until his successor has been appointed and qualified. The authority may also appoint a secretary, an executive director, and a fiscal officer, who need not be members, and determine their qualifications, terms of office, duties and compensation. The authority may also employ, without regard to Title 11 of the Revised Statutes, engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers and such other agents and employees as it may require, and determine their duties and compensation.

C. 40:35B-3 Quorum; minutes of meetings; veto powers.

8. a. The powers of the authority shall be vested in the members thereof in office from time to time, and a majority of its members shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting by a vote of a majority of the members, unless the bylaws of the authority shall require a larger number. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

b. The minutes of every meeting of the authority shall be promptly delivered by and under the certification of the secretary to the chief executive officer of the county. No action taken at the meeting by the board shall be effective until approved by the chief executive officer or until 10 days after the copy of the minutes shall

have been delivered. If in the 10-day period, the chief executive officer returns the copy of the minutes with a veto of any action taken by the board or any member thereof at the meeting, that action shall be of no effect. The chief executive officer may approve all or any part of the action taken at that meeting prior to the expiration of the 10-day period. The veto powers accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, nor any collective bargaining agreement or binding arbitration decision reached pursuant to this act.

C. 40:35B-9 Compensation.

9. The authority may reimburse its members for necessary expenses incurred in the discharge of their duties. The ordinance or resolution for the creation of the authority may authorize payment or compensation for service to members of the authority, other than the Commissioner of Transportation or the representative of the county government, within such annual or other limitations as may be stated in the ordinance or resolution. Any such provision or limitation stated in the ordinance or resolution may be amended, supplemented, repealed or added by subsequent ordinance or resolution, as appropriate, but no reduction of the payment for compensation shall be effective during the remaining term of any member of the authority then in office, except upon that member's written consent. No member shall receive any payment or compensation of any kind from the authority except as authorized by this section.

C. 40:35B-10 Conflict of interest.

10. No member, officer or employee of an authority shall have or acquire any interest, direct or indirect, in the transportation system or in any property included or planned to be included in the transportation system, or in any property adjacent to the transportation system which would directly benefit from that location, or in any contract or proposed contract for materials or services to be furnished to or used by the authority. No person who is an officer, director or employee of a holder of, or an applicant for, a casino license issued or to be issued under the "Casino Control Act" (P. L. 1977, c. 110; C. 5:12-1 et seq.) shall be a member or an officer of an authority created pursuant to this act.

C. 40:35B-11 Meetings subject to Open Public Meetings Act.

11. The board meetings shall be subject to the provisions of the "Open Public Meetings Act," P. L. 1975, c. 231 (C. 10:4-6 et seq.).

C. 40:35B-12 Dissolution of authority.

12. The governing body of any county which has created an authority pursuant to this act may, by ordinance or resolution, as appropriate, dissolve that authority on the condition that: a. either the members of the authority have not been appointed or the authority by resolution has consented to its dissolution; and, b. the authority has no debts or obligations outstanding. A copy of the ordinance or resolution, as the case may be, for the dissolution of the authority pursuant to this section duly certified by the appropriate officer of the county shall be filed in the office of the Secretary of State, and the Director of Local Government Services. Upon proof of the filing, and upon proof that either the authority had no debts or obligations outstanding at the time of the adoption of the ordinance or resolution, or all creditors or other obligees of the authority have consented to the ordinance, the authority shall be conclusively deemed to have been lawfully and properly dissolved and the property of the authority shall be vested in the county adopting the ordinance or resolution, in the manner prescribed therein. A copy of the ordinance or resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any action, or proceeding, and shall be conclusive evidence of proper filing.

C. 40:35B-13 Purpose of authority.

13. The purpose of a county transportation authority shall be the improvement, establishment and development of parking and transportation facilities by or through the planning, design, acquisition, construction, improvement, maintenance or operation of any and all projects and facilities for the improvement and development of a modern, efficient and integrated transportation system, or directly related thereto, either directly or by agreement with any county, municipality or person, or in any other manner, which in the judgment of the authority will provide an effective and satisfactory method for promoting its purposes.

C. 40:35B-14 Master plan; public hearing; amendment; contents of plan; filing.

14. The authority shall prepare, or cause to be prepared, and, after public hearing, adopt a master plan for the development within the district of a transportation system. The authority may from time to time, after public hearing and pursuant to the procedures provided in this act, amend the master plan. The master plan shall include a report presenting the objectives, assumptions, standards and principles embodied in the various coordinated parts of the master plan. In preparing the master plan or any amend-

ment thereto, the authority shall consult with the State Department of Transportation, the New Jersey Transit Corporation, and any other State or any Federal agency having an interest in the development of transportation in the district.

In preparing the master plan or any amendment thereto, the authority shall consider the existing and proposed patterns of land use development of municipalities within the district. In addition, the master plan shall contain the following elements:

a. An identification of existing and projected needs of the district for efficient, economical and integrated public transportation services, and proposed programs to provide and promote an efficient, economical and integrated transportation system to meet those needs;

b. An identification of the services, facilities and other elements to be acquired, constructed, leased, operated and provided within the transportation system, and a program for the acquisition, construction, lease, operation and provision of those services, facilities and other elements, which program may be timed by various stages for the development of the transportation system;

c. Plans for the preservation, improvement and expansion of the transportation system, with special emphasis on the coordination: (1) of transportation and parking facilities to be acquired, constructed or leased; (2) of transportation services to be operated or provided; and, (3) of the use of rail rights of way, highways and public streets for transportation services;

d. Plans for the coordination of the activities of the authority with other public agencies and authorities; and,

e. An identification of existing parking and transportation facilities within the district to be acquired under this act.

The authority shall submit the master plan and any amendment thereto to such independent transportation planning agency as may be designated by the Commissioner of Transportation, or as shall be established by law, prior to the adoption thereof. The agency may approve, conditionally approve, or disapprove the master plan or amendment. If the agency shall approve the master plan or amendment, the authority may adopt the master plan or amendment as approved. If the agency shall disapprove the master plan or amendment, it shall return the master plan or amendment to the authority with its objections thereto. The authority shall resubmit the master plan or amendment to the agency with changes designed to conform the master plan or

amendment with the objections of the agency. The agency shall approve the resubmitted master plan or amendment if it conforms with the objections, and the authority upon that approval shall then adopt the master plan or amendment as approved. If the agency shall conditionally approve the master plan or amendment, it shall return the master plan or amendment to the authority with the specific changes it requires therein for approval. The authority shall then make those specific changes in the master plan or amendment, and shall adopt the master plan or amendment with the changes.

Upon adoption, the master plan and any amendment thereof shall be filed with the Governor, the State Department of Transportation, the New Jersey Transit Corporation, the governing body of the county, the governing body of the municipality having the largest population within the county, and the governing body of each municipality in which authority transportation or parking facilities are located.

C. 40:35B-15 Authority's additional powers and duties.

15. In addition to the powers and duties conferred upon it elsewhere in this act, the authority may do all acts necessary and reasonably incident to carrying out the objectives of this act, including, but not limited to, the following:

- a. To adopt and have a common seal and to alter it at pleasure;
- b. To sue and be sued;
- c. To acquire, hold, use and dispose of its charges and other revenues and other moneys in its own name;
- d. In its own name, but for the county, to acquire, rent, hold, use and dispose of other personal property for the purposes of the authority, and to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the authority, whether subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the authority;
- e. To grant by franchise, lease or otherwise, the use of any project, facilities or property owned and controlled by it to any person for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon, including, but not limited to, the condition that the user shall or may construct or provide any buildings or structures

or improvements on the project, facilities or property, or portions thereof;

f. To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

g. To determine the exact location, type and character of and all matters in connection with all or any part of the transportation system which it is authorized to own, construct, establish, effectuate, operate, or control and to enter on any lands, waters or premises for the purpose of making such surveys, diagrams, maps or plans or for the purpose of making such soundings or borings as it deems necessary or convenient;

h. To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the transportation system and any other of its properties, and to amend the same; it shall publish the same and file them in accordance with the "Administrative Procedure Act", P. L. 1968, c. 410 (C. 52:14B-1 et seq.) with the Director of the Office of Administrative Law;

i. To acquire, purchase, construct, lease, operate, maintain and undertake any parking or transportation facility and to make service charges for the use thereof;

j. To call to its assistance and avail itself of the service of any employees of any Federal, State, county or municipal department, authority or other agency as it may require and as may be available to it for its purposes;

k. To plan, design, construct, equip, operate, improve and maintain, either directly or by contract with any public or private entity, public transportation services, parking and transportation facilities or any parts or functions thereof, and other transportation projects, or any parts or functions thereof;

l. To apply for, accept and expend money from any Federal, State or county or municipal agency or instrumentality, and from any private source; comply with Federal and State statutes, rules and regulations; and qualify for and receive all forms of financial assistance available under Federal law to assure the continuance of, or for the support or improvement of public transportation, and as may be necessary for that purpose to enter into agreements, including Federally required labor protective agreements;

m. To restrict the rights of persons to enter upon or construct any works in or upon any property owned or leased by the au-

thority, except under such terms as the authority may prescribe, perform or contract for the performance of all acts necessary for the management, maintenance and repair of real or personal property leased or otherwise used or occupied pursuant to this act;

n. To set and collect fares and determine levels of service for service provided by the authority either directly or by contract, including, but not limited to, such reduced fare programs as deemed appropriate by the authority. Revenues derived from this service may be collected by the authority and shall be available to the authority for use in furtherance of any of the purposes of this act;

o. To set and collect rentals, fees, charges or other payments from the lease, use, occupancy or disposition of properties owned or leased by the authority. Such revenues shall be available to the authority for use in furtherance of any of the purposes of this act;

p. To deposit authority revenues in interest bearing accounts or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P. L. 1977, c. 28 (C. 52:18A-90.4);

q. To procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the authority, whether part-time, full-time, compensated or noncompensated, in the performance of the duties of his office or employment, or any other insurable risk. In addition, the authority may carry its own liability insurance;

r. To promote the use of authority services, coordinate ticket sales and passenger information and sell, lease or otherwise contract for advertising in or on the equipment or facilities of the authority;

s. To adopt and maintain employee benefit programs for employees of the authority including, but not limited to, pension, deferred compensation, medical, disability, and death benefits, and which programs may utilize insurance contracts, trust funds, and any other appropriate means of providing the stipulated benefits, and may involve new plans or the continuation of plans previously established by entities acquired by the authority;

t. To own, vote, and exercise all other rights incidental to the ownership of shares of the capital stock of any incorporated entity acquired by the authority pursuant to the powers granted by this act;

u. To apply for and accept, from appropriate regulatory bodies, authority to operate public transportation services where necessary;

v. To delegate to subordinate officers of the authority such powers and duties as the authority shall deem necessary and proper to carry out the purposes of this act; and,

w. To enter into any contracts, execute any instruments, and do and perform any acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this act, subject to sections 16 and 17 of this act.

C. 40:35B-16 Purchases, contracts or agreements; advertisement; bids; procedure.

16. a. All purchases, contracts or agreements pursuant to this act shall be made or awarded directly by the authority, except as otherwise provided herein, only after public advertisement for bids therefor, in the manner provided in this act, notwithstanding the provisions to the contrary of the "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.).

b. Whenever advertising is required: (1) specifications and invitations for bids shall permit such full and free competition as is consistent with the procurement of supplies and services necessary to meet the requirements of the authority; (2) the advertisement for bids shall be in such newspaper or newspapers selected by the authority as will best give notice thereof to bidders and shall be sufficiently in advance of the purchase or contract to promote competitive bidding; (3) the advertisement shall designate the time and place when and where sealed proposals shall be received and publicly opened and read, the amount of the cash, certified check, cashier's check or bank check, if any, which shall accompany each bid, and such other terms as the authority may deem proper.

c. The authority may reject any or all bids not in accord with the advertisement of specifications, or may reject any or all bids if the price of the work materials is excessively above the estimate cost or when the authority shall determine that it is in the public interest to do so. The authority shall prepare a list of the bids, including any rejected and the cause therefor. The authority may accept bids containing minor informalities. Awards shall be made by the authority with reasonable promptness by written notice to the responsible bidder whose bid, conforming to the invitation for bids, will be the most advantageous to the district, price and other factors considered.

d. A proposal bond equal to at least 50% of the bid executed by the contractor with such sureties as shall be approved by the authority in its favor, shall accompany each bid and shall be held as security for the faithful performance of the contractor in that, if awarded the contract, the bidder will deliver the contract within 10 working days after the award, properly executed and secured by satisfactory bonds in accordance with the provisions of N. J. S. 2A:44-143 through N. J. S. 2A:44-147 and specifications for the project. The authority may require in addition to the proposal bond such additional evidence of the ability of a contractor to perform the work required by the contract as it may deem necessary or advisable. All proposal bonds which have been delivered with the bids, except those of the two lowest responsible bidders, shall be returned within 30 days after such bids are received.

e. If the bidder fails to provide a satisfactory proposal bond as provided in subsection d. of this section, his bid shall be rejected.

f. The authority shall determine the terms and conditions of the various types of agreements or contracts, including provisions for adequate security, the time and amount or percentage of each payment thereon and the amount to be withheld pending completion of the contract, and it shall issue and publish rules and regulations concerning such terms and conditions, standard contract forms and such other rules and regulations concerning purchasing or procurement, not inconsistent with any applicable law, as it may deem advisable to promote competition and to protect the public interest.

g. The authority shall require that all persons proposing to submit bids on improvements to capital facilities and equipment shall first be classified by the authority as to the character and amount of work on which they shall be qualified to submit bids. Bids shall be accepted only from persons qualified in accordance with such classification.

C. 40:35B-17 Awarding contracts or agreements without advertising under certain circumstances.

17. Any purchase, contract or agreement pursuant to subsection a. of section 16 may be made, negotiated or awarded by the authority without advertising under the following circumstances:

a. When the aggregate amount involved does not exceed \$7,500.00; or

b. In all other cases when the authority seeks to:

(1) Acquire public or private entities engaged in the provision of public transportation services, used public transportation equipment or existing transportation facilities or rights of way; or

(2) Acquire subject matter consisting of: services to be performed by the contractor personally which are of a technical and professional nature; the purchase of perishable foods or subsistence supplies; the lease of such office space, office machinery, specialized equipment, buildings or real property as may be required for the conduct of the authority's business; the acquisition of any real property by gift, grant, purchase or any other lawful manner in the name of and for the use of the authority for the purpose of the administration of the authority's business; or, supplies or services for which the bid prices after advertising therefor are not reasonable or have not been independently arrived at in open competition, but no negotiated purchase, contract or agreement may be entered into after the rejection of all bids received unless (a) notification of the intention to negotiate and reasonable opportunity to negotiate shall have been given by the authority to each responsible bidder, (b) the negotiated price is lower than the lowest rejected bid price of a responsible bidder, and (c) such negotiated price is the lowest negotiated price offered by any responsible supplier;

(3) Make a purchase or award, or make a contract or agreement under any of the following circumstances: the purchase is to be made from, or the contract to be made with, the Federal or State government or any agency or political subdivision thereof; the public exigency requires the immediate delivery of the articles or the performance of the service; only one source of supply is available; more favorable terms can be obtained from a primary source of supply; articles of wearing apparel are to be purchased which are styled or seasonal in character; commodities traded on a national commodity exchange are to be purchased and fluctuations of the market require immediate action; or, the equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest; or,

(4) Contract pursuant to section 20 or section 44 of this act.

C. 40:35B-18 Contracts with public or private entities; services beyond district; approval.

18. The authority may enter into contracts with any public or private entity for the provision of adequate public transportation and parking facilities; but with the exception of marine and air passenger service, the authority may not contract for public transportation services beyond the district without the written consent of the New Jersey Transit Corporation created under P. L. 1979, c. 150 (C. 27:25-1 et seq.) and the Commissioner of Trans-

portation unless the services were provided or authorized to be provided by a public or private entity acquired by the authority and only to the extent that the acquired entity is providing or is authorized to provide the services.

C. 40:35B-19 Application for federal funds; approval.

19. The authority shall not submit any application for Federal funding for the operation and improvement of public transportation and parking facilities under the Urban Mass Transportation Act of 1964, P. L. 88-365 (49 U. S. C. § 1601 et seq.), or any successor or additional Federal law having substantially the same or similar purposes or functions, or any other Federal law providing financial assistance for transportation systems, unless the project and the project application have been first approved by the Commissioner of Transportation.

C. 40:35B-20 Contracts to operate rail, motorbus or marine passenger services; payments.

20. a. Every authority may enter into contracts with any public or private entity to operate rail passenger service or portions or functions thereof. Where appropriate, payments by the authority for services contracted for under this section shall be determined in accordance with the Federal Regional Rail Reorganization Act of 1973 (45 U. S. C. § 701 et seq.), the Federal Rail Passenger Service Act of 1970 (45 U. S. C. § 501 et seq.), any other applicable Federal law, and any and all rules, regulations and standards, promulgated thereunder and decisions issued pursuant thereto. In all other cases, payments shall be by agreement upon such terms and conditions as the authority shall deem necessary.

b. Every authority may enter into contracts with any public or private entity to operate motorbus regular route, paratransit or motorbus charter services or portions or functions thereof. Payments shall be by agreement upon such terms and conditions as the authority shall deem necessary.

c. Every authority may enter into contracts with any public or private entity to operate marine passenger services and air passenger services or portions or functions thereof. Payments shall be by agreement upon such terms and conditions as the authority shall deem necessary.

C. 40:35B-21 Continuation of school bus services by acquired entity.

21. Every authority which acquires a public or private entity engaged in the provision of motorbus regular route service which, at the time of acquisition provides school bus services may

continue to provide the services only to the extent that the acquired entity is providing or is authorized to provide the service.

C. 40:35B-22 Schedule of facility and service charges.

22. Every authority may prescribe, and from time to time when necessary, revise a schedule of all its facility and service charges. The charges fixed, charged and collected shall comply with the terms of any contract of the authority and may be so adjusted that the revenues of the authority shall at all times be adequate to pay the expenses of operation and maintenance of transportation system, including reserves, insurance, improvements, replacements, and other required payments, and to pay the principal of and interest on any bonds and to maintain such reserves or sinking funds therefor as may be required by the terms of any contract of the authority or as may be deemed necessary or desirable by the authority. A copy of the schedule of service and facility charges in effect shall be a public record and shall be filed with the New Jersey Transit Corporation and the Department of Transportation.

C. 40:35B-23 Powers of municipality or county to appropriate moneys to authority.

23. Any municipality or county shall have power, in the discretion of its governing body, to appropriate moneys for the purposes of the authority, and to loan or donate the moneys to the authority in such installments and upon such terms as may be agreed upon with the authority.

C. 40:35B-24 Applicability of Title 48; exercise of powers by authority; jurisdiction of department; fare increase; public hearing.

24. a. The authority shall not be considered a public utility as defined in R. S. 48:2-13 and except with regard to subsection c. of this section the provisions of Title 48 of the Revised Statutes shall not apply to the authority.

b. The powers given the authority pursuant to section 15 of this act with respect to fares and service, shall be exercised without regard or reference to the jurisdiction vested in the Department of Transportation by R. S. 48:2-21, 48:2-24 and 48:4-3. The Department of Transportation shall resume jurisdiction over service and fares upon the termination and discontinuance of a contractual relationship between the authority and a private or public entity relating to the provision of public transportation services operated under the authority of certificates of public convenience and necessity previously issued by the department or its predecessors; provided, however, that no private entity shall be required to restore any service discontinued or any fare changed

during the existence of a contractual relationship with the authority, unless the Department of Transportation shall determine, after notice and hearing, that the service or fare is required by public convenience and necessity.

c. Notwithstanding any other provisions of this act, all vehicles used by any public or private entity pursuant to contract authorized by this act, and all vehicles operated by the authority directly, shall be subject to the jurisdiction of the Department of Transportation with respect to maintenance, specifications and safety to the same extent that jurisdiction is conferred upon the department by Title 48 of the Revised Statutes.

d. Before implementing any fare increase for any motorbus regular route services, rail passenger services, paratransit services, or marine or air passenger services, or the substantial curtailment or abandonment of any those services, the authority shall hold a public hearing in the area affected during evening hours. Notice of the hearing shall be given by the authority at least 15 days prior to the hearing to the governing body of the county and the governing body of each municipality within the district whose residents will be affected and to the clerk of each county or counties whose residents will be affected. The notice shall also be posted at least 15 days prior to the hearing in prominent places on the railroad cars, buses, and other facilities used for the carriage of passengers serving the routes to be affected.

C. 40:35B-25 Available revenues.

25. In any proceeding before the Department of Transportation for decreasing or abandoning service, any contract payments offered by the authority for continuing service shall be considered as available revenues by the department in making any determination on the petition.

C. 40:35B-26 Reports; records; audit of books and accounts; annual fiscal report; approval.

26. a. The authority shall, by October 1 of each year, file with the Commissioner of Transportation a report in such format and detail as the commissioner may require setting forth the actual financial, operational and capital results of the previous fiscal year and a proposed operational, capital and financial plan for the next ensuing fiscal year or any other appropriate period.

b. On or before October 31 of each year, the authority shall make an annual report of its activities for the preceding fiscal year to the Governor, to the governing body of the county, the governing body of the municipality having the largest population within the county,

to the governing body of each municipality in which authority transportation or parking facilities are located, and to the presiding officers and the Transportation and Communications Committees of both Houses of the Legislature. Each report shall set forth a complete operating and financial statement covering its operations and capital projects during the year.

c. Records of minutes, accounts, bills, vouchers, contracts or other papers connected with or used or filed with the authority or with any officer or employee acting for or in its behalf are declared to be public records and shall be open to public inspection in accordance with P. L. 1963, c. 73 (C. 47:1A-1 et seq.) and regulations prescribed by the authority.

d. The authority shall cause an audit of its books and accounts to be made at least once each year by certified public accountants and the cost thereof may be treated as a cost of operation. The audit shall be filed within 4 months after the close of the fiscal year of the authority and certified duplicate copies thereof shall be filed with the office of the chief finance officer of the county, the Department of Transportation, the Director of the Division of Local Government Services and the office of the chief finance officer of each municipality in which authority transportation or parking facilities are located.

e. 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.

f. The authority shall not implement any plans set forth in the annual fiscal report required to be submitted pursuant to subsection a. of this section prior to the approval of the Commissioner of Transportation of that report. If the report is not disapproved within 60 days of its submission to the commissioner, the report shall be deemed to be approved. Any report, which is disapproved pursuant to this subsection, may be resubmitted to the commissioner and shall be deemed to be approved if not disapproved within 20 days of resubmission.

C. 40:35B-27 Issuance of bonds pursuant to resolution.

27. For the purpose of raising funds to pay the cost of any part of its transportation system or for the purpose of funding or refunding any bonds, a county transportation authority may authorize or provide for the issuance of bonds pursuant to this act, by resolution which shall:

- a. Describe in brief and general terms sufficient for reasonable identification the transportation system or part thereof to be constructed or acquired, or describe the bonds which are to be funded or refunded;
- b. State the cost or estimated cost of the project; and,
- c. Provide for the issuance of the bonds in accordance with section 28 of this act.

Any bond resolution proposed for adoption pursuant to this section shall be submitted prior to adoption to the Local Finance Board for its review and approval. The Local Finance Board shall approve the proposed bond resolution if it determines that the cost of the project has been accurately determined, that the method proposed for the funding of the project cost, proposed or maximum terms and provisions of the financing and of any proposed financing agreement are reasonable and feasible, and would not impose any undue financial burden on the residents of the district, and would not materially impair the ability of the authority to pay promptly the principal of and interest on the outstanding indebtedness of the authority or to provide existing public transportation services. If the proposed bond resolution is not disapproved within 90 days of its submission to the Local Finance Board, the proposed resolution shall be deemed to be approved, and the authority may proceed to adopt the same. The authority shall not adopt any bond resolution which is disapproved by the Local Finance Board within the 90 days, but may resubmit the bond resolution to the board with such changes as the authority deems appropriate, and the review and approval of the resubmitted resolution shall be subject to the limitations set forth above.

C. 40:35B-28 Bonds; issuance.

28. Upon the adoption of a bond resolution, a county transportation authority may incur indebtedness, borrow money and issue its bonds for the purpose of financing the project or of funding or refunding its bonds. The bonds shall be authorized by the bond resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times not exceeding the period or average period of usefulness determined in the resolution, bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources, in such medium of payment, at such place or places within

or without the State, and be subject to such terms or redemption, with or without premium, all as the bond resolution may provide. The authority may issue the types of bonds as it may determine, including, but not limited to, bonds on which the principal and interest are payable: a. exclusively from the income and revenues of the project financed with the proceeds of the bonds; b. exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or in part with the proceeds of the bonds; or c. its revenues generally. The bonds may be additionally secured by a pledge of any grant or contributions from the Federal Government, the State, county or any municipality or a pledge of any income or revenues of the authority, including income or revenues to be received pursuant to grant or lease by the authority of the use or services of any facility owned or controlled by it. This act shall be complete authority, and the provisions of any other law shall not apply to the issuance of the bonds.

C. 40:35B-29 Sale of bonds.

29. Bonds of a county transportation authority may be sold by the authority at public or private sale at such price or prices as the authority shall determine, but the interest cost to maturity of the money received for any issue of bonds shall not exceed that specified in the bond resolution.

C. 40:35B-30 Bond resolution; filing; notice; procedure for commencing court action.

30. The county transportation authority shall cause a copy of any bond resolution adopted by it to be filed for public inspection in its office and in the office of the clerk of the governing bodies of the counties and municipalities within the district, and shall thereupon cause to be published, at least once, in a newspaper, published or circulating in the district a notice stating the fact and date of the adoption and the places where the bond resolution has been filed for public inspection; the date of the first publication of the notice; and, that any action or proceeding of any kind or nature in any court questioning the validity or proper authorization of bonds provided for by the bond resolution, or the validity of any covenants, agreements or contracts provided for by the bond resolution, shall be commenced within 20 days after the first publication of notice. If the notice shall be so published, and if no action or proceeding questioning the validity or proper authorization of bonds provided for by the bond resolution referred to in the notice, or the validity of any covenants, agreements or contracts provided for by the bond resolution, shall be commenced or instituted within

20 days after the first publication of the notice, then all residents and taxpayers and owners of property in the district and users of the transportation system and all other persons whatsoever shall be forever barred and foreclosed from instituting or commencing any action or proceeding in any court, or from pleading any defense to any action or proceeding, questioning the validity or proper authorization of the bonds, or the validity of the covenants, agreements or contracts, and the bonds, covenants, agreements and contracts shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

C. 40:35B-31 Provisions of bond resolution.

31. Any bond resolution of a county transportation authority providing for or authorizing the issuance of any bonds may contain provisions, and the authority, in order to secure the payments of the bonds and in addition to its other powers, may, by provision in the bond resolution, covenant with the several holders of the bonds, as to:

- a. The custody, security, use, expenditure or application of the proceeds of the bonds;
- b. The construction and completion, or replacement, of all or any part of the transportation system;
- c. The use, regulation, operation, maintenance, insurance or disposition of all or any part of the transportation system, or restrictions on the exercise of the powers of the authority to dispose or to limit or regulate the use of all or any part of the transportation system;
- d. Payment of the principal of or interest on the bonds, or any other obligations, and the sources and methods thereof, the rank or priority of the bonds or obligations as to any lien or security, or the acceleration of the maturity of the bonds or obligations;
- e. The use and disposition of any moneys of the authority, including revenues derived or to be derived from the operation of all or any part of the transportation system, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;
- f. Pledging, setting aside, depositing or trusteeing all or any part of the revenues or other moneys of the authority to secure the payment of the principal of or interest on the bonds or any other obligations or the payment of expenses of operation or maintenance of the transportation system, and the powers and duties of any trustee with regard thereto;

g. The setting aside out of the revenues or other moneys of the authority of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

h. Determination or definition of the revenues or of the expenses of operation and maintenance of the transportation system;

i. The rents, rates, fees, or other charges in connection with or for the use of the transportation system, including any parts thereof theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same, the amount or amounts of revenues to be produced thereby, and the disposition and application of the amounts charged or collected;

j. The assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the transportation system or any obligations having or which may have a lien on any part of the revenues;

k. Limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness of the authority;

l. Limitations on the powers of the authority to construct, acquire or operate, or to consent to the construction, acquisition or operation of, any structures, facilities or properties which may compete or tend to compete with the transportation system, except these limitations may not be imposed without the consent of the New Jersey Transit Corporation;

m. Vesting in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine, which may include any or all of the rights, powers and duties of the trustee appointed by the holders of bonds pursuant to section 32 of this act, and limiting or abrogating the right of the holders to appoint a trustee pursuant to section 32 or limiting the rights, duties and powers of the trustee;

n. The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of bonds may be amended or abrogated, the amount of bonds the holders of which the consent thereto, and the manner in which the consent may be given or evidenced; or

o. Any other matter or course of conduct which, by recital in the bond resolution, is declared to further secure the payment of the principal of or interest on the bonds and to be part of any covenant or contract with the holders of the bonds.

These provisions of the bond resolution and covenants and agreements shall constitute legally binding contracts between the authority and the several holders of the bonds, regardless of the time of issuance of the bonds, and shall be enforceable by the holder or holders by appropriate action, suit or proceeding in any court of competent jurisdiction.

C. 40:35B-32 Appointment of trustee; conditions; powers of trustee; fees and other expenses.

32. a. If the bond resolution of a county transportation authority authorizing or providing for the issuance of a series of its bonds shall provide in substance that the holders of the bonds of that series shall be entitled to the benefits of this section, and if there shall be a default in the payment of principal of or interest on any bonds of that series after the same shall become due, whether at maturity or upon call for redemption, and if that default shall continue for a period of 30 days, or if the authority shall fail or refuse to comply with any of the provisions of this act or shall fail or refuse to carry out and perform the terms of any contract with the holders of the bonds, and if the failure or refusal shall continue for a period of 30 days after written notice to the authority of its existence and nature, the holders of 25% in aggregate principal amount of the bonds of that series then outstanding by instrument or instruments filed in the office of the Secretary of State and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds of that series for the purposes provided in this section.

b. The trustee may and upon written request of the holders of 25% in aggregate principal amount of the bonds of that series then outstanding shall, in his or its own name:

(1) By any action, or other proceeding, enforce all rights of the holders of the bonds, including the right to require the authority to charge and collect facility or service charges adequate to carry out any contract as to, or pledge of, revenues, and to require the authority to carry out and perform the terms of any contract with the holders of the bonds or its duties under this act;

(2) Bring an action upon all or any part of the bonds or interest coupons or claims appurtenant thereto;

(3) By action, require the authority to account as if it were the trustee of an express trust for the holders of the bonds;

(4) By action, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds; or,

(5) Declare the bonds due and payable, whether or not in advance of maturity, upon 30 days' prior notice in writing to the authority and, if all defaults shall be made good, then with the consent of the holders of 25% of the principal amount of the bonds then outstanding, annul the declaration and its consequences.

c. The trustee shall, in addition to the foregoing, have all of the powers necessary or appropriate for the exercise of the functions specifically set forth herein or incident to the general representation of the holders of bonds of that series in the enforcement and protection of their rights.

d. In any action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, appointed pursuant to this act, shall, if allowed by the court, constitute taxable costs and disbursements, and all costs and disbursements, allowed by the court, shall be a first charge upon any facility and service charges and revenues of the authority pledged for the payment or security of bonds of that series.

C. 40:35B-33 Appointment of receiver; powers and duties.

33. If the bond resolution of a county transportation authority authorizing or providing for the issuance of a series of its bonds shall provide in substance that the holders of the bonds of that series shall be entitled to the benefits of section 32 of this act and shall further provide in substance that any trustee appointed pursuant to that section or having the powers of such a trustee shall have the powers provided by this section, then the trustee, whether or not all of the bonds of the series shall have been declared due and payable, shall be entitled to the appointment of a receiver of the transportation system, and the receiver may enter upon and take possession of the transportation system and, subject to any pledge or contract with the holders of the bonds, shall take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance or reconstruction which the authority is under any obligation to do, and operate, maintain and reconstruct the transportation system and fix, charge, collect, enforce and receive the facility and service charges and all revenues thereafter arising subject to any pledge thereof or contract with the holders of the bonds relating thereto, and perform the public duties and carry out the contracts and obligations of the authority in the same manner as the authority itself might do and under the direction of the court.

C. 40:35B-34 Liabilities.

34. Neither the members of the county transportation authority nor any person executing bonds issued pursuant to this act shall be liable personally on the bonds by reason of the issuance thereof. Bonds or other obligations issued by the authority pursuant to this act shall not be a debt or liability of the State or of any county or municipality and shall not create or constitute any indebtedness, liability or obligation of the State or of any county or municipality. Nothing contained in this act shall be construed to authorize any county transportation authority to incur any indebtedness on behalf of or to obligate the State or any county or municipality.

C. 40:35B-35 Bonds negotiable.

35. Notwithstanding the provisions of any law to the contrary, any bond or other obligation issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law of the State, and each holder or owner of such a bond or other obligation, or of any coupon appurtenant thereto, by accepting the bond, obligation or coupon shall be conclusively deemed to have agreed that the bond, obligation or coupon is and shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law.

C. 40:35B-36 Acquisition of property by authority; eminent domain; property defined; acquisition of stock; trustee; appointment; donations and transfers; declaration of taking; filing.

36. a. The authority may acquire by purchase, condemnation, lease, gift or otherwise, on terms and conditions and in the manner it deems proper, for use by the authority or for use by any other public or private entity providing rail passenger, motorbus regular route, paratransit, marine passenger, air passenger or motorbus charter services, all or part of the facility, plant, equipment, property, shares of stock, rights of property, reserve funds, employees' pension or retirement funds, special funds, franchises, licenses, patents, permits and papers, documents and records of a public or private entity providing that service within the district.

b. The authority may acquire by purchase, condemnation, lease, gift or otherwise, on the terms and conditions and in the manner it deems proper, any land or property, real or personal, tangible or intangible which it may determine is reasonably necessary for the purposes of the authority under the provisions of this act.

c. (1) The authority, when acquiring property pursuant to subsections a. or b. of this section shall exercise its power of eminent

domain in accordance with the provisions of the "Eminent Domain Act of 1971," P. L. 1971, c. 361 (C. 20:3-1 et seq.).

(2) As used in this act, the definition of property in section 2 of P. L. 1971, c. 361 (C. 20:3-2) includes all property referred to in subsections a. or b. of this section, and the provisions of P. L. 1971, c. 361 shall apply to that property.

d. (1) If the authority shall determine to acquire by condemnation all outstanding shares of corporate stock of a company, and if the stock is owned by 10 or more individuals or entities, the court, on application of the authority, shall appoint a trustee who shall act as representative of all stockholders for the purpose of the condemnation proceedings. Upon the appointment of a trustee, the authority may file a single condemnation action condemning all outstanding shares of stock and naming the appointed trustee as representative of all defendant owners.

(2) When a trustee has been appointed pursuant to this section, the court may award the trustee a reasonable fee as payment for services rendered. Other costs, expenses and fees shall be paid from the proceeds of the condemnation award or settlement if amicably resolved.

e. A State agency, State authority, county, municipality, bistate authority, or other political subdivision of the State is authorized to donate, give, transfer or assign any asset or property it now owns or may hereafter acquire to the authority which may be necessary for the furtherance of the objectives of this act.

f. Upon the filing of a declaration of taking the authority shall be entitled to the immediate possession of all property and assets named therein; and in the case of a condemnation pursuant to subsection d. or the acquisition of the entire assets of any entity, the authority shall be entitled to immediate possession and control of all assets and facilities and shall have exclusive management authority over the entity taken.

C. 40:35B-37 Definitions.

37. a. As used in this section:

(1) "Employee" means:

(a) An employee of the authority; or,

(b) An employee of any public or private entity acquired, owned, or operated by the authority.

"Employee" does not include an employee of a public or private entity, other than as provided in subsection f. and in (a) and (b) above, which provides public transportation services pursuant to

operating rights granted by a regulatory body or pursuant to authority arising from contractual agreements entered into with the authority pursuant to section 20 of this act. Except as provided in subsection g. of this section, "employee" does not include a supervisory employee as defined under the "Labor Management Relations Act, 1947" (29 U. S. C. § 141 et seq.) or a managerial, executive or confidential employee as defined under the "New Jersey Employer-Employee Relations Act," P. L. 1941, c. 100 (C. 34:13A-1 et seq.).

(2) "Employer" means an employer of an employee.

(3) "Acquisition by the authority of a public or private entity which provides public transportation services," or words of like import, mean an acquisition effected by a purchase or condemnation of all, or a controlling interest in, the stock or other equity interest of the entity, or purchase or condemnation of all or substantially all of the assets of the entity.

b. In accordance with law, employees of the employer shall have and retain their rights to form, join or assist labor organizations and to negotiate collectively through exclusive representatives of their own choosing.

c. The enforcement of the rights and duties of the employer and employees shall be governed by the "New Jersey Employer-Employee Relations Act," P. L. 1941, c. 100 (C. 34:13A-1 et seq.) and shall be within the jurisdiction of the Public Employment Relations Commission established pursuant to that act. In carrying out this function, the commission shall be guided by the relevant Federal or State labor law and practices, as developed under the "Labor Management Relations Act, 1947" or under the "Railway Labor Act" (45 U. S. C. §151 et seq.); except, employees shall not have the right to strike except as provided by the "Railway Labor Act." Whenever negotiations between the employer and an exclusive representative concerning the terms and conditions of employment shall reach an impasse, the commission shall, upon the request of either party, take such steps as it may deem expedient to effect a voluntary resolution of the impasse, including the assignment of a mediator. In the event of a failure to resolve the impasse by mediation, the commission shall, at the request of either party, invoke fact finding with recommendations for settlement of all issues in dispute. Fact-finding shall be limited to those issues that are within the required scope of negotiations. In the event of a continuing failure to resolve an impasse by means of the procedure set forth above, and notwithstanding the fact that these procedures have not

been exhausted, but not later than 30 days prior to the expiration of a collectively negotiated contract, the procedures set forth in paragraph (2) of subsection c. of section 3 and sections 4 through 8 of P. L. 1977, c. 85 (C. 34:13A-16d. (2) through 34:13A-21) shall be the sole method of dispute resolution, unless the parties mutually agree upon an alternative form of arbitration;

d. The majority representative of employees in an appropriate unit shall be entitled to act for, and negotiate successor agreements covering, all employees in the unit and shall be responsible for representing the interests of those employees without discrimination. It shall be the mutual obligation of the employer and the majority representative of any of its employees to negotiate collectively with respect to mandatorily negotiable subjects which intimately and directly affect the work and welfare of employees. These subjects include wages, hours of work, the maintenance of union security and check-off arrangements, pensions, and other terms and conditions of employment. The obligation to negotiate in good faith encompasses the responsibility to meet at reasonable times and to confer on matters properly presented for negotiations and to execute a written contract containing an agreement reached, but the obligation does not compel either party to agree to a proposal or require the making of a concession.

e. In acquiring, operating, or contracting for the operation of public transportation services, the authority shall make provision to assure continuing representation for collective negotiations on behalf of employees, giving due consideration to preserving established bargaining relationships to the extent consistent with the purposes of this act. Those relationships may be changed only in accordance with the principles established under the "Labor Management Relations Act, 1947" and the "Railway Labor Act."

Upon acquisition by the authority of a public or private entity which provides public transportation services, the authority shall assume and observe all existing labor contracts of such entity for their remaining term. All of the employees of the acquired entity, as defined in subsection a., shall be transferred to the employment of the employer and appointed to comparable positions without examination subject to all the rights and benefits of this act, and these employees shall be given sick leave, seniority, vacation, and pension credits in accordance with the records and labor agreements of the acquired entity.

f. For purposes of this subsection:

(1) "Employee" means an employee employed, as of the date of the first acquisition by the authority, by any entity acquired, owned or operated by the authority or by any other entity which provides motorbus regular route, but does not mean supervisory employees, managerial, executive and confidential employees;

(2) "Action by the corporation" means acquisition, contracts for motorbus regular route, mergers, consolidations, coordination and rearrangements of services and work forces, but does not mean:

(a) The setting of fares by contract or otherwise unless that action results in a substantial diversion of riders; or

(b) The discontinuance of motorbus regular route services by the authority to the extent that substantially similar public transportation service does not continue to be provided; or

(c) A failure or refusal, by the authority, to enter into a contract for all or a portion of an entity's motorbus regular route service to the extent that substantially similar public transportation service does not continue to be provided.

Except as provided herein, employees whose positions are worsened with regard to wages, hours, seniority and other terms and conditions of employment, shall be protected for a period of 5 years from the date of the first acquisition by the authority. This time limitation does not apply to protections afforded to employees whose positions are worsened as a result of acquisitions or contracts which transfer responsibility for the provision of substantially similar motorbus regular route service from one entity, including the authority, to another. With regard to any acquisition or contract transferring service responsibility, only claims arising from actions taken within 18 months therefrom shall be eligible for protection.

Protections and procedures to implement those protections shall be provided in accordance with the terms of the agreement entered into between the Department of Transportation's Commuter Operating Agency, established pursuant to P. L. 1966, c. 301 (C. 27:1A-16 et seq.), and Amalgamated Transit Union on March 2, 1976, except that no protective allowances or other benefits shall exceed 3 years' duration. Pursuant to this agreement, the employer of the employee shall be considered the "assisted carrier" and actions of the authority shall constitute the "project."

g. For purposes of this subsection, "employees" means individuals, including supervisory employees, management, executives and confidential employees, who:

- (1) Have terminated their employment with an acquired entity with vested retirement benefits; or,
- (2) Are employed by the authority after accruing retirement benefits, whether or not vested, while employed by an acquired entity.

The authority as a condition of acquiring a public or private entity which provides public transportation services, shall ensure that employees' retirement benefits, which have accrued on the basis of service to the date of the acquisition, are provided for and paid as they come due. These benefits shall be provided for and paid either by the entity so acquired, the former owner or owners of the entity, an affiliate of the entity, the Pension Benefit Guaranty Corporation, another public instrumentality, the authority itself, any other reasonable means, or any combination of the foregoing. These benefits may be provided for either through existing plans, new plans, mergers or consolidations of plans, or other appropriate or reasonable means.

C. 40:35B-38 Operators of jitney bus service; preference for employment; payment.

38. Notwithstanding the provisions of section 37 of this act, upon acquisition by the authority, whether by purchase, condemnation or otherwise, of an entity providing jitney bus service in any municipality pursuant to R. S. 48:16-23 et seq., the authority shall, in addition to any compensation to be provided pursuant to the "Eminent Domain Act of 1971," P. L. 1971, c. 361 (C. 20:3-1 et seq.) or other provisions of law, provide the operator of such entity with preference for employment with the authority in any available position similar to that formerly held by the operator, at the salary being paid by the authority for such position to persons having experience equal in years to that of the operator; provided, however, that if the operator is willing to assume such employment with the authority, but is in the judgment of the authority incapable by reason of age, physical disability, or otherwise of doing so, the authority shall pay to the operator, in accordance with fiscal procedures established by the authority, an amount equal to the salary which such operator would otherwise have received in 1 year of employment in the available position.

No operator entitled to employment preference or a payment under this section shall be entitled to any employment rights or other benefits provided under section 37 of this act. No payments made pursuant to this section shall be made from State or Federal funds received by the authority.

C. 40:35B-39 Equal employment opportunity; affirmative action.

39. a. All contracts awarded by an authority pursuant to this act and all subcontracts awarded in connection therewith shall contain appropriate provisions by which contractors and subcontractors or their assignees agree to afford an equal employment opportunity to all prospective employees and to all actual employees to be employed by the contractor or subcontractor in accordance with an affirmative action program approved by the authority and consonant with the provisions of the "Law Against Discrimination," P. L. 1945, c. 169 (C. 10:5-1 et seq.). No contract shall be awarded by the authority in violation of this subsection.

b. Any authority created pursuant to this act shall formulate and abide by an affirmative-action program of equal opportunity whereby the authority guarantees to provide equal employment opportunity to members of minority groups in accordance with the provisions of the "Law Against Discrimination," P. L. 1945, c. 169 (C. 10:5-1 et seq.).

C. 40:35B-40 Additional powers of authority.

40. In addition to other powers conferred by this act or by any other law, every county transportation authority, in connection with construction or operation of any part of a transportation system, may make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances (herein called "facilities") of any public utility as defined in R. S. 48:2-13, in, on, along, over or under any real property of the county transportation authority. Whenever in connection with construction or operation of any part of a transportation system, any county transportation authority shall determine that it is necessary that those facilities, which now are, or hereafter may be, located in, on, along, over or under any such real property, should be relocated in the real property, or should be removed therefrom, the public utility owning or operating the facilities shall relocate or remove the same in accordance with the order of the authority; but the cost and expenses of the relocation or removal, including the cost of installing the facilities in a new location, or new locations, and the cost of any lands or any rights or interest in lands, or any other rights acquired to accomplish the relocation or removal, less the cost of any lands or any rights or interest in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal of the property, shall be paid by the authority and may

be included in the cost of the transportation system. 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 the facilities, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate the facilities in their former location.

C. 40:35B-41 Powers of county and municipality.

41. For the purpose of aiding and cooperating in the planning, undertaking, acquisition, construction or operation of any facility of a county transportation authority, any county or municipality within the district may, in the manner provided by law: a. acquire real property in its name for any project or for the widening of existing roads, streets, parkways, avenues or highways or for new roads, streets, parkways, avenues, or highways to the facility, or partly for those purposes and partly for other municipal purposes, by purchase or condemnation in the manner provided by law for the acquisition of real property by the municipality; b. furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake; and, c. do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of the facility, and cause services to be furnished to the authority of the character which the county or municipality is otherwise empowered to furnish, and to incur the entire expense thereof.

C. 40:35B-42 Sale, lease or conveyance of property to authority.

42. Any county or municipality, by ordinance or resolution of its governing body, as appropriate, or any other person may, without any referendum or public or competitive bidding to sell, lease, lend, grant or convey to a county transportation authority or to permit a county transportation authority to use, maintain or operate as part of the transportation system any real or personal property owned by it which may be necessary or useful and convenient for the purposes of the authority and accepted by the authority. The sale, lease, loan, grant, conveyance or permit may be made with or without consideration and for a specified or an unlimited period of time and under any agreement and on any terms and conditions which may be approved by the county or municipality or other person and which may be agreed to by the authority in conformity with its contracts with the holders of any bonds. Subject to these contracts with holders of bonds, the

county transportation authority may enter into and perform any and all agreements with respect to property so accepted by it, including agreements for the assumption of principal or interest, or both, of indebtedness of the county or municipality or other person or of any mortgage or lien existing with respect to the property or for the operation and maintenance of the property as part of the transportation system.

C. 40:35B-43 Appropriation of funds.

43. Any county or municipality within the district may from time to time, pursuant to ordinance or resolution, as appropriate, of its governing body, and for such period and upon such terms, with or without consideration, as may be provided in the ordinance or resolution, as the case may be, and accepted by the authority, appropriate money for all or any part of the cost of acquisition or construction of the transportation system of the authority.

C. 40:35B-44 Entering into contracts.

44. Any county transportation authority may enter into a contract or contracts providing for or relating to the use or lease of all or any part of the transportation system of the authority and the cost and expense of the use. The contract may provide for the payment to the authority annually or otherwise of a sum or sums of money for that use, computed at fixed amounts or by a formula or in any other manner. The contract may be made with or without consideration and for a specified or an unlimited time and on any terms and conditions which may be approved and agreed to by the authority in conformity with its contracts with the holders of any bonds. Subject to these contracts with the holders of bonds, the authority is authorized to do any and all acts or things necessary, convenient or desirable to carry out and perform every such contract.

C. 40:35B-45 Disposition of parts of system.

45. Except as otherwise provided in this act with respect to the right of the county transportation authority to grant by franchise, lease or otherwise the use of any facility owned or controlled by it, the authority shall not mortgage, pledge, encumber or otherwise dispose of any part of the transportation system, except that the authority may dispose of such part or parts thereof as may be no longer necessary for the purposes of the authority. The provisions of this section shall be deemed to constitute a part of the contract with the holder of any bonds.

C. 40:35B-46 Exemption from levy and sale of authority's property.

46. All property of a county transportation authority shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against a county transportation authority be a charge or lien upon its property, but this section shall not apply to nor limit the rights of the holder of any bonds to pursue any remedy for the enforcement of any pledge or lien given by a county transportation authority on its revenues or other moneys.

C. 40:35B-47 Agreements in lieu of taxes.

47. Every county transportation authority and any municipality in which any property of the authority is located are authorized to enter into agreements with respect to the payment by the authority to the municipality of annual sums of money in lieu of taxes on the property in an amount not less than the amount of taxes last paid on the property prior to its acquisition by the authority, or such other agreed amount computed on the basis of the assessed value of real property without improvements, and each county transportation authority is authorized to make such payments and each such municipality is empowered to accept such payments and to apply them in the manner in which taxes may be applied in such municipality.

C. 40:35B-48 Investments.

48. Notwithstanding the provisions of 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, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds issued pursuant to this act, and the bonds shall be authorized security for any and all public deposits.

C. 40:35B-49 System deemed public property; exemption from taxation.

49. The transportation system and all other properties of a county transportation authority are declared to be public property of a political subdivision of the State and devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision thereof. All bonds issued pursuant to this act are de-

clared to be issued by a political subdivision of this State and for an essential public and governmental purpose and to be a public instrumentality and the bonds, and the interest thereon and the income therefrom, and all facility charges, funds, revenues and other moneys pledged or available to pay or secure the payment of the bonds, or interest thereon, shall at all times be exempt from taxation, except for transfer, inheritance and estate taxes and taxes on transfers by or in contemplation of death.

C. 40:35B-50 State pledge in connection with bonds issued by authority.

50. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds issued by a county transportation authority pursuant to this act that the State will not limit or alter the rights hereby vested in the county transportation authority to acquire, construct, maintain, reconstruct and operate its transportation system, or to fix, establish, charge and collect its facility or service charges and to fulfill the terms of any agreement made with the holders of the bonds or other obligations, so as to in any way impair the rights or remedies of the holders, and will not modify in any way the exemptions from taxation provided for in this act, until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the holders, are fully met and discharged.

C. 40:35B-51 Bond resolution; filing of certified copy.

51. Each county transportation authority shall file a certified copy of each bond resolution adopted by it in the office of the Director of the Division of Local Government Services, together with a certified summary of the dates, amounts, maturities and interest rates of all bonds to be issued pursuant thereto, prior to the issuance of the bonds. Upon the adoption of each annual budget or amendment thereof by a county transportation authority, a certified copy thereof shall be filed forthwith with the director.

C. 40:35B-52 Partial invalidity.

52. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this act shall be judged invalid by a court of competent jurisdiction, the order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this act and, to this end, the provisions of each article, section, subsection, paragraph, subdivision or clause of this act are described to be severable.

53. This act shall take effect immediately.

Approved June 23, 1980.

CHAPTER 45

AN ACT concerning the salaries of part-time prosecutors in certain counties, and amending N. J. S. 2A:158-10.

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

1. N. J. S. 2A:158-10 is amended to read as follows:

Salaries of county prosecutors.

2A:158-10. County prosecutors shall receive annual salaries as fixed by resolution of the board of chosen freeholders in each county, as follows:

a. In counties having a population of more than 600,000, not less than \$17,000.00 nor more than \$24,000.00.

b. In counties having a population of more than 265,000, and less than 600,000, except counties bordering on the Atlantic ocean, not less than \$15,000.00 nor more than \$22,000.00.

c. In counties bordering on the Atlantic ocean having a population of more than 265,000, not less than \$12,000.00 nor more than \$19,000.00.

d. In counties having a population of more than 130,000, and less than 265,000, except counties bordering on the Atlantic ocean, not less than \$11,000.00 nor more than \$18,000.00.

e. In counties bordering on the Atlantic ocean having a population of more than 100,000 and less than 265,000, not less than \$10,000.00 nor more than \$17,000.00.

f. In counties having a population of more than 100,000 and less than 130,000, not less than \$10,000.00 nor more than \$17,000.00.

g. In counties having a population of more than 75,000 and less than 100,000, not less than \$8,500.00 nor more than \$24,000.00.

h. In counties having a population of less than 75,000, except counties bordering on the Atlantic ocean, not less than \$7,500.00 nor more than \$14,500.00.

i. In counties bordering on the Atlantic ocean having a population of less than 100,000, not less than \$8,500.00 nor more than \$15,500.00.

2. This act shall take effect immediately.

Approved June 25, 1980.

CHAPTER 46

AN ACT to amend the title of "An act concerning the civil rights of a blind person accompanied by a trained dog guide and supplementing the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169) and Title 10 of the Revised Statutes," approved May 6, 1971 (P. L. 1971, c. 130), so that the same shall read "An act concerning the civil rights and responsibilities of certain persons owning dogs and supplementing the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169) and Title 10 of the Revised Statutes," to amend the body of said act, to amend R. S. 48:3-33, P. L. 1941, c. 151, P. L. 1945, c. 169, and P. L. 1977, c. 456, and to supplement Title 10 of the Revised Statutes.

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

Title amended.

1. The title of P. L. 1971, c. 130 is amended to read as follows: An act concerning the civil rights and responsibilities of certain persons owning dogs and supplementing the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169) and Title 10 of the Revised Statutes.

2. R. S. 48:3-33 is amended to read as follows:

Custody of guide dog when riding bus or other public utility.

48:3-33. Any blind person, accompanied by a dog, known and described as a "seeing-eye dog", any deaf person, accompanied by a dog, known and described as a "hearing ear dog," or any blind or deaf person accompanied by a guide dog trained by a recognized training agency or school, when riding on any bus or other public utility, as defined in R. S. 48:2-13, engaged in transportation of passengers; may keep such animal in his or her immediate custody. The board of public utilities shall prescribe rules and regulations concerning such custody.

3. Section 3 of P. L. 1941, c. 151 (C. 4:19-15.3) is amended to read as follows:

C. 4:19-15.3 License and registration tag; expiration; renewals; fee.

3. The persons applying for the license and registration tag shall pay the fee fixed or authorized to be fixed in section 12 of this act, and the sum of \$0.50 for the registration tag of each dog; and for each annual renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag; and said licenses, registration tags and renewals thereof shall expire on January 31 in each year.

Only one license and registration tag shall be required in any licensing year for any dog owned in New Jersey and such license and tag shall be accepted by all municipalities as evidence of compliance with this section.

Dogs used as guides for blind persons and commonly known as "seeing-eye" dogs, or dogs used to assist deaf persons and commonly known as "hearing ear" dogs, shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

License forms and uniform official metal registration tags designed by the State Department of Health shall be furnished by the municipality and shall be numbered serially and shall bear the year of issuance and the name of the municipality.

4. Section 5 of P. L. 1945, c. 169 (C. 10:5-5) is amended to read as follows:

C. 10:5-5 Definitions.

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

a. "Person" includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and fiduciaries.

b. "Employment agency" includes any person undertaking to procure employees or opportunities for others to work.

c. "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

d. "Unlawful employment practice" and "unlawful discrimination" includes only those unlawful practices and acts specified in section 11 of this act.

e. "Employer" includes all persons as defined in subsection a. of this section unless otherwise specifically exempt under another section of this act, and includes the State, any political or civil subdivision thereof, and all public officers, agencies, boards or bodies.

f. "Employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person.

g. "Liability for service in the Armed Forces of the United States" means subject to being ordered as an individual or member of an organized unit into active service in the Armed Forces of the United States by reason of membership in the National Guard, naval militia or a reserve component of the Armed Forces of the United States, or subject to being inducted into such armed forces through a system of national selective service.

h. "Division" means the "Division on Civil Rights" created by this act.

i. "Attorney General" means the Attorney General of the State of New Jersey or his representative or designee.

j. "Commission" means the Commission on Civil Rights created by this act.

k. "Director" means the Director of the Division on Civil Rights.

l. "A place of public accommodation" shall include, but not be limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer camp, day camp, or resort camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store, establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operated on land or water, or in the air, any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or other place of amusement; any comfort station; any dispensary, clinic or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school,

academy, college and university, or any educational institution under the supervision of the State Board of Education, or the Commissioner of Education of the State of New Jersey. Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or post-secondary school from using in good faith criteria other than race, creed, color, national origin or ancestry, in the admission of students.

m. "A publicly assisted housing accommodation" shall include all housing built with public funds or public assistance pursuant to P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949, c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L. 1949, c. 184, and all housing financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the Federal Government or any agency thereof.

n. The term "real property" includes real estate, lands, tenements and hereditaments, corporeal, and incorporeal, and leaseholds, provided however, that, except as to publicly assisted housing accommodations, the provisions of this act shall not apply to the rental: (1) of a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as his residence or the household of his family at the time of such rental; or (2) of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by him as his residence or the household of his family at the time of such rental. Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

o. "Real estate broker" includes a person, firm or corporation who, for a fee, commission or other valuable consideration, or by reason of promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase, or rental of real estate or an interest therein, or collects or offers or attempts to collect rent for the use of real estate, or solicits for prospective purchasers or assists or directs in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate, or negotiates, or offers or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon or transfer of any real estate for others; or any person who, for pecuniary gain or expectation of pecuniary gain conducts a public or private competitive sale of lands or any interest in lands. In the sale of lots, the term "real estate broker" shall also include any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate.

p. "Real estate salesman" includes any person who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a licensed real estate broker to sell or offer to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real estate, or offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate, or to lease or rent, or offer to lease or rent any real estate for others, or to collect rents for the use of real estate, or to solicit for prospective purchasers or lessees of real estate, or who is employed by a licensed real estate broker to sell or offer to sell lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell real estate, or any parts thereof, in lots or other parcels.

q. "Handicapped" means suffering from physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include, but not be limited to, any degree of paralysis, amputation,

lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a guide dog, wheelchair, or other remedial appliance or device, or from any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

r. "Blind person" means any individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lens or whose visual acuity is better than 20/200 if accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

s. "Guide dog" means a dog used to assist deaf persons or which is fitted with a special harness so as to be suitable as an aid to the mobility of a blind person, and is used by a blind or deaf person who has satisfactorily completed a specific course of training in the use of such a dog, and has been trained by an organization generally recognized by agencies involved in the rehabilitation of the blind or deaf as reputable and competent to provide dogs with training of this type.

t. "Guide dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of the blind or deaf as reputable and competent to provide dogs with training, and who is actually involved in the training process.

u. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

v. "Public facility" means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally or customarily permitted or invited.

w. "Deaf person" means any person whose hearing is so severely impaired that he is unable to hear and understand normal conversational speech through the unaided ear alone, and who must

depend primarily on supportive device or visual communication such as writing, lip reading, sign language, and gestures.

5. Section 1 of P. L. 1971, c. 130 (C. 10:5-29) is amended to read as follows:

C. 10:5-29 Blind or deaf person accompanied by guide dog; conditions.

1. Any blind or deaf person accompanied by a guide dog trained by a recognized training agency or school is entitled, with his dog, to the full and equal enjoyment, advantages, facilities and privileges of all public facilities, subject only to the following conditions:

a. A blind or deaf person, if accompanied by a guide dog, shall keep such dog in his immediate custody at all times;

b. A blind or deaf person accompanied by a guide dog shall not be charged any extra fee or payment for admission to or use of any public facility;

c. A blind or deaf person who has a guide dog in his possession shall be liable for any damages done to the premises of a public facility by such dog;

d. A blind or deaf person who, after being duly warned of a danger unique to such person's use of a particular public facility, is injured in using such facility and is injured because of a danger of the type about which warning was given, shall be deemed to have assumed the risk of using the public facility.

6. Section 3 of P. L. 1977, c. 456 (C. 10:5-29.1) is amended to read as follows:

C. 10:5-29.1 Blind or deaf person; unlawful employment practice.

3. Unless it can be clearly shown that a person's blindness or deafness would prevent such person from performing a particular job, it is an unlawful employment practice to deny to an otherwise qualified blind or deaf person the opportunity to obtain or maintain employment, or to advance in position in his job, solely because such person is blind or deaf or because such person is accompanied by a guide dog.

7. Section 4 of P. L. 1977, c. 456 (C. 10:5-29.2) is amended to read as follows:

C. 10:5-29.2 Entitlement to housing accommodations.

4. A blind or deaf person is entitled to rent, lease or purchase, as other members of the general public, all housing accommodations offered for rent, lease, or compensation in this State, subject to the conditions and limitations established by law and applicable alike to all persons. Nothing in this section shall require any

person renting, leasing or providing for compensation real property, to modify such property in any way to provide a higher degree of care for a blind or deaf person than for any other person. A blind or deaf person who has a guide dog, or who obtains a guide dog, shall be entitled to full and equal access to all housing accommodations and shall not be required to pay extra compensation for such guide dog, but shall be liable for any damages done to the premises by such dog. Any provision in any lease or rental agreement prohibiting maintenance of a pet or pets on or in the premises shall not be applicable to a guide dog owned by a blind or deaf tenant.

8. Section 5 of P. L. 1977, c. 456 (C. 10:5-29.3) is amended to read as follows:

C. 10:5-29.3 Guide dog trainer; rights and privileges.

5. A guide dog trainer, while engaged in the actual training process and activities of guide dogs, shall have the same rights and privileges with respect to access to public facilities, and the same responsibilities as are applicable to a blind or deaf person.

C. 10:5-29.6 Rights, privileges or conditions applicable to deaf persons.

9. (New section) Wherever the law accords rights and privileges to, or imposes conditions and restrictions upon blind persons with respect to their use of dogs to countervail their handicap, and known and described as "seeing eye" dogs, those rights, privileges, conditions and restrictions shall also apply to deaf persons with respect to their use of dogs to countervail their handicap, and known and described as "hearing ear" dogs.

10. This act shall take effect immediately.

Approved June 26, 1980.

CHAPTER 47

AN ACT concerning identification cards and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C. 39:3-29.2 Short title.

1. This act shall be known and may be cited as the "Identification Cards for the Disabled Act."

C. 39:3-29.3 Identification cards for disabled; issuance; contents.

2. The Division of Motor Vehicles shall issue an identification card to any resident of the State who is 17 years of age or older and who by reason of blindness, disability or handicap is unable to obtain a driver's license. The identification card shall attest to the true name, correct age, and other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant and shall be supported by such documentary evidence of the blindness, disability or handicap, age and identity of such person as the division may require.

C. 39:3-29.4 Issuance.

3. Every identification card authorized by section 2 of this act shall be issued upon the standard license form prescribed by the Division of Motor Vehicles, except that the card shall be blue, and shall prominently contain the words "For Identification Only."

C. 39:3-29.5 Expiration of card; renewal.

4. Each original identification card authorized by section 2 of this act shall expire, unless canceled earlier, 2 years from its date of issuance, and shall be renewable upon the request of the bearer of the card, pursuant to terms of license renewal established by the Division of Motor Vehicles, and upon payment of a fee as established in section 6 of this act.

C. 39:3-29.6 Issuance of duplicate card.

5. In the event an identification card issued under section 2 of this act is lost, destroyed or mutilated, a new name or address is acquired, or there is some other change in the information contained on the identification card, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact to the division and upon payment of a fee as established in section 6 of this act. Any person who loses an identification card and who, after obtaining a duplicate, finds the original card, shall immediately surrender the original card to the division. The same documentary evidence shall be furnished for a duplicate as for an original identification card.

C. 39:3-29.7 Fees.

6. The Division of Motor Vehicles shall charge fees for the issuance of original and duplicate identification cards and for the

renewal of identification cards in accordance with the following schedule:

Issuance of identification card	\$2.00
Renewal of identification card	\$2.00
Duplicate of identification card	\$1.00

C. 39:3-29.8 Unlawful acts.

7. It shall be unlawful for any person:

a. To display or cause or permit to be displayed or have in his possession any canceled, fictitious, fraudulently altered, or fraudulently obtained identification card;

b. To lend his identification card to any other person or knowingly permit the use thereof by another;

c. To display or represent any identification card not issued to him as being his card;

d. To permit any unlawful use of an identification card issued to him;

e. To do any act forbidden or fail to perform any act required by this act in reference to identification cards;

f. To photograph, photostat, duplicate, or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card, or to display or have in his possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of this act;

g. To alter any identification card in any manner not authorized by this act.

C. 39:3-29.9 Rules and regulations.

8. The Director of the Division of Motor Vehicles shall promulgate, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), such rules and regulations as he considers necessary to effectuate the purposes of this act.

C. 39:3-29.10 Violation of act.

9. Any person who violates any of the provisions of this act is a disorderly person.

10. a. There is appropriated from the General State Fund \$50,000.00* to the Division of Motor Vehicles to implement the provisions of this act.

b. All funds received by the division from the fees charged pursuant to section 6 of this act shall be deposited in a separate account to be used to implement the provisions of this act, subject

to the approval of the Director of the Division of Budget and Accounting.

11. This act shall take effect January 1 next following its enactment, and shall apply to all identification cards issued or renewed subsequent to that date.

Approved June 26, 1980.

* This appropriation was reduced to \$35,000.00 by line item veto of the Governor. See Statement following.

STATEMENT ON SENATE BILL No. 282 (OCR)

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 282 (OCR) at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

On Page 2, Section 10, Line 2:

The \$50,000.00 appropriation is reduced to \$35,000.00.

This reduction is necessary in order to have the State budget for fiscal year 1980 comply with the "State Expenditures Limitation Act" (P. L. 1976, c. 67; C. 52:9H-5 et seq.).

Respectfully,

[SEAL]

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary

/s/ BRENDAN BYRNE,
Governor

CHAPTER 48

AN Act requiring the matching of records of persons receiving certain public assistance and unemployment compensation and persons receiving wages from employers.

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

C. 54:1-55 Short title.

1. This act shall be known and may be cited as the "Wage Reporting Act".

C. 54:1-56 Reporting system; implementation.

2. The Director of the Division of Taxation in the Department of the Treasury shall design, develop and implement a reporting system for the purpose of receiving, maintaining and processing information required to be submitted by employers as specified in this act for the purpose of verifying eligibility for and entitlement to amounts of public assistance benefits, locating absent parents and, in appropriate cases, establishing support obligations and identifying fraud and abuse in connection with the unemployment insurance benefits system.

C. 54:1-57 List of public assistance recipients; contents.

3. The Director of the Division of Public Welfare in the Department of Human Services shall, within 30 days after the end of each quarter, provide the Division of Taxation, in the Department of the Treasury with a list in a form and manner prescribed by the Director of the Division of Taxation, which shall contain the name and social security number of every person in receipt of public assistance through the Division of Public Welfare or through any county welfare board at any time during the quarter and an appropriate list of names and social security numbers for locating absent parents and, in appropriate cases, for establishing support obligations.

C. 54:1-58 List of unemployment compensation recipients; contents.

4. The Director of the Division of Unemployment and Disability Insurance in the Department of Labor and Industry shall, within 30 days after the end of each quarter, provide the Director of the Division of Taxation with a list, in a form and manner prescribed by the Director of the Division of Taxation, which shall contain the name and social security number of every person in receipt of unemployment compensation through the Division of Unemployment and Disability Insurance at any time during the quarter.

C. 54:1-59 Comparison of lists.

5. The Director of the Division of Taxation shall compare such lists with a list of all persons reported as having received wages during the preceding 3 months by employers in conformity with the requirements of section 7 of this act.

C. 54:1-60 Name, wages, social security number and employer's name provided to directors.

6. Upon making such comparison, the Director of the Division of Taxation shall provide to the Directors of the Divisions of Public Welfare and Unemployment and Disability Insurance the name, amount of wages, social security number and employer's name and address, of each person whose social security number appears on any list provided by either division and on the list of persons to whom wages were paid. The respective divisions shall investigate and, if appropriate, take action against said person.

C. 54:1-61 Report to director by employer; contents.

7. Every employer required to deduct and withhold tax pursuant to the "New Jersey Gross Income Tax Act" (N. J. S. 54A:1-1 et seq.) shall, for each calendar quarter commencing 4 months after enactment of this act, submit a report to the Director of the Division of Taxation, within 30 days after the end of such quarter, in the form and manner prescribed by the Director consistent with applicable Federal requirements or limitations, of the name, social security number and gross wages paid to each employee who resides or is employed in this State, without regard to whether the wages of such employee are subject to withholding of tax or payment of tax under such act, the amount of gross income tax withheld, if any, and any employer identification number which the employer is required to include on a withholding tax return filed pursuant to said act.

C. 54:1-62 Failure to comply with requirements of act; penalty.

8. Any employer who fails without reasonable cause to comply with the reporting requirements of this act shall be liable for a penalty in the following amount for each employee with respect to whom the employer is required to file a report but who is not included in such report or for whom the required information is not accurately reported, for each employee required to be included, whether or not the employee is included:

(1) For the first failure for one quarter in any eight consecutive quarters, up to \$1.00 for each such employee;

(2) For the second failure for any quarter in any eight consecutive quarters, up to \$5.00 for each such employee; and

(3) For the third failure for any quarter in any eight consecutive quarters, and for any failure in any eight consecutive quarters which failure is subsequent to the third failure, up to \$25.00 for each such employee.

C. 54:1-63 Disclosures by division.

9. Notwithstanding the provisions of R. S. 54:50-8 and R. S. 54:50-9, the Division of Taxation or its employees may make only those disclosures to officers or employees of the Division of Public Welfare in the Department of Human Services, county welfare boards and the Division of Unemployment and Disability Insurance in the Department of Labor and Industry required to implement the provisions of this act; provided, however, that no disclosure may be made to any receiving agency herein with respect to Federal tax information obtained directly from the Internal Revenue Service pursuant to agreement except with the consent of the Internal Revenue Service.

C. 54:1-64 Disclosure of personally identifiable information; violation of act.

10. No officer, employee or authorized representative of any agency authorized to receive information pursuant to this act shall disclose any personally identifiable information obtained or maintained pursuant to this act, provided, however, that an officer or employee of the Division of Unemployment and Disability Insurance in the Department of Labor and Industry, the Division of Public Welfare in the Department of Human Services, or a county welfare board is authorized to disclose to any employer any information reported by the employer, including any information relating to the correctness of an employee's social security number, or to disclose to any employee any information reported which relates to the employee; and any officer or employee of the Division of Taxation is authorized to disclose to any employer, being notified of a determination of failure to comply with this act, any information concerning the employer's report or failure to report; provided, however, the Division of Taxation may utilize data reported pursuant to this act for purposes of verifying compliance with any tax imposed pursuant to Title 54 of the Revised Statutes and Title 54A of the New Jersey Statutes.

A person who intentionally violates the provisions of this section commits a crime of the fourth degree.

C. 54:1-65 Rules and regulations.

11. The Director of the Division of Taxation shall promulgate rules and regulations for the purpose of carrying out the provisions of this act.

C. 54:1-66 Annual report.

12. Based on information received from the Directors of the Divisions of Unemployment and Disability Insurance and Public

Welfare, the Director of the Division of Taxation shall submit to the Governor and the Legislature no later than April 1, in each year beginning with 1981 and ending with 1984, a detailed report relating to the cost effectiveness of the "Wage Reporting Act" and any legislative recommendation pertaining thereto.

C. 54:1-67 Administration of act.

13. The administration of this act shall be governed by the provisions of the State Tax Uniform Procedure Law (subtitle 9 of Title 54 of the Revised Statutes), where applicable.

14. There is appropriated to the Division of Taxation in the Department of the Treasury the sum of \$1,000,000.00* for the fiscal year ending June 30, 1981. In each fiscal year, the Director of the Division of Budget and Accounting shall charge the appropriate accounts of the Department of Labor and Industry and the Department of Human Services in amounts sufficient to reimburse the Division of Taxation for the cost of designing, developing and implementing the reporting system prescribed by this act, and in a manner which will maximize available Federal funding for the activities required pursuant to this act.

15. This act shall take effect immediately, provided, however, that the first quarterly report to be filed shall be for the quarter next commencing at least 4 months from the effective date of this act. This act shall expire July 1, 1984, but the reporting provisions of sections 3, 4, and 7 of this act shall expire January 31, 1984.

Approved June 26, 1980.

* This appropriation was eliminated by line item veto of the Governor. See Statement following.

STATEMENT ON SENATE BILL No. 285 (2d OCR)

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 285 (2d OCR) at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or parts thereof, so objected to shall not take effect.

On Page 4, Section 14, Line 5:

The \$1,000,000.00 appropriation for the fiscal year ending June 30, 1981 is eliminated entirely.

This bill, the "Wage Reporting Act," provides for the matching of wage records with unemployment compensation and public

assistance records in order to detect and deter fraud. I support the purpose of this bill.

The bill, however, includes a \$1 million fiscal year 1980 appropriation to implement the "Wage Reporting Act" during fiscal year 1981. There is insufficient budget cap leeway to permit such a large appropriation in the final days of the 1980 fiscal year. In addition, the funds necessary to implement the "Wage Reporting Act" have been included in the fiscal year 1981 budget bill, Senate Bill No. 1309. Accordingly, I am eliminating the appropriation in Senate Bill No. 285 (2d OCR).

Respectfully,

[SEAL]

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary

/s/ BRENDAN BYRNE,
Governor

CHAPTER 49

AN ACT concerning 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:36-21 Field trips; costs; exception.

1. Any board of education may authorize field trips for which all or part of the costs are borne by the pupils' parents or legal guardians, with the exception of pupils in special education classes and pupils with financial hardship. In determining financial hardship the criteria shall be the same as the Statewide eligibility standards for free and reduced price meals under the State school lunch program (N. J. A. C. 6:79-1.1 et seq.).

C. 18A:36-22 "Field trip" defined.

2. As used in this act "field trip" means a journey by a group of pupils, away from the school premises, under the supervision of a teacher.

C. 18A:36-23 Attendance at trips.

3. No student shall be prohibited from attending a field trip due to inability to pay the fee regardless of whether or not they

have met the financial hardship requirements set forth in section 1 of this act.

4. This act shall take effect immediately.

Approved June 26, 1980.

CHAPTER 50

AN ACT to amend "The New Jersey Economic Development Authority Act," approved August 7, 1974 (P. L. 1974, c. 80).

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

1. Section 4 of P. L. 1974, c. 80 (C. 34:1B-4) is amended to read as follows:

C. 34:1B-4 New Jersey Economic Development Authority; establishment; membership; removal; duties.

4. a. There is hereby established in, but not of, the Department of Labor and Industry a public body corporate and politic, with corporate succession, to be known as the "New Jersey Economic Development Authority." The authority is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State.

b. The authority shall consist of the Commissioner of Labor and Industry, the Commissioner of Environmental Protection, the Commissioner of Community Affairs, and the State Treasurer, who shall be members ex officio, and three members appointed by the Governor with the advice and consent of the Senate for terms of 3 years, provided that the members of the authority (other than the ex officio members) first appointed by the Governor shall serve for terms of 1 year, 2 years, and 3 years respectively. Each member shall hold office for the term of his appointment and until his successor shall have been 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. In the event the authority shall by resolution determine to accept the declaration of an urban growth zone by any munici-

pality, the mayor or other chief executive officer of such municipality shall ex officio be a member of the authority for the purpose of participating and voting on all matters pertaining to such urban growth zone.

The Governor shall appoint with the advice and consent of the Senate, three alternate members of the authority for terms of 3 years. At the time of appointment, the Governor shall designate a first alternate, second alternate and third alternate. In the event that a member of the authority, other than an ex officio member, is unable to attend all or any portion of a meeting of the authority, or is for any reason unable to perform the duties and responsibilities of a member of the authority for a temporary period, the chairman may authorize an alternate member, in order of designation, to exercise all of the powers, duties and responsibilities of such member, including, but not limited to, the right to vote on matters before the authority.

Each alternate member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. An alternate member shall be eligible for reappointment. Any vacancy in the alternate 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. Any reference to a member of the authority in this act shall be deemed to include alternate members unless the context indicates otherwise.

c. Each appointed member 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 such hearing. Each member before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State.

d. The Commissioner of Labor and Industry shall be the chairman of the authority. The members of the authority shall elect from their remaining number a vice chairman and a treasurer thereof. The authority shall employ an executive director who shall be its secretary and chief executive officer. The powers of the authority shall be vested in the members thereof in office from time to time and four members of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of at least four members of the authority.

No vacancy in the membership of the authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the authority.

e. Each member of the authority shall execute a bond to be conditioned upon the faithful performance of the duties of such member in such form and amount as may be prescribed by the Comptroller of the Treasury. Such bonds shall be filed in the office of the Secretary of State. At all times thereafter the members and treasurer of the authority shall maintain such bonds in full force and effect. All costs of such bonds shall be borne by the authority.

f. The members of the authority shall serve without compensation, but the authority shall reimburse its members for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no officer or employee of the State shall be deemed to have forfeited or shall forfeit his office or employment or any benefits or emoluments thereof by reason of his acceptance of the office of ex officio member of the authority or his services therein.

g. Each ex officio member of the authority may designate an officer or employee of his department to represent him at meetings of the authority, and each such designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. Any such designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended by writing delivered to the authority.

h. The authority may be dissolved by act of the Legislature on condition that the authority has no debts or obligations outstanding or that provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority, all property, funds and assets thereof shall be vested in the State.

i. A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days, Saturdays, Sundays, and public holidays excepted, after such copy of the minutes shall have been so delivered unless during such 10-day period the Governor shall approve the same in which case such action shall become effective upon such approval. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and void and of no effect.

The powers conferred in this paragraph i. upon the Governor shall be exercised with due regard for the rights of the holders of bonds and notes of the authority at any time outstanding, and nothing in, or done pursuant to, this paragraph i. shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or notes or for the benefit, protection or security of the holders thereof.

j. On or before March 31 in each year, the authority shall make an annual report of its activities for the preceding calendar year to the Governor and the Legislature. Each such report shall set forth a complete operating and financial statement covering the authority's 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 cause a copy thereof to be filed with the Secretary of State and the Comptroller of the Treasury.

k. The Comptroller of the Treasury and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts, books and records of the authority, including its receipts, disbursements, contracts, sinking funds, investments and any other matters relating thereto and to its financial standing.

l. No member, officer, employee or agent of the authority shall be interested, either directly or indirectly, in any project or in any contract, sale, purchase, lease or transfer of real or personal property to which the authority is a party.

2. This act shall take effect immediately.

Approved June 27, 1980.

CHAPTER 51

AN ACT concerning decedents' estates and supplementing P. L. 1977, c. 412 (C. 3A:2A-1 et seq.).

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

C. 3A:2A-87 Property passing to testamentary trustee.

1. Nothing contained in the act to which this act is a supplement shall render property passing to a testamentary trustee other than by devise subject to rights of or to administration by a personal representative or to rights of creditors to any extent beyond that to which it would otherwise be if the testamentary trust was an inter vivos trust.

2. This act shall take effect immediately.

Approved June 27, 1980.

CHAPTER 52

AN ACT concerning the illegal possession of firearms by minors,
and amending P. L. 1979, c. 179.

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

1. Section 14 of P. L. 1979, c. 179 (C. 2C:58-6.1) is amended to read as follows:

C. 2C:58-6.1 Possession of firearms by minors; exceptions.

14. Possession of Firearms by Minors; Exceptions. a. No person under the age of 18 years shall purchase, barter or otherwise acquire a firearm.

b. No person under the age of 18 years shall possess, carry, fire or use a firearm except under the following circumstances:

(1) In the actual presence or under the direct supervision of his father, mother or guardian, or some other person who holds a permit to carry a handgun or a firearms purchaser identification card, as the case may be; or

(2) For the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision; or

(3) For the purpose of competition or target practice in and upon a firing range approved by the governing body of the municipality in which the range is located or the National Rifle Association and which is under competent supervision at the time of such supervision or target practice; or

(4) For the purpose of hunting during the regularly designated hunting season, provided that he possesses a valid hunting license and has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and possesses a certificate indicating the successful completion of such a course.

c. Notwithstanding any other provisions of law, any person under the age of 18 years who violates any provision of this section shall be adjudged delinquent.

2. This act shall take effect immediately.

Approved June 27, 1980.

CHAPTER 53

AN ACT concerning the marketing of certain precious metals, supplementing chapters 5 and 6 of Title 51 of the Revised Statutes and amending R. S. 51:5-7 and R. S. 51:6-7.

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

C. 51:5-8 Rules and regulations.

1. (New section) Subject to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the Superintendent of Weights and Measures shall adopt, promulgate, amend or repeal, all rules and regulations necessary and proper for the enforcement of the provisions of chapter 5 of Title 51 of the Revised Statutes, concerning gold, silver and alloys thereof, including but not limited to rules and regulations governing methods of sale, requirements for delivery tickets, statements of purchase, assay methods, and weighing and measuring devices.

C. 51:6-11 Rules and regulations.

2. (New section) Subject to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the Superintendent of Weights and Measures shall adopt, promulgate, amend or repeal all rules and regulations necessary and proper for the enforcement of the provisions of chapter 6 of Title 51 of the Revised Statutes concerning platinum and alloys thereof, including but not limited to rules and regulations governing methods of sale, requirements for delivery tickets, statements of purchase, assay methods, and weighing and measuring devices.

3. R. S. 51:5-7 is amended to read as follows:

Violation of act; penalty.

51:5-7. Every person, firm, corporation or association guilty of a violation of any provision of this chapter, and every officer, manager, director or managing agent of any such person, firm, corporation or association directly participating in such violation, or consenting thereto, shall be liable to a mandatory penalty of not less than \$100.00 nor more than \$500.00 recoverable by the Superintendent of Weights and Measures in a court of competent jurisdiction in a civil penalty action pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

4. R. S. 51:6-7 is amended to read as follows:

Mandatory penalty.

51:6-7. Any person, firm, partnership, corporation or association, or any officer, manager, director, employee or agent thereof, who shall sell or offer or expose for sale in this State, any article to which is applied any quality mark which does not conform to all the provisions of this chapter, or from which is omitted any mark required by the provisions of this chapter, shall be liable to a mandatory penalty of not less than \$100.00 nor more than \$500.00 recoverable by the Superintendent of Weights and Measures in a court of competent jurisdiction in a civil penalty action pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

5. This act shall take effect immediately.

Approved June 27, 1980.

CHAPTER 54

AN ACT concerning certain reports of savings banks and repealing
R. S. 17:1-11 and section 257 of P. L. 1948, c. 67.

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

Repealer.

1. The following are repealed:

R. S. 17:1-11; Section 257 of P. L. 1948, c. 67 (C. 17:9A-257).

2. This act shall take effect immediately.

Approved June 27, 1980.

CHAPTER 55

AN ACT to amend the "State Police Retirement System Act," approved June 9, 1965 (P. L. 1965, c. 89), and repealing section 13 thereof.

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

1. Section 8 of P. L. 1965, c. 89 (C. 53:5A-8) is amended to read as follows:

C. 53:5A-8 Service retirement allowance; payments upon death.

8. a. Any member of the retirement system who was a member of the former "State Police Retirement and Benevolent Fund" on June 30, 1965, may retire on a service retirement allowance upon the attainment of age 50 years and the completion of at least 20 years of creditable service as a State policeman. Upon the filing of a written and duly executed application with the retirement system, setting forth at what time, not less than 1 month, subsequent to the filing thereof he desires to be retired, any such member retiring for service shall receive a service retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions and

(2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 50% of his final compensation plus 1% of his final compensation multiplied by his number of years of creditable service which exceed 25 years of such service.

Except for the Superintendent of State Police, any member of the retirement system who was a member of the former "State Police Retirement and Benevolent Fund" on June 30, 1965, who has completed at least 25 years of creditable service and who has reached the age of 55 years shall be retired forthwith on the first day of the next calendar month, provided, however, any member who has not completed 25 years of creditable service shall not be required to retire on account of age until he has met the service requirement.

b. Except for the Superintendent of State Police, any member of the retirement system who was not a member of the former "State Police Retirement and Benevolent Fund" on June 30, 1965 who

has attained the age of 55 years shall be retired forthwith on the first day of the next calendar month provided, however, such member, at his option, may continue in the employment of the Division of State Police until he has completed 25 years of creditable service whereupon he shall be retired forthwith on the first day of the next calendar month. Any such member, including the superintendent, having attained at least the age of 55 years and retiring for service hereunder shall receive a service retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions and

(2) A pension in the amount which when added to the member's annuity will provide a total retirement allowance of 2% of his final compensation multiplied by his number of years of creditable service up to 25 plus 1% of his final compensation multiplied by his number of years of creditable service over 25.

c. Upon the receipt of proper proofs of the death of a member who has retired on a service retirement allowance, there shall be paid to the member's beneficiary, an amount equal to one-half of the final compensation received by the member.

2. Section 12 of P. L. 1965, c. 89 (C. 53:5A-12) is amended to read as follows:

C. 53:5A-12 Death benefits.

12. a. Upon the receipt of proper proofs of the death in active service of a member of the retirement system on account of which no accidental death benefit is payable, there shall be paid to his widow a pension of 50% of final compensation for the use of herself and children of the deceased, to continue during her widowhood; if there is no surviving widow or in case the widow dies or remarries, 20% of final compensation will be payable to one surviving child, 35% of final compensation to two surviving children in equal shares and if there be three or more children, 50% of final compensation will be payable to such children in equal shares.

In the event of 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.

If there is no surviving widow or child, 25% of final compensation will be payable to one surviving parent or 40% of final compensation will be payable to two surviving parents in equal shares.

b. If there is no surviving widow, child or parent, there shall be paid to any other beneficiary of the deceased member his aggregate contributions at the time of death.

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

d. In addition to the foregoing benefits payable under subsection a. or b., there shall also be paid in one sum to the member's beneficiary, an amount equal to $3\frac{1}{2}$ times final compensation.

e. (Deleted by amendment. P. L. 1971, c. 181.)

f. (Deleted by amendment. P. L. 1971, c. 181.)

3. Section 25 of P. L. 1965, c. 89 (C. 53:5A-25) is amended to read as follows:

C. 53:5A-25 Death after retirement; payment of pension.

25. Upon the death after retirement of a member of the retirement system, there shall be paid to his widow a pension of 50% of final compensation for the use of herself and children of the deceased, to continue during her widowhood; if there is no surviving widow or in case the widow dies or remarries 20% of final compensation will be payable to one surviving child, 35% of final compensation to two surviving children in equal shares and if there be three or more children, 50% of final compensation will be payable to such children in equal shares.

b. (Deleted by amendment. P. L. 1980, c. 55.)

4. Section 27 of P. L. 1965, c. 89 (C. 53:5A-27) is amended to read as follows:

C. 53:5A-27 Resignation of certain members; special retirement; retirement allowance.

27. a. Should a member resign after having established 25 years of creditable service as a full time commissioned officer, noncommissioned officer or trooper of the Division of State Police, he may elect "special" 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 section 26, a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions and,

(2) A pension in the amount, which when added to the member's annuity will provide a total retirement allowance of 60% of his

final compensation, plus 1% of his final compensation multiplied by the number of years of creditable service over 25 but not over 35.

The board of trustees shall retire him at the time specified or at such other time within 1 month after the date so specified as the board finds advisable.

b. Upon the receipt of proper proof of the death of such a retired member, there shall be paid to the member's beneficiary, an amount equal to $\frac{1}{2}$ of the final compensation received by the member.

5. Section 34 of P. L. 1965, c. 89 (C. 53:5A-34) is amended to read as follows:

C. 53:5A-34 Contingent reserve fund.

34. The Contingent Reserve Fund shall be the fund in which shall be credited contributions made by the State.

a. Upon the basis of such tables recommended by the actuary as the board adopts and regular interest, the actuary shall compute annually the amount of the contribution, expressed as a proportion of the salaries paid to all members, which, if paid monthly during the entire prospective service of the members, will be sufficient to provide for the pension reserves required at the time of the discontinuance of active service, to cover all pensions to which they may be entitled or which are payable on their account and to provide for the amount of the death and accidental disability benefits payable on their account, which amount is not covered by other contributions to be made as provided in this section and the funds in hand available for such benefits. This shall be known as the "normal contribution."

b. Upon the basis of such tables recommended by the actuary as the board adopts, and regular interest, the actuary shall compute the amount of the unfunded liability as of June 30, 1971 which has accrued on the basis of service rendered prior to July 1, 1971 by all members, including the amount of the liability accrued by reason of allowances to be granted on account of services rendered by members of the former "State Police Retirement and Benevolent Fund" which has not already been covered by previous State contributions to the former system, including the accrued liabilities established by chapter 89 of the laws of 1965 and the additional liabilities created by the provisions of this amendatory act. Using the total amount of this unfunded accrued liability he shall compute the amount of the flat annual payment, which, if paid in each succeeding fiscal year, commencing with July 1, 1972, for a period of 40 years, will provide for this liability. This shall be known as the "accrued liability contribution."

c. The actuary shall certify annually the aggregate amount payable to the Contingent Reserve Fund in the ensuing year, which amount shall be equal to the sum of the proportion of the earnable salary of all members, computed as described in subsection a. hereof and of the State's accrued liability contribution, payable in the ensuing year, as described in subsection b. hereof. The State shall pay into the Contingent Reserve Fund during the ensuing year the amount so determined. In the event the amount certified to be paid by the State includes amounts due for services rendered by members to specific instrumentalities or authorities the total amounts so certified shall be paid to the retirement system by the State; provided, however, the full cost attributable to such services rendered to such instrumentalities and authorities shall be computed separately by the actuary and the State shall be reimbursed for such amounts by such instrumentalities or authorities.

The cash death benefits, payable as the result of contribution by the State under the provisions of this act upon the death of a member in active service and after retirement shall be paid from the Contingent Reserve Fund.

6. Section 38 of P. L. 1965, c. 89 (C. 53:5A-38) is amended to read as follows:

C. 53:5A-38 Deductions from payroll.

38. There shall be deducted from the payroll of each active member of the system $7\frac{1}{2}\%$ of the amount of his salary, which shall be turned over to the State Treasurer and be credited by him to the account of the State Police Retirement System. The deductions provided for herein shall be made notwithstanding that the minimum salary provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein, and payment of salary or compensation less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the benefits provided under this act.

Repealer.

7. Section 13 of P. L. 1965, c. 89 (C. 53:5A-13) is repealed.

8. This act shall take effect on July 1, 1980, except that sections 2, 3 and 4 shall take effect on January 1, 1980 and thereafter upon the filing of a proper application therefor.

Approved June 27, 1980.

CHAPTER 56

Note: In approving the following act certain items, designated by *, were deleted or reduced by the Governor. See Statement appended following the text of the act.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1981 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1980-81

Unrestricted Fund Balance

Estimated balance, July 1, 1980:

General Fund	\$249,891,467
Property Tax Relief Fund	17,949,414
Casino Revenue Fund	20,785,069
Total	\$288,625,950

Major Taxes

Sales	\$1,270,000,000
Corporation business	692,000,000
Motor fuels	262,000,000
Motor vehicle fees	280,000,000
Cigarette	172,000,000
Transfer inheritance	113,000,000
Insurance premiums	100,000,000
Business personal property	65,000,000
Public utility	72,000,000
Alcoholic beverage	56,000,000
Pari-mutuel	15,000,000
Realty transfer	18,000,000
Corporation business—Banks and financial institutions	19,000,000
Motor fuel use	7,000,000
Savings institution	4,000,000
Total—Major Taxes	\$3,145,000,000

Miscellaneous Taxes, Fees, Revenues

Executive Branch—

Department of Agriculture:

Animal, plant disease and pest control	\$111,752
Fertilizer inspection and other fees	148,920
Milk control licenses and fees	190,000

Department of Banking:

Bank assessments	1,264,935
Examining and other fees	2,958,265
New Jersey Cemetery Board	80,950

Department of Community Affairs:

Boarding home fees	150,000
Construction fees	803,800
Housing inspection fees	2,500,000
Local government services	120,000

Department of Education:

Katzenbach School for the Deaf—Trenton	2,291,625
Licensing fees—Miscellaneous	85,700
Non-public schools textbook recoveries	115,000
State Board of Examiners fees	400,000

Department of Energy:

Assessments—Cable TV	439,486
Assessments—Public Utility	7,266,210
Fees, fines and penalties	82,000

Department of Environmental Protection:

Air pollution fees	400,000
Delaware and Raritan Canal water sales	1,260,000
Examination licensing program	37,905
Excess water diversion fees	358,500
Forest management	35,943
Hunters' and Anglers' License Fund	4,213,730
Marinas	425,000
Marine Lands Management—Delineation and title determination	450,000
Marine Lands Management—Miscellaneous revenue	24,000
Morris Canal Fund	48,000
New Jersey Pilot Commissioners	40,400
Parks management	2,080,000
Pesticide registration fees	20,000
Radiation protection	330,000

Recreation boating—Motor Boat Numbering Act	914,091
Recreation boating—Other fees	40,000
Round Valley and Spruce Run water sales	810,350
Shell fisheries	223,485
Solid waste management fees	615,000
Water pollution fees	16,000
Department of Health:	
Licenses, permits and fees	999,010
Department of Higher Education:	
Agricultural Experiment Station—Fees	10,000
Bond interest recoveries	360,472
Other student fees	750,000
School of Conservation	400,000
Thomas A. Edison College—Fees	308,675
Tuition—Regular	41,341,120
Miscellaneous	255,500
Department of Human Services:	
Adoption law fees	175,000
Patients and residents cost recoveries:	
Institutions for the retarded	41,900,000
Psychiatric hospitals	72,300,000
Soldiers' homes	3,455,283
Special residential services	5,000,000
Department of Insurance:	
Actuarial services	660,110
Fees for services	63,650
Licensing and enforcement	3,000,000
Real Estate Commission	1,798,700
Department of Labor and Industry:	
Licenses, permits and fines	765,600
Special Compensation Fund	710,833
Department of Law and Public Safety:	
Amusement Games Control fees	130,200
Beverage licenses	2,643,685
Bus Excise Tax	240,406
Division of Consumer Affairs:	
General revenues	1,285,000
Professional examining board fees	3,570,003
Division of State Police	456,700
Motor Vehicle Security Responsibility Law Administration	3,022,293

Department of State:	
Administrative procedures publications	100,000
Commissions	298,000
General revenues—Fees	5,056,000
Uniform Commercial Code—Fees	998,000
Department of Transportation:	
Applications and highway permits	649,000
Division of Aeronautics	101,000
Outdoor advertising	275,000
Department of Treasury:	
Coin operated telephones	75,000
Escheats, Personal Property (14 year law) ...	100,000
Interest on deposits	2,400,000
Investment earnings	3,600,000
Municipal Purposes Tax Assistance Fund	15,000,000
New Jersey Sports and Exposition Authority ..	12,000,000
Public Utility Tax—Administration	139,000
Railroad Tax—Class II:	
Current year	3,089,737
Prior years	329,557
Railroad Tax—Franchise	25,000
Vending Machine Commissions	120,000
Miscellaneous Executive Commissions:	
Delaware River Joint Toll Bridge Commission	
Pennsylvania share	886,727
Other Sources:	
Miscellaneous revenue	500,000
Inter-Departmental Accounts—	
Administration and investment of pension and	
social security funds	5,600,000
Health benefits contribution reimbursement	
from special funds	13,500,000
Indirect cost recovery—Federal	7,300,000
Judicial Retirement System reimbursements ..	767,000
Other fringe benefit reimbursement from	
special funds	2,000,000
Pension contribution reimbursement from	
special funds	20,800,000
Public employer's contribution reimbursement	6,500,000
Reimbursement from Rutgers—Employer's	
share of employees' benefits	3,255,000

Rent of State building space	900,000
Social security contribution reimbursement from special funds	14,800,000
Judicial Branch—	
Court fees	10,601,632
Division of Tax Appeals—Fees	200,000
Total—Miscellaneous Taxes, Fees, Revenue	\$348,918,940

Interfund Transfers

Beaches and Harbor Fund	\$325,000
Clean Waters Fund	1,650,000
1837 Surplus Revenue Fund	50,000
Emergency Flood Control Fund	750,000
General Revenue Sharing Fund	19,000,000
Higher Education Assistance Fund	3,000,000
Higher Education Buildings Construction Fund (Act of 1971)	148,000
Housing Assistance Fund	13,628
Institutional Construction Fund 1978	2,000,000
Institutions Construction Fund	1,553,000
Medical Education Facilities Fund	1,980,000
Mortgage Assistance Fund	334,125
Motor Vehicle Security Responsibility Fund	60,000
New Jersey Spill Compensation Fund	1,000,000
Outstanding Checks Account	468,000
Public Building Construction Fund	300,000
School Fund	2,420,000
Special Railroad Deposits	1,300
State Disability Benefits Fund	5,243,948
State Land Acquisition and Development Fund ...	1,000,000
State Lottery Fund	168,000,000
State Lottery Fund—Administration	3,747,555
State Recreation and Conservation Land Acquisi- tion and Development Fund (Act of 1974)	1,500,000
State Recreation and Conservation Land Acquisi- tion Fund (Act of 1971)	85,000
State Transportation Fund	650,000
State Water Development Fund	95,000
Transportation Fund	11,000,000
Transportation Rehabilitation and Improvement Fund of 1979	2,500,000

Unclaimed Bank Deposits Escheat Fund	300,000
Unclaimed Domestic Life Insurance Escheat Fund	250,000
Unclaimed Personal Property Trust Fund	1,000,000
Unemployment Compensation Auxiliary Fund	5,667,886
Unsatisfied Claim and Judgment Fund	306,020
Water Conservation Fund	625,000
Total Interfund Transfers	\$237,023,462
Total General Fund	\$3,730,942,402
Plus:	
Repayment from Casino Control Fund	9,268,707
Less:	
<i>Reserve for Commuter Taxes:</i>	
<i>Emergency Transportation Tax (N.Y.)</i>	<i>11,000,000</i>
Net General Fund	\$3,729,211,109
<i>Property Tax Relief Fund</i>	
Gross Income Tax	\$1,065,000,000
<i>Casino Control Fund</i>	
License Fees	\$29,468,707
<i>Casino Revenue Fund</i>	
Gross Revenue Tax	\$72,000,000
Total Resources	\$5,184,305,766

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

1. The appropriations herein made or so much thereof as may be necessary are hereby appropriated out of the General 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, 1981. 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, 1981 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1981 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the Director by July 31, 1981. 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.

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

*Government Direction, Management and Control**71 Legislative Activities**Legislature**0001 Senate*

01-0001	Senate	\$3,145,270
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Total Appropriation, Senate	\$3,145,270
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Personal Services:

Senators (40)	(\$726,000)
Salaries and wages	(699,000)
Members' staff services	(880,000)
Materials and Supplies	(350,150)
Services Other Than Personal	(468,000)
Maintenance and Fixed Charges	(9,000)

Special Purpose:

Compensation awards	(3,120)
Additions, Improvements and Equip- ment	(10,000)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

0002 General Assembly

02-0002	General Assembly	\$5,601,450
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Total Appropriation, General Assembly	\$5,601,450
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Personal Services:

Assemblymen (80)	(\$1,440,000)
Salaries and wages	(865,950)
Members' staff services	(1,760,000)
Materials and Supplies	(515,500)
Services Other Than Personal	(690,000)
Maintenance and Fixed Charges	(10,000)

Special Purpose:

Expenses of the General Assembly	(300,000)
Additions, Improvements and Equip- ment	(20,000)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Total Appropriation, Legislature	\$8,746,720
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0003 Office of Legislative Services

03-0003 Management and General Support	\$527,752
04-0003 Legal Services	520,989
05-0003 Information and Research	1,606,765
06-0003 State Auditing	1,672,757
07-0003 Budget and Program Review	707,253

Total Appropriation, Office of Legislative Services	\$5,035,516
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Personal Services:

State Auditor	(\$21,250)
Salaries and wages	(4,610,058)
Materials and Supplies	(88,200)
Services Other Than Personal	(232,233)
Maintenance and Fixed Charges	(21,775)

Special Purpose:

Computer statutory research	(30,000)
Compensation awards	(3,000)
Additions, Improvements and Equip- ment	(29,000)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

*Legislative Commissions**0010 Intergovernmental Relations Commission*

09-0010 Intergovernmental Relations Commission	\$262,721
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Total Appropriation, Intergovernmental Relations Commission	\$262,721
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Special Purpose:

Expenses of Commission	(\$8,000)
The Council of State Governments ..	(70,000)
Atlantic States Marine Fisheries Commission	(5,300)
National Conference of Commis- sioners on Uniform State Laws ..	(14,520)
Education Commission of the States ..	(37,125)
National Governors' Association ..	(63,286)
Advisory Commission on Inter- governmental Relations	(3,000)
National Conference of State Legis- latures	(61,490)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

0014 Joint Committee on Public Schools

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

0018 State Commission of Investigation

09-0018 State Commission of Investigation	\$1,080,992
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Total Appropriation, State Commission of Investigation	\$1,080,992
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Special Purpose:

Expenses of Commission	(\$1,080,992)
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The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study Sex Discrimination in the Statutes	\$30,000
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Total Appropriation, Commission to Study Sex Discrimination in the Statutes	\$30,000
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Special Purpose:

Expenses of Commission	(\$30,000)
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The unexpended balance as of June 30, 1980 in this
account is hereby appropriated.

0026 Commission on Business Efficiency in the Public Schools

09-0026 Commission on Business Efficiency in the Public Schools	\$15,000
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Total Appropriation, Commission on Busi- ness Efficiency in the Public Schools	\$15,000
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Special Purpose:

Expenses of Commission	(\$15,000)
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The unexpended balance as of June 30, 1980 in this
account is hereby appropriated.

*0030 Commission to Study Teacher Preparation Programs
at New Jersey Colleges*

09-0030 Commission to Study Teacher Prepara- tion Programs at New Jersey Colleges.	\$15,000
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Total Appropriation, Commission to Study Teacher Preparation Programs at New Jersey Colleges	\$15,000
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Special Purpose:

Expenses of Commission	(\$15,000)
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The unexpended balance as of June 30, 1980 in this
account is hereby appropriated.

0031 Commission on the Incidence of Cancer

09-0031 Commission on the Incidence of Cancer ..	\$25,000
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Total Appropriation, Commission on the Incidence of Cancer	\$25,000
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Special Purpose:

Expenses of Commission (\$25,000)

The unexpended balance as of June 30, 1980 in this
account is hereby appropriated.0039 *County and Municipal Government Study Commission*09-0039 County and Municipal Government Study
Commission \$135,000Total Appropriation, County and Municipal
Government Study Commission \$135,000

Special Purpose:

Expenses of Commission (\$135,000)

The unexpended balance as of June 30, 1980 in this
account is hereby appropriated.0040 *Apportionment Commission*

09-0040 Apportionment Commission \$50,000

Total Appropriation, Apportionment
Commission \$50,000

Special Purpose:

Expenses of Commission (\$50,000)

Total Appropriation, Legislative Commis-
sions \$1,613,713

Total Appropriation, Legislative Branch ... \$15,395,949

EXECUTIVE BRANCH

CHIEF EXECUTIVE

*Government Direction, Management and Control*76 *Management and Administration*0300 *Chief Executive's Office*

01-0300 Executive Management \$1,641,077

Total Appropriation, Chief Executive \$1,641,077

Personal Services:

Governor	(\$65,000)
Secretary to the Governor	(28,500)
Salaries and wages	(1,074,177)
Positions converted (5)	(129,069)
Materials and Supplies	(46,000)
Services Other Than Personal	(220,931)
Maintenance and Fixed Charges	(39,400)

Special Purpose:

An allowance to the Governor of funds not otherwise appropriated, for office reception on behalf of the State, operation of an official residence and other expenses

(35,000)

Additions, Improvements and

Equipment

(3,000)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

DEPARTMENT OF AGRICULTURE*Community Development and Environmental Management**42 Natural Resource Management*

01-3310 Animal Disease Control	\$525,957
02-3320 Plant Pest and Disease Control	1,237,046
03-3330 Resource Development Services	723,707*

Total Appropriation, Natural Resource Management

\$2,486,710***Personal Services:**

Salaries and wages	(\$1,757,011*)
Position transferred from another Statewide program	(17,309)
New positions (18)	(*)
Materials and Supplies	(109,395)
Services Other Than Personal	(134,600)
Maintenance and Fixed Charges	(152,675)

Special Purpose:

Gypsy moth control	(90,000)
Soil survey program	(58,720)
Grants to soil conservation districts	(150,000)

Additions, Improvements and

Equipment (17,000)

The unexpended balances as of June 30, 1980 in the Gypsy moth control and Soil survey program accounts are hereby appropriated for the same purposes.

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Economic Planning, Development and Security

51 Economic Planning and Development

06-3360 Marketing Services \$449,637

Total Appropriation, Economic Planning
and Development \$449,637

Personal Services:

Salaries and wages (\$353,707)

Materials and Supplies (7,450)

Services Other Than Personal (61,400)

Maintenance and Fixed Charges (26,280)

Additions, Improvements and

Equipment (800)

Receipts for the Poultry Products Promotion Council (C54:47A-1), White Potato Industry Promotion Council (C54:47B-1), Asparagus Industry Promotion Council (C54:47C-1), Apple Industry Promotion Council (C54:47D-1), Sweet Potato Commission (C54:47E-1), Dairy Industry Advisory Council (C4:10-43 et seq.), Sire Stakes Fund (C5:5-91 et seq.), and New Jersey Horsebreeding and Development (C5:5-22 et seq.), and the unexpended balances as of June 30, 1980 of such receipts, are hereby 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, 1980, are hereby appropriated for expenses of Commodity Distribution.

52 Economic Regulation

04-3340	Dairy Industry Regulation	\$429,643
05-3350	Other Commodity Regulation	678,832

Total Appropriation, Economic Regulation ..	<u>\$1,108,475</u>
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Personal Services:

Salaries and wages	(\$917,265)
Materials and Supplies	(14,650)
Services Other Than Personal	(64,185)
Maintenance and Fixed Charges	(42,345)

Special Purpose:

Monitoring of toxic adulterated agricultural commodities	(65,000)
Additions, Improvements and Equipment	(5,030)

Receipts from inspection fees derived from fruit, vegetable and poultry inspections, and the unexpended balance as of June 30, 1980 of such receipts, are hereby appropriated for the cost of operating fruit, vegetable and poultry inspections.

*Government Direction, Management and Control**76 Management and Administration*

99-3370	Management and Administrative Services	<u>\$910,778</u>
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Total Appropriation, Management and Administration	<u>\$910,778</u>
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Personal Services:

Secretary	(\$56,000)
Salaries and wages	(649,368)
Position transferred from another Statewide program	(15,303)
Materials and Supplies	(30,000)
Services Other Than Personal	(92,027)
Maintenance and Fixed Charges	(50,580)

Special Purpose:

Expenses of State Board of Agri- culture	(10,500)
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Additions, Improvements and Equip- ment	(7,000)	
Total Appropriation, Department of Agri- culture		\$4,955,600*

DEPARTMENT OF BANKING

*Economic Planning, Development and Security**52 Economic Regulation*

01-3010	Regulation of Banking Industry	\$2,158,054
02-3020	Regulation of Savings and Loan Associa- tions	931,615
99-3040	Management and Administrative Services	781,570
Total Appropriation, Economic Regulation .		\$3,871,239

Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(3,187,790)
Positions established from lump sum appropriation	(65,166)
Materials and Supplies	(45,900)
Services Other Than Personal	(490,987)
Maintenance and Fixed Charges	(8,556)

Special Purpose:

Compensation awards	(8,100)
Additions, Improvements and Equip- ment	(8,740)

Total Appropriation, Department of Bank- ing	\$3,871,239
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DEPARTMENT OF CIVIL SERVICE

*Government Direction, Management and Control**74 General Government Services*

01-2710	Personnel Development and General Administration	\$2,645,492
02-2720	Recruitment and Selection	3,438,211
03-2730	Classification and Compensation Services	2,632,014

04-2740	Personnel Services	753,113
05-2750	Equal Employment Opportunity	500,674

Total Appropriation, General Government Services	<u>\$9,969,504</u>
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Personal Services:

President	(\$56,000)
Commissioners (4 @ \$14,500)	(58,000)
Salaries and wages	(7,421,580)
Positions established from lump sum appropriation	(264,920)
Materials and Supplies	(395,420)
Services Other Than Personal	(1,370,484)
Maintenance and Fixed Charges	(174,100)

Special Purpose:

Improvement of test validity and appropriate specifications	(145,000)
Compensation awards	(8,000)

Additions, Improvements and Equipment	(76,000)
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Receipts derived for training services provided to local governments are hereby appropriated for the same purpose.

Total Appropriation, Department of Civil Service	<u><u>\$9,969,504</u></u>
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The Director of the Division of Budget and Accounting is hereby authorized to transfer to the Department of Civil Service, sums from any department which are saved as a result of the reclassification of positions. Any sums so transferred shall be used to review additional positions.

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DEPARTMENT OF COMMUNITY AFFAIRS

*Community Development and Environmental Management**41 Community Development Management*

01-8010	Housing Code Enforcement	\$2,496,811
02-8020	Housing Services	1,567,166
03-8040	State and Regional Planning	2,159,282*
04-8030	Local Government Services	1,201,786
06-8015	Uniform Construction Code	954,472

Total Appropriation, Community Development Management	<u>\$8,379,517*</u>
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Personal Services:

Board Members (5 @ \$8,000)	(\$40,000)
Salaries and wages	(4,143,327)
Positions Converted	(32,412)
Materials and Supplies	(114,400)
Services Other Than Personal	(435,652)
Maintenance and Fixed Charges	(273,526)

Special Purpose:

Cooperative Housing Inspection ...	(1,000,000)
Planned Real Estate Development	
Full Disclosure Act	(85,000)
Hackensack Meadowlands Development Commission	(1,300,000)
Delaware Valley Regional Planning Commission	(34,000)
Tri-State Regional Planning Commission	(184,000)
Hackensack Meadowlands Municipal Committee	(15,000*)
Implementation of Boarding House Inspection Program (PL 1979, c. 496)	(500,000)

Grants:

Relocation Assistance	(215,000)
Additions, Improvements and Equipment	(7,200)

The amount hereinabove for Relocation assistance shall be applicable to the fiscal year 1980-81 only;

provided, however, that the Commissioner of the Department of Community Affairs be empowered to continue existing contracts for rent supplements (C52:27D-66).

Notwithstanding the provisions of prior appropriations acts, the State's loan to the Hackensack Meadowlands Development Commission shall be repaid to the General Fund, with interest at a rate of 8% per annum on any sum appropriated after June 30, 1975, and at a rate of 6% per annum on any loans outstanding prior to July 1, 1975, from proceeds of revenue, monies, or funds due the Commission from the New Jersey Sports and Exposition Authority.

Notwithstanding the provisions of C5:10-6, all funds received by the State from the New Jersey Sports and Exposition Authority shall be deposited in the General Fund and only the amount hereinabove is hereby appropriated for the Hackensack Meadowlands Development Commission, provided, however, that an amount not to exceed \$500,000 shall be appropriated for the payment of principal and interest for outstanding notes, subject to the approval of the Director of the Division of Budget and Accounting, provided, further, that if receipts are not adequate, the amount hereinabove shall be considered to be a loan from the General Fund and shall be repaid with interest at 8%.

The amount hereinabove for the Delaware Valley Regional Planning Commission shall be used for land development planning aspects of studies conducted in the Philadelphia-Camden urban area by such Commission, contingent upon Federal participation of no less than 66 $\frac{2}{3}$ %; provided, however, that the expenditure of such funds by the Delaware Valley Regional Planning Commission be subject to the approval of the Commissioner of the Department of Community Affairs.

The amount hereinabove for the Tri-State Regional Planning Commission shall be used for land de-

velopment planning aspects of studies conducted in the Northeastern New Jersey-New York urban area by such Commission, contingent upon Federal participation of no less than 66 $\frac{2}{3}$ %; provided, however, that the expenditure of such funds by the Tri-State Regional Planning Commission be subject to the approval of the Commissioner of the Department of Community Affairs.

Uniform construction code fees anticipated to be received from those additional municipalities which elect to have the State of New Jersey perform code enforcement shall be available as appropriated revenue for additional expenditures.

Notwithstanding any prior existing law, the unexpended balances as of June 30, 1980 in the Uniform Construction Code—Training Revolving Fund (C52:27D-119) in excess of \$400,000 shall lapse into the General Fund.

Economic Planning, Development and Security

55 Related Social Services Programs

05-8050	Human Resources	\$691,439*
08-8060	Programs for the Aging	1,060,200

Total Appropriation, Related Social Services Programs	<u>\$1,751,639*</u>
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Personal Services:

Salaries and wages	(\$642,280)
Materials and Supplies	(22,100)
Services Other Than Personal	(65,700)
Maintenance and Fixed Charges	(30,559)

Special Purpose:

Operation of a Division on Women ..	(190,000)
Governor's State Committee on Youth and Children	(15,000)
YMCA Youth and Government Program	(*)
Technical Assistance for Displaced Homemakers	(25,000)

Senior Service Outreach Program ..	(100,000)
Federal Aging Programs (State share)	(250,000)
Expenses of the Commission on Aging	(1,000)
Ombudsman for the Institutionalized Elderly	(323,000)
Grants:	
Newark Community Center for the Arts	(86,000)
Additions, Improvements and Equipment	(1,000)

The unexpended balance as of June 30, 1980 in the Ombudsman for the institutionalized elderly account is hereby appropriated for the same purpose.

The funds hereinabove in the Federal aging programs (State share) account only shall be expended in an amount not to exceed 50% of the non-Federal share of Federally approved projects with non-State agencies; provided, however, that 100% of the non-Federal share be provided for Federally approved projects with State agencies.

Government Direction, Management and Control

76 Management and Administration

99-8070	Management and Administrative Services	\$1,420,936
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Total Appropriation, Management and Administration	\$1,420,936
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Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(1,031,756)
Positions transferred from other	
Statewide programs	(77,863)
Materials and Supplies	(13,000)
Services Other Than Personal	(161,453)
Maintenance and Fixed Charges	(64,360)

Special Purpose:

Compensation awards	(12,504)
Additions, Improvements and Equip- ment	(4,000)

The unexpended balance as of June 30, 1980 in the revolving fund for printing literature for sale, and the receipts derived from such sales, are hereby appropriated.

Total Appropriation, Department of Com- munity Affairs	<u>\$11,552,092*</u>
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DEPARTMENT OF CORRECTIONS

*Public Safety and Criminal Justice**16 Detention and Rehabilitation**7040 State Prison, Trenton*

07-7040 Institutional Control and Supervision ...	\$8,362,797
08-7040 Institutional Care Program	4,335,593
09-7040 Institutional Treatment Program	864,190
10-7040 Education Program	445,441
99-7040 Management and Administrative Services	517,696

Total Appropriation, State Prison, Trenton	<u>\$14,525,717</u>
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Personal Services:

Salaries and wages	(\$10,713,234)
Positions established from lump sum appropriation	(31,336)
Positions transferred from another institution	(69,102)
Food in lieu of cash	(103,368)
Materials and Supplies	(2,517,239)
Services Other Than Personal	(844,648)
Maintenance and Fixed Charges	(124,850)

Special Purpose:

Compensation awards	(85,000)
Additions, Improvements and Equip- ment	(36,940)

7050 State Prison, Rahway

07-7050	Institutional Control and Supervision . . .	\$6,099,402
08-7050	Institutional Care Program	4,171,967
09-7050	Institutional Treatment Program	778,358
10-7050	Education Program	276,194
99-7050	Management and Administrative Services	392,933

Total Appropriation, State Prison, Rahway	<u>\$11,718,854</u>
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Personal Services:

Salaries and wages	(\$7,602,657)
Position transferred from another agency	(27,859)
Food in lieu of cash	(75,756)
Materials and Supplies	(3,012,036)
Services Other Than Personal	(795,136)
Maintenance and Fixed Charges	(86,540)

Special Purpose:

Compensation awards	(85,000)
Additions, Improvements and Equipment	(33,870)

7060 State Prison, Leesburg

07-7060	Institutional Control and Supervision . . .	\$4,266,036
08-7060	Institutional Care Program	3,365,719
09-7060	Institutional Treatment Program	691,957
10-7060	Education Program	287,311
99-7060	Management and Administrative Services	385,278

Total Appropriation, State Prison, Leesburg	<u>\$8,996,301</u>
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Personal Services:

Salaries and wages	(\$5,861,255)
Positions transferred from other agencies	(60,587)
Food in lieu of cash	(62,127)
Materials and Supplies	(2,205,755)
Services Other Than Personal	(581,560)
Maintenance and Fixed Charges	(72,000)

Special Purpose:

Treatment team program	(81,417)
Compensation awards	(10,000)
Additions, Improvements and Equip- ment	(61,600)

7080 Correctional Institution for Women, Clinton

07-7080 Institutional Control and Supervision ...	\$2,382,446
08-7080 Institutional Care Program	1,859,125
09-7080 Institutional Treatment Program	388,734
10-7080 Education Program	289,347
99-7080 Management and Administrative Services	346,239

Total Appropriation, Correctional Institu- tion for Women, Clinton	<u>\$5,265,891</u>
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Personal Services:

Salaries and wages	(\$3,937,644)
Positions established from lump sum appropriation	(46,528)
Food in lieu of cash	(36,993)
Materials and Supplies	(764,915)
Services Other Than Personal	(306,423)
Maintenance and Fixed Charges	(75,583)

Special Purpose:

Compensation awards	(42,000)
Additions, Improvements and Equipment	(55,805)

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090 Institutional Control and Supervision ...	\$1,385,291
08-7090 Institutional Care Program	1,218,906
09-7090 Institutional Treatment Program	248,754
10-7090 Education Program	147,850
11-7090 Outpatient Diagnostic and Treatment Services	273,533
99-7090 Management and Administrative Services	261,874

Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	<u>\$3,536,208</u>
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Personal Services:

Salaries and wages	(\$2,571,674)
Food in lieu of cash	(25,488)
Materials and Supplies	(701,317)
Services Other Than Personal	(166,479)
Maintenance and Fixed Charges	(30,400)

Special Purpose:

Compensation awards	(5,600)
Additions, Improvements and Equip- ment	(35,250)

7110 Youth Reception and Correction Center, Yardville

07-7110 Institutional Control and Supervision ...	\$4,140,778
08-7110 Institutional Care Program	2,988,561
09-7110 Institutional Treatment Program	1,067,047
10-7110 Education Program	352,955
99-7110 Management and Administrative Services	444,176

Total Appropriation, Youth Reception and Correction Center, Yardville	<u>\$8,993,517</u>
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Personal Services:

Salaries and wages	(\$6,419,806)
Positions established from lump sum appropriation	(53,498)
Food in lieu of cash	(68,853)
Materials and Supplies	(1,741,217)
Services Other Than Personal	(538,688)
Maintenance and Fixed Charges	(75,825)

Special Purpose:

Compensation awards	(35,000)
Additions, Improvements and Equip- ment	(60,630)

7120 Youth Correctional Institution, Bordentown

07-7120 Institutional Control and Supervision ...	\$3,608,092
08-7120 Institutional Care Program	2,467,625
09-7120 Institutional Treatment Program	672,832
10-7120 Education Program	338,501
99-7120 Management and Administrative Services	406,149

Total Appropriation, Youth Correctional Institution, Bordentown	<u>\$7,493,199</u>
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Personal Services:

Salaries and wages	(\$5,250,081)
Positions transferred from another institution	(76,589)
Food in lieu of cash	(56,286)
Materials and Supplies	(1,524,593)
Services Other Than Personal	(442,311)
Maintenance and Fixed Charges	(65,836)

Special Purpose:

Compensation awards	(30,000)
Additions, Improvements and Equip- ment	(47,503)

7130 Youth Correction Institution, Annandale

07-7130 Institutional Control and Supervision ...	\$3,249,630
08-7130 Institutional Care Program	2,256,201
09-7130 Institutional Treatment Program	536,120
10-7130 Education Program	219,089
99-7130 Management and Administrative Services	368,967

Total Appropriation, Youth Correction In-
stitution, Annandale

\$6,630,007

Personal Services:

Salaries and wages	(\$4,846,481)
Positions established from lump sum appropriation	(67,386)
Position transferred from another institution	(11,147)
Food in lieu of cash	(49,383)
Materials and Supplies	(1,253,434)
Services Other Than Personal	(306,282)
Maintenance and Fixed Charges	(38,094)

Special Purpose:

Compensation awards	(30,000)
Additions, Improvements and Equip- ment	(27,800)

7210 Training School for Boys, Skillman

07-7210	Institutional Control and Supervision . . .	\$1,178,359
08-7210	Institutional Care Program	989,298
09-7210	Institutional Treatment Program	278,942
99-7210	Management and Administrative Services	302,390

Total Appropriation, Training School for Boys, Skillman	\$2,748,989
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Personal Services:

Salaries and wages	(\$2,203,595)
Materials and Supplies	(373,905)
Services Other Than Personal	(83,519)
Maintenance and Fixed Charges	(47,720)

Special Purpose:

Compensation awards	(20,000)
Additions, Improvements and Equip- ment	(20,250)

7220 Training School for Boys, Jamesburg

07-7220	Institutional Control and Supervision . .	\$2,057,175
08-7220	Institutional Care Program	2,336,222
09-7220	Institutional Treatment Program	487,843
10-7220	Education Program	18,674
99-7220	Management and Administrative Services	344,498

Total Appropriation, Training School for Boys, Jamesburg	\$5,244,412
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Personal Services:

Salaries and wages	(\$3,543,012)
Positions transferred from another institution	(82,741)
Food in lieu of cash	(42,126)
Materials and Supplies	(1,214,839)
Services Other Than Personal	(211,594)
Maintenance and Fixed Charges	(95,500)

Special Purpose:

Compensation awards	(10,000)
Additions, Improvements and Equip- ment	(44,600)

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

03-7010	Parole	\$4,394,533
04-7010	Community Programs	1,238,947
Total Appropriation, Office of Parole and Community Programs		<u>\$5,633,480</u>

Personal Services:

Salaries and wages	(\$3,951,889)
Materials and Supplies	(41,720)
Services Other Than Personal	(140,377)
Maintenance and Fixed Charges	(235,030)

Special Purpose:

Implementation of Parole Act of 1979		(20,517)
Camden Residential Group Home ..	(	215,094)
Camden Treatment Center .....	(	179,865)
Paterson Treatment Center .....	(	199,315)
Plainfield Treatment Center .....	(	187,140)
Community Residence Center, Jersey City .....	(	119,977)
Community Service Center, Newark	(	337,556)
Additions, Improvements and Equipment .....	(	5,000)

*

Funds received on behalf of parolees by community-based resource facilities are hereby appropriated for the benefit of those parolees.

7280 State Parole Board

05-7280	State Parole Board	\$967,056
Total Appropriation, State Parole Board ...		<u>\$967,056</u>

Personal Services:

Salaries and wages	(\$593,969)
Materials and Supplies	(13,750)
Services Other Than Personal	(28,437)
Maintenance and Fixed Charges	(10,900)

Special Purpose:

Implementation of Parole Act of 1979		(320,000)
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18 Juvenile Correctional Services

12-7230	Residential Group Center, Highfields	\$119,405
12-7240	Residential Group Center, Warren	148,439
12-7250	Residential Group Center, Ocean	147,949
12-7260	Residential Group Center, Turrell	148,902

Total Appropriation, Juvenile Correctional Services	\$564,695
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Personal Services:

Salaries and wages	(\$364,623)
Food in lieu of cash	(3,537)
Materials and Supplies	(124,841)
Services Other Than Personal	(35,342)
Maintenance and Fixed Charges	(13,952)
Additions, Improvements and Equipment	(22,400)

19 Central Planning, Direction and Management

01-7000	Planning, Management and General Support	\$1,271,329
02-7000	Program Operations Support	1,491,203
99-7000	Management and Administrative Services	3,604,073

Total Appropriation, Central Planning, Direction and Management	\$6,366,605
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Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(2,595,250)
Positions transferred from another Statewide program	(176,737)
Materials and Supplies	(358,429)
Services Other Than Personal	(377,693)
Maintenance and Fixed Charges	(87,493)

Special Purpose:

Officers training school	(225,000)
Transportation assistance for inmates' families' visitations	(145,000)
Information and evaluation unit	(30,000)
Title XX programs (State share)	(146,000)

Purchase of service for inmates incarcerated in county penal facilities	(500,000)
Purchase of community service	(115,000)
Adult post-secondary and college programs	(113,000)
Purchase of institutional support services	(200,000)
State assumption of Federally funded vocational education programs	(525,000)
Improve medical care at institutions	(250,000)
Computerized menu planning	(180,000)
Institutional law libraries	(25,200)
Disciplinary hearing officers	(162,998)
Administration of school programs (C18:75B-1 et seq.)	(70,000)
Compensation awards	(10,000)
Additions, Improvements and Equipment	(17,805)

The unexpended balance as of June 30, 1980 in the Purchase of service for inmates incarcerated in county penal facilities account is hereby appropriated and available for the payment of obligations applicable to the fiscal years ending June 30, 1978, June 30, 1979 and June 30, 1980.

Total Appropriation, Department of Corrections

\$88,684,931

Of the amount hereinabove for Transportation assistance for inmates, families' visitations, not less than \$35,000 shall be used to initiate a transportation program based in South Jersey.

Balances on hand as of June 30, 1980 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are hereby appropriated for the use of such inmates.

The unexpended balances as of June 30, 1980 of funds received by the several institutions, representing rental of garages, and such funds as

may be received during fiscal year 1980-81, are hereby appropriated for repair and maintenance of existing garages and for construction of additional garages by such institutions.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are hereby appropriated for the purposes provided (C30:4-91.1 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 below first shall be charged to the State Lottery Fund:

Operation of correctional
institutions (\$75,153,095)

DEPARTMENT OF DEFENSE

Public Safety and Criminal Justice

14 Military Services

01-3600	National Guard Training, Operations and Administration	\$1,793,204
02-3600	Management of National Guard Installations	4,188,315
03-3600	Management of Joint Training Center ...	794,764
	Total Appropriation, Military Services	<u>\$6,776,283</u>

Personal Services:

Chief of Staff	(\$53,500)
Salaries and wages	(3,376,181)
Materials and Supplies	(1,725,192)
Services Other Than Personal	(339,503)
Maintenance and Fixed Charges	(198,807)

Special Purpose:

Governor's youth program	(40,000)
New Jersey Military Academy	(29,000)
Joint Federal-State operations and maintenance contracts (State share)	(410,000)
Compensation awards	(70,000)

Additions, Improvements and Equipment (534,100)

Receipts derived from rental of armories are hereby appropriated for operation and maintenance thereof.

The unexpended balance as of June 30, 1980, in the Joint Federal-State operations and maintenance contracts (State share) account is hereby appropriated for the same purpose.

Receipts derived from the sale of meals at the Mess Hall, Sea Girt, and the unexpended balance of such receipts, as of June 30, 1980 are hereby appropriated.

Total Appropriation, Department of Defense \$6,776,283

DEPARTMENT OF EDUCATION

Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

04-5030	Adult and Continuing Education Programs	\$379,680
05-5030	Bilingual Education Programs	186,926
06-5030	Compensatory Education Programs	239,721
07-5030	Special Education Programs	1,252,787

Total Appropriation, Direct Educational Services and Assistance \$2,059,114

Personal Services:

Salaries and wages	(\$1,772,419)
Materials and Supplies	(50,650)
Services Other Than Personal	(123,825)
Maintenance and Fixed Charges	(12,220)

Special Purpose:

Programs for the gifted	(100,000)
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32 Operation and Support of Educational Institutions

12-5011	Marie H. Katzenbach School for the Deaf	\$4,934,639
15-5010	Project COED	1,907,249

Total Appropriation, Operation and Support of Educational Institutions	\$6,841,888
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Personal Services:

Salaries and wages	(\$5,108,249)
Materials and Supplies	(1,078,993)
Services Other Than Personal	(206,545)
Maintenance and Fixed Charges	(118,700)

Special Purpose:

Transportation expenses for stu- dents	(200,000)
Compensation awards	(15,616)
Additions, Improvements and Equip- ment	(113,785)

The unexpended balance as of June 30, 1980, not to exceed \$50,000 in the Garden State School District program classification is hereby appropriated.

Notwithstanding the provisions of NJS 18A:61-1 and NJS 18A:46-13, or any other statute, \$2,291,625 of the amount hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by tuition paid 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 tuition payments shall 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 shall be paid directly to the State Treasurer.

The unexpended balance as of June 30, 1980 in the tuition receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived

from tuition charges in excess of those anticipated, are hereby appropriated for operating expenses.

12-5012 Millburn Avenue School for the Hearing Handicapped

The unexpended balance as of June 30, 1980 in the Millburn Avenue School for the Hearing Handicapped account, and receipts derived from tuition charges, are hereby appropriated for the costs of such operation.

33 Supplemental Education and Training Programs

20-5040	General Vocational Education Programs	\$1,097,984
21-5040	Special Vocational Education Programs	401,114
22-5040	Occupational Career Research	132,521

Total Appropriation, Supplemental Education and Training Programs	\$1,631,619
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Personal Services:

Salaries and wages	(\$1,451,919)
Materials and Supplies	(11,800)
Services Other Than Personal	(62,000)
Maintenance and Fixed Charges	(5,900)

Special Purpose:

Career Education	(100,000)
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34 Educational Support Services

30-5030	Curriculum Process	\$105,000*
32-5010	Teacher Certification Services	556,747
33-5110	School Approval Programs	3,683,185
34-5100	Equal Educational Opportunities	171,250
35-5020	Resolution of School Controversies and Disputes	252,869
36-5120	Pupil Transportation Services	238,562
37-5120	School Nutrition Programs	189,628
38-5120	Facilities Planning and School Building Aid	317,468

Total Appropriation, Educational Support Services	\$5,514,709*
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New Jersey State Library

Personal Services:

County superintendents	(\$890,167)
Salaries and wages	(4,200,927)
Materials and Supplies	(31,300)
Services Other Than Personal	(331,715)
Maintenance and Fixed Charges	(30,600)

Special Purpose:

State plan and School for the Arts ..	(*)
Teen arts program	(30,000*)

35 Education Administration and Management

40-5095 Research, Planning and Evaluation Services	\$1,800,082
41-5095 General Administrative Support Services	1,654,143
42-5120 School Finance and Auditing	494,270

Total Appropriation, Education Administration and Management	<u>\$3,948,495</u>
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Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(2,190,899)
New positions	(124,848)
Materials and Supplies	(200,435)
Services Other Than Personal	(1,121,233)
Maintenance and Fixed Charges	(107,080)

Special Purpose:

Minimal standards	(80,000)
Comprehensive needs assessment ..	(50,000)
State Board of Education expenses ..	(18,000)

37 Cultural and Intellectual Development Services

51-5070 Library Services	\$2,336,778
52-5075 Development of Historical Resources	329,317*
53-5080 Museum Services	1,280,685

Total Appropriation, Cultural and Intellectual Development Services	<u>\$3,946,780*</u>
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Personal Services:

Salaries and wages	(\$2,727,043)
Positions converted	(124,998)
New positions	(13,317)
Materials and Supplies	(540,385)
Services Other Than Personal	(295,077)
Maintenance and Fixed Charges	(47,075)

Special Purpose:

Oral History Project	(42,600*)
William Livingston Papers	(36,535*)
Acquisition of art and historical objects	(60,000)
Acquisition of artifacts of the Merabash Museum	(30,000)
Additions, Improvements and Equip- ment	(29,750)

The amount hereinabove for Acquisition of artifacts of the Merabash Museum shall be subject to the ability of the State to acquire the assets upon which the IRS has placed a lien and after negotiations between the Attorney General and IRS and other creditors, to ensure clear title to these artifacts.

Total Appropriation, Department of Educa-
tion

\$23,942,605*

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 below, first shall be charged to the State Lottery Fund:

Marie H. Katzenbach School for the Deaf	(\$2,643,014)
Project COED	(1,907,249)

DEPARTMENT OF ENERGY

*Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

10-4050	Public Broadcasting Services	\$3,520,762*
20-4050	NJPTV/WNET Joint News Project	664,913

Total Appropriation, Cultural and Intellectual Development Services	\$4,185,675*
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Personal Services:

Salaries and wages	(\$2,308,331)
Materials and Supplies	(340,835)
Services Other Than Personal	(313,109)
Maintenance and Fixed Charges	(206,900)

Special Purpose:

Programming	(758,000)
Grant from the State to Produce the Daily Lottery Drawing Program ..	(125,000)
Establishment of a South Jersey Local Production Unit	(60,000)
Grant to Newark Public Radio	(25,000)
Instructional Television Service Teacher's Manual	(15,000)
Programming for legislative and similar State government news ..	(*)
Promotional Expenses	(32,500)

Additions, Improvements and Equipment	(1,000)
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The unexpended balance as of June 30, 1980, and receipts derived from leasing space on transmitter towers, rental of studio or production facilities to non-profit organizations and sale or reproduction of Authority produced programs, are hereby appropriated.

The unexpended balance as of June 30, 1980 in program classification NJPTV/WNET Joint News Project, and the receipts derived therefrom, are hereby appropriated.

*Community Development and Environmental Management**42 Natural Resource Management*

05-4030	Energy Resource Management	\$893,709
99-4030	Management and Administrative Services	306,676

Total Appropriation, Natural Resource Management	\$1,200,385
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Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(710,141)
Positions converted	(62,504)
Materials and Supplies	(15,700)
Services Other Than Personal	(333,840)
Maintenance and Fixed Charges	(17,900)
Additions, Improvements and Equipment	(4,300)

*Economic Planning, Development and Security**52 Economic Regulation*

01-4010	Financial Regulation	\$1,082,236
02-4020	Consumer Protection Services	1,165,565
04-4045	Regulation of Cable Television	330,571
99-4040	Management and Administrative Services	2,296,073

Total Appropriation, Economic Regulation ..	\$4,874,445
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Personal Services:

Board members (3 @ \$56,000)	(\$168,000)
Salaries and wages	(3,921,208)
New positions	(56,647)
Materials and Supplies	(63,500)
Services Other Than Personal	(559,590)
Maintenance and Fixed Charges	(93,500)
Additions, Improvements and Equipment	(12,000)

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine, are hereby appropriated on behalf of the Board of Public Utilities

(C48:2-59 et seq. and C48:5A-32 et seq., or other applicable statutes), with respect to assessment of public utilities or the cable television industry.

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Total Appropriation, Department of Energy \$10,260,505*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Community Development and Environmental Management

42 Natural Resource Management

05-4840	Water Supply Management	\$1,052,927
06-4845	Water Facilities Operations	397,267
07-4850	Water Resources Planning and Manage- ment	1,589,486
11-4870	Forest Resource Management	2,498,257
13-4880	Hunters' and Anglers' License Fund	4,144,215
14-4885	Shellfish Resource Management	586,171*
15-4890	Marine Lands Management	1,506,960
17-4900	Solid Waste Resource Management	1,508,983
20-4880	Wildlife Management	73,000

Total Appropriation, Natural Resource
Management \$13,357,266*

Personal Services:

Salaries and wages	(\$7,350,417)
Positions transferred from other	
Statewide programs	(50,531)
Positions converted	(47,385)
Materials and Supplies	(1,168,250)
Services Other Than Personal	(1,383,687)
Maintenance and Fixed Charges	(589,245)

Special Purpose:

Office of the rivermaster	(35,000)
Fire fighting costs	(250,000)
Storing, loading and planting of oyster shells (C50:3-20.17)	(6,000*)
Surf clams research and inventory ..	(40,000)
Oyster drill control	(18,600)

Electronic surveying of oyster lease	
lots in Delaware Bay	(77,330)
Hard clam relay	(25,000)
Marine fisheries program	(200,000)
Delineation and determination of	
State riparian land	(430,000)
Tidelands resource council	(25,000)
Ground water investigations	(40,000)
Hazardous waste program	(285,555)
Solid waste planning and resource	
recovery implementation	(250,186)
Engineering review of landfill design	(66,500)
Protection of endangered and non-	
game wildlife species	(48,000)
Wildlife and fisheries program	
development	(25,000)
Compensation awards	(52,500)
Additions, Improvements and Equip-	
ment	(893,080)

The unexpended balances as of June 30, 1980 in the Fire fighting costs, Delineation and determination of State riparian land and Marine fisheries program accounts are hereby appropriated for the same purposes.

Receipts derived from laboratory certification are hereby appropriated for the same purpose.

Receipts in excess of those anticipated from water sales of the Delaware and Raritan Canal are hereby appropriated for operation, maintenance and improvement of the Canal.

There is hereby appropriated for operation and maintenance of Spruce Run and Round Valley Reservoirs a sum not to exceed \$1,234,000 out of aggregate revenue collected (C58:22-10).

The unexpended balance, as of June 30, 1980 in the Gypsy moth control account is hereby appropriated.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of

said Fund and any amount remaining therein, in addition to the unexpended balances as of June 30, 1980, are hereby appropriated for additional operating costs. If receipts to said Fund are less than anticipated, the appropriation shall be reduced correspondingly.

Receipts derived from Sea clam fees and Sea clam licenses (commercial and non-commercial) are hereby appropriated for program costs.

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 \$1,285,000, are hereby appropriated for the same purpose; provided, however, that should the excess 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 must be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

Receipts derived from inspections of solid waste disposal facilities, handling or disposing of hazardous or special wastes are hereby appropriated to operate this inspection program.

Receipts derived from the sale of materials encouraging the protection of endangered and non-game wildlife species are hereby appropriated for carrying out a program of protection of endangered and non-game wildlife species.

43 Environmental Quality

01-4820	Radiation Protection	\$1,143,798
02-4825	Air Pollution Control	2,174,097
03-4830	Noise Control	80,000
04-4835	Pesticide Control	65,000
08-4855	Water Pollution Control	1,550,831

09-4860	Public Waste Water Facilities	75,000
19-4815	Hazardous Substance Control	1,000,000
Total Appropriation, Environmental Quality		<u>\$6,088,726</u>

Personal Services:

Salaries and wages	(\$3,068,332)
Materials and Supplies	(230,750)
Services Other Than Personal	(444,844)
Maintenance and Fixed Charges	(340,115)

Special Purpose:

Radiation analyses, Safe Drinking Water Act	(67,000)
Certification of nuclear medicine technologists	(46,150)
X-ray technology certification	(50,000)
Certification of terminated sites ..	(110,500)
Nuclear emergency response	(250,000)
Noise control	(80,000)
Pesticide control	(65,000)
Hazardous substances control	(1,000,000)
Compensation awards	(13,500)

Additions, Improvements and

Equipment	(322,535)
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Excess receipts collected on behalf of the Radiation protection, Air pollution control and Pesticide control program classifications are hereby appropriated.

The Commissioner of Environmental Protection shall establish fees for the training of pesticide applicators, and receipts derived from such fees, are hereby appropriated to carry out the training program.

Receipts derived from the National pollutant discharge elimination system are hereby appropriated for expenses of the program.

The unexpended balance as of June 30, 1980 in the Public waste water facilities program classification is hereby appropriated for the same purpose.

The amount hereinabove for the Hazardous substance control program is hereby appropriated from the New Jersey Spill Compensation Fund.

There is hereby appropriated from the New Jersey Spill Compensation Fund, so much as may be required for clean-up costs.

A sum not to exceed \$300,000 is hereby appropriated from interest earned by the New Jersey Spill Compensation Fund for research on the prevention and the effects of spills of hazardous substances on the marine environment and to develop improved clean-up and removal operation methods, subject to the approval of the Director of the Division of Budget and Accounting.

44 Recreational Resource Management

10-4865	Marina Operations	\$397,246
12-4875	Parks Management	10,534,310
16-4895	Boat Regulation	914,091
21-4895	Recreational Boating	1,841,019

Total Appropriation, Recreational Resource Management	<u>\$13,686,666</u>
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Personal Services:

Salaries and wages	(\$7,504,669)
Positions converted	(147,646)
New positions (6)	(60,985)
Materials and Supplies	(1,497,785)
Services Other Than Personal	(649,001)
Maintenance and Fixed Charges	(944,400)

Special Purpose:

Maintenance, Old Barracks, Trenton (State share)	(105,000)
Expenses of the Delaware and Raritan Canal Commission	(120,000)
Youth conservation and recreation projects	(500,000)
Day-trip and camping opportunities for youngsters from lower and moderate income families	(496,000)

Weed control, State controlled lakes(	50,000)
Construction, maintenance, improve- ment and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes ..	(600,000)
Compensation awards	(59,180)
Additions, Improvements and Equip- ment	(952,000)

Of the amount hereinabove for Youth conservation and recreation projects, not less than \$400,000 shall be used to hire disadvantaged youths as such are defined in PL 1977, c. 280.

Receipts in excess of those anticipated from marina operations are hereby appropriated for maintenance and security of marina facilities.

The amount hereinabove for the operation, maintenance and administration of Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General Fund such amounts as have been advanced from said Fund to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

The amount hereinabove for the Boat regulation program classification, shall be payable out of the New Jersey Boat Numbering Act revolving fund (C12:7-34.36 et seq.), and any amount remaining therein, in addition to the unexpended balances as of June 30, 1980, is hereby appropriated.

The unexpended balance as of June 30, 1980 in the Construction, maintenance, improvement and dredging inland waterways, bulkheading and dredging at State marinas and dredging State-controlled lakes account, is hereby appropriated for the same purposes.

45 Environmental Planning and Administration

18-4810	Scientific Support Services	\$1,525,467
99-4800	Management and Administrative Services	2,424,233

Total Appropriation, Environmental Planning and Administration	\$3,949,700
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Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(1,621,043)
Positions transferred from other Statewide programs	(90,448)
Materials and Supplies	(51,600)
Services Other Than Personal	(673,609)
Maintenance and Fixed Charges	(96,600)

Special Purpose:

Monitor the environment for cancer causing agents and other hazardous or toxic substances	(1,250,000)
Board of New Jersey Pilot Commissioners	(40,400)
Liberty Park Commission	(18,000)
Intern program	(45,000)
Compensation awards	(4,500)
Additions, Improvements and Equipment	(2,500)

The unexpended balance as of June 30, 1980 in the Monitor the environment for cancer causing agents and other hazardous or toxic substances account is hereby appropriated for the same purpose.

The amount in the Board of New Jersey Pilot Commissioners account shall be payable out of receipts, and any receipts in excess of the amounts specifically set forth above, are hereby appropriated.

Receipts derived from examination of X-ray technicians, in excess of those anticipated, are hereby appropriated for enforcement purposes.

The unexpended balance as of June 30, 1980 and fees deposited in the Environmental services fund (C13:1D-29 et seq.) are hereby appropriated for the purposes of the Fund.

Total Appropriation, Department of Environmental Protection	\$37,082,358*
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DEPARTMENT OF HEALTH

*Physical and Mental Health**21 Health Services*

02-4220 Community Health Services	\$7,830,050*
03-4230 Communicable Disease Control	1,295,077
04-4240 Narcotics and Drug Abuse Control	6,180,440*
05-4250 Alcoholism Control	1,465,316*
08-4280 Diagnostic Services	1,788,685
09-4290 Clinical Laboratory Services	323,393
Total Appropriation, Health Services	\$18,882,961*

Personal Services:

Salaries and wages	(\$7,862,356)
Positions established from lump sum appropriation	(125,249)
Positions transferred from other Statewide programs	(30,158)
Materials and Supplies	(1,461,945)
Services Other Than Personal	(443,910)
Maintenance and Fixed Charges	(295,790)

Special Purpose:

Emergency medical services	(177,000)
Cancer control and occupational health	(100,000)
Asbestos program	(124,000)
Arbovirus surveillance	(20,000)
Expansion of special epidemiological services	(40,000)
Therapeutic Residential School at Long Branch	(427,000)
Employment specialist project	(173,000)
DES program	(50,000)
Compulsive gambling	(*)

Grants:

Tuberculosis services	(530,000)
Family planning services	(175,000)
Hemophilia services	(621,000)
Juvenile terminal illness assistance (	30,000)
Chronic disease services	(138,000)
Testing for specific hereditary diseases	(115,000)
Hospitalization and convalescent care of handicapped children	(2,033,000)
Chronic renal disease	(680,000)
Venereal disease clinics	(40,000)
Community drug programs (State share)	(1,719,043)
Vocational adjustment centers	(95,000)
Alcoholism services	(1,341,510)
Special grant to the city of Newark for non-medical alcohol detoxifi- cation program	(35,000*)
Grant to Mercer County Chapter of Diabetes Association	(*)

The appropriations for Tuberculosis services and the Hospitalization and convalescent care of handicapped children shall be available for the payment of obligations applicable to prior fiscal years.

The unexpended balance as of June 30, 1980 in Cancer incidence registry is hereby appropriated.

Receipts derived from reimbursements by local school districts for educational costs of children placed in the Therapeutic Residential School at Long Branch, and the unexpended balances of such receipts as of June 30, 1980, are hereby appropriated for expenses of the School.

The Department of Health shall undertake an evaluation of the Therapeutic Residential School at Long Branch and report to the Joint Appropriations Committee by March 1, 1981.

Receipts derived from third party reimbursements for drug addiction services, and the unexpended

balances of such receipts as of June 30, 1980, are hereby appropriated for the cost of implementing such reimbursement system, subject to the approval of the Director of the Division of Budget and Accounting.

The Divisions of Alcoholism and Narcotics and Drug Abuse Control are hereby authorized to bill a patient's estate, or the person chargeable for his support, or the county of residence, for institutional support of patients treated at addiction services inpatient units.

There are hereby appropriated from the Rabies Control Fund such sums as may be required for costs of operation of the Rabies control program.

The unexpended balance as of June 30, 1980 in the fees from the Licensing of clinical laboratories account, and receipts from fees established by the Commissioner of Health for licensing of clinical laboratories, are hereby appropriated.

22 Health Planning and Evaluation

06-4260	Health Facilities Evaluation	\$1,043,839
07-4270	Health Planning and Resource Development	1,874,735
Total Appropriation, Health Planning and Evaluation		<hr/> \$2,918,574 <hr/>

Personal Services:

Salaries and wages	(\$1,992,081)
Positions established from lump sum appropriation	(184,816)
Materials and Supplies	(34,070)
Services Other Than Personal	(136,027)
Maintenance and Fixed Charges	(73,080)

Special Purpose:

Sheltered boarding home program ..	(51,000)
Health services for migrant workers	(53,500)

Grants:

State support for areawide planning agencies	(60,000)
Planning and development of urban health services	(334,000)

Receipts derived from fees charged for hospital rate setting, and the unexpended balance of such receipts as of June 30, 1980, are hereby appropriated for expenses of hospital rate setting and for expenses of the Hospital Rate Setting Commission.

Receipts derived from fees charged for the review of Uniform construction code plans for health care facilities, and the unexpended balance of such receipts as of June 30, 1980, are hereby appropriated for the cost of such review.

25 Health Administration

01-4215 Vital Statistics	\$389,416
99-4210 Management and Administrative Services	3,792,965
Total Appropriation, Health Administration	<u>\$4,182,381</u>

Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(2,033,690)
Positions established from lump sum appropriation	(84,887)
Positions transferred from other	
Statewide programs	(385,502)
Positions converted	(164,529)
Materials and Supplies	(169,484)
Services Other Than Personal	(1,102,209)
Maintenance and Fixed Charges	(103,480)
Special Purpose:	
Compensation awards	(70,000)
Additions, Improvements and Equipment	(12,600)

Receipts in excess of \$150,000, and the unexpended balance of such receipts as of June 30, 1980, in the

Vital Statistics program classification are hereby appropriated for the cost of implementing a new system for the search and issuance of vital records.

Total Appropriation, Department of Health . \$25,983,916*

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of The Chancellor

02-5400	Support to Independent Institutions	\$17,231,950
03-5400	New Jersey Educational Opportunity Fund	13,654,144
04-5400	Student Financial Support Services	32,921,000
05-5400	Student Financial Assistance Administration	1,716,000
99-5400	Management and Administrative Services	3,418,122

Total Appropriation, Office of The Chancellor \$68,941,216

Personal Services:

Chancellor	(\$56,000)
Salaries and wages	(2,784,732)
Materials and Supplies	(164,700)
Services Other Than Personal	(660,790)
Maintenance and Fixed Charges	(32,900)

Special Purpose:

Educational Opportunity Fund

Board expenses	(2,500)
Board of Higher Education expenses	(7,000)
Program development	(100,000)
College information system and higher education management system	(175,000)
State and county college councils . . .	(3,000)
Basic skills assessment program . . .	(650,000)
Marine sciences consortium	(250,000)

State Aid and Grants:

Veterinary medicine education program	(1,135,950)
Aid to independent colleges and universities	(10,575,000)
Schools of professional nursing	(1,500,000)
Dental school aid	(3,250,000)
Optometric education	(291,000)
Einstein chair for scholarly studies at the Institute for Advanced Study	(65,000)
The Richard J. Hughes Chair for Constitutional and Public Law and Service at Seton Hall University School of Law	(65,000)
Graduate medical education program	(250,000)
Administration of physician/dentist loan program	(100,000)
Opportunity program grants	(9,405,991)
Supplementary education program grants	(4,248,153)
Basic scholarships	(1,655,000)
Incentive grants	(630,000)
Tuition aid grants, NJS 18A:71-41 et seq.	(77,000)
Public tuition aid grants	(30,000)
Tuition aid grants, NJS 18A:71-42 et seq.	(26,629,000)
Garden State scholarships	(3,600,000)
Graduate fellowships	(300,000)
Five cities project	(200,000)
Additions, Improvements and Equipment	(47,500)

An amount not to exceed \$57,500 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 (PL 1979, c. 132), the number of full time equivalent students (FTE) at the eight State colleges is 53,725 for fiscal year 1980-81.

Of the amount hereinabove for Tuition aid grants (NJS 18A:71-42 et seq.), a sum of \$1,000,000 shall be used for Veterans' education benefits (NJS 18A:71-64 et seq.)

Of the amount provided hereinabove for Tuition aid grants (NJS 18A:71-41 et seq.) and the amount which the Department of Higher Education receives from the Federal government for State student incentive grants, an amount as necessary may be used for the purpose of increasing grants available to eligible students in New Jersey independent colleges; provided, however, that notwithstanding NJS 18A:71-47b the maximum grant level may be \$1,400.

The provisions of PL 1974, c. 356 notwithstanding, the Department of Higher Education may make payments directly to eligible veterans enrolled in approved educational institutions without prior written agreements with such institutions for participation in the program.

The unexpended balances as of June 30, 1980 and other income from the Federal loan collection reimbursement program, are hereby appropriated.

A sum of \$3,000,000 provided to the Higher Education Assistance Fund in prior years shall be returned to the General Fund.

5450 Thomas A. Edison College of New Jersey

17-5450 Institutional Support	\$1,322,690
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Total Appropriation, Thomas A. Edison College of New Jersey	<u>\$1,322,690</u>
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Personal Services:

Salaries and wages	(\$1,059,031)
Positions established from lump sum appropriation	(28,154)
Materials and Supplies	(65,601)
Services Other Than Personal	(152,104)
Maintenance and Fixed Charges	(5,800)

Additions, Improvements and Equipment (12,000)
 The receipts from special services income, are hereby appropriated.

5500 Glassboro State College

11-5500	Instruction	\$10,735,697
12-5500	Sponsored Programs and Research	75,000
13-5500	Extension and Public Service	395,000
15-5500	Academic Support	969,200
16-5500	Student Services	1,723,493
17-5500	Institutional Support	2,384,586
19-5500	Physical Plant Support Services	3,672,717
Total Appropriation, Glassboro State College		<u>\$19,955,693</u>

Personal Services:

Salaries and wages	(\$14,694,130)
Student aides	(200,000)
Materials and Supplies	(2,372,952)
Services Other Than Personal	(1,159,955)
Maintenance and Fixed Charges	(243,562)

Special Purpose:

Academic development	(231,000)
Separately budgeted research	(75,000)
Camden urban center	(395,000)
National direct student loan program (State share)	(25,127)
College work-study program (State share)	(180,000)
Compensation awards	(9,354)
Additions, Improvements and Equipment	(369,613)

5510 Jersey City State College

11-5510	Instruction	\$10,168,967
12-5510	Sponsored Programs and Research	75,000
15-5510	Academic Support	854,500
16-5510	Student Services	1,402,500
17-5510	Institutional Support	2,205,000
19-5510	Physical Plant Support Services	3,338,040
Total Appropriation, Jersey City State College		<u>\$18,044,007</u>

Personal Services:

Salaries and wages	(\$12,497,967)
Student aides	(205,000)
Materials and Supplies	(2,080,007)
Services Other Than Personal	(778,033)
Maintenance and Fixed Charges	(292,000)

Special Purpose:

A. Harry Moore Laboratory School .	(1,000,000)
Academic development	(218,000)
Separately budgeted research	(75,000)
National direct student loan pro- gram (State share)	(40,000)
College work-study program (State share)	(170,000)
Contribution for operation of ath- letic fields	(80,000)
Compensation awards	(30,000)
Additions, Improvements and Equip- ment	(578,000)

The unexpended balances, as of June 30, 1980, and all tuition and other receipts from the operation of the A. Harry Moore Laboratory School of Jersey City State College, are hereby appropriated for operating expenses of the School.

5520 Kean College of New Jersey

11-5520 Instruction	\$11,239,500
12-5520 Sponsored Programs and Research	75,000
15-5520 Academic Support	1,191,500
16-5520 Student Services	1,889,000
17-5520 Institutional Support	2,921,000
19-5520 Physical Plant Support Services	3,933,007

Total Appropriation, Kean College of New
Jersey

\$21,249,007

Personal Services:

Salaries and wages	(\$16,038,000)
Student aides	(200,000)
Materials and Supplies	(2,647,507)
Services Other Than Personal	(1,046,500)
Maintenance and Fixed Charges	(281,000)

Special Purpose:

Academic development	(304,000)
Separately budgeted research	(75,000)
National direct student loan program (State share)	(22,000)
College work-study program (State share)	(73,000)
Compensation awards	(40,000)
Additions, Improvements and Equipment	(522,000)

5530 The William Paterson College of New Jersey

11-5530	Instruction	\$12,581,000
12-5530	Sponsored Programs and Research	75,000
15-5530	Academic Support	1,090,500
16-5530	Student Services	1,776,500
17-5530	Institutional Support	2,464,400
19-5530	Physical Plant Support Services	4,979,500

Total Appropriation, The William Paterson College of New Jersey	<u>\$22,966,900</u>
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Personal Services:

Salaries and wages	(\$16,844,000)
Student aides	(300,000)
Materials and Supplies	(2,996,000)
Services Other Than Personal	(954,000)
Maintenance and Fixed Charges	(425,000)

Special Purpose:

Academic development	(323,000)
Separately budgeted research	(75,000)
College work-study program (State share)	(62,500)
Compensation awards	(8,400)
Additions, Improvements and Equipment	(979,000)

5540 Montclair State College

11-5540	Instruction	\$14,216,810
12-5540	Sponsored programs and research	75,000
13-5540	Extension and Public Service	400,000
15-5540	Academic Support	1,480,753

16-5540	Student Services	2,376,438
17-5540	Institutional Support	2,950,247
19-5540	Physical Plant Support Services	4,389,690

Total Appropriation, Montclair State College	<u>\$25,888,938</u>
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Personal Services:

Salaries and wages	(\$19,234,832)
Student aides	(374,500)
Materials and Supplies	(2,674,659)
Services Other Than Personal	(1,106,217)
Maintenance and Fixed Charges	(346,400)

Special Purpose:

Academic development	(378,000)
Separately budgeted research	(75,000)
New Jersey State School of Conservation	(400,000)
National direct student loan program (State share)	(22,667)
College work-study program (State share)	(71,429)
Compensation awards	(40,000)

Additions, Improvements and

Equipment	(1,165,234)
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Of the amount hereinabove in the New Jersey State School of Conservation account, the sum of \$400,000 shall be payable out of receipts derived from the operation of the School, and receipts in excess of the amount hereinabove and the unexpended balance of such receipts as of June 30, 1980, are hereby appropriated.

5550 Trenton State College

11-5550	Instruction	\$11,277,419
12-5550	Sponsored Programs and Research	75,000
15-5550	Academic Support	1,152,666
16-5550	Student Services	1,972,150
17-5550	Institutional Support	2,276,000
19-5550	Physical Plant Support Services	4,413,087

Total Appropriation, Trenton State College	<u>\$21,166,322</u>
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Personal Services:

Salaries and wages	(\$15,800,000)
Student aides	(255,000)
Materials and Supplies	(2,520,198)
Services Other Than Personal	(947,357)
Maintenance and Fixed Charges	(374,767)

Special Purpose:

Demonstration school services	(154,000)
Academic development	(250,000)
Separately budgeted research	(75,000)
Nursing loan and scholarship program	(7,000)
National direct student loan program (State share)	(55,000)
College work-study program (State share)	(31,000)
Compensation awards	(50,000)
Additions, Improvements and Equipment	(647,000)

5560 Ramapo College of New Jersey

11-5560	Instruction	\$4,077,000
12-5560	Sponsored Programs and Research	75,000
15-5560	Academic Support	657,000
16-5560	Student Services	887,000
17-5560	Institutional Support	1,649,000
19-5560	Physical Plant Support Services	2,446,000

Total Appropriation, Ramapo College
of New Jersey

\$9,791,000

Personal Services:

Salaries and wages	(\$7,274,000)
Student aides	(150,000)
Materials and Supplies	(1,247,000)
Services Other Than Personal	(478,800)
Maintenance and Fixed Charges	(200,200)

Special Purpose:

Academic development	(113,000)
Separately budgeted research	(75,000)

National direct student loan program (State share)	(10,000)
College work-study program (State share)	(60,000)
Compensation awards	(3,000)
Additions, Improvements and Equipment	(180,000)

5570 Richard Stockton State College

11-5570 Instruction	\$4,803,666
12-5570 Sponsored Programs and Research	75,000
15-5570 Academic Support	1,080,300
16-5570 Student Services	914,000
17-5570 Institutional Support	1,590,377
19-5570 Physical Plant Support Services	2,361,148

Total Appropriation, Richard Stockton State College	<u>\$10,824,491</u>
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Personal Services:

Salaries and wages	(\$7,881,443)
Student aides	(155,000)
Materials and Supplies	(1,400,748)
Services Other Than Personal	(570,800)
Maintenance and Fixed Charges	(220,000)

Special Purpose:

Academic development	(155,000)
Separately budgeted research	(75,000)
National direct student loan pro- gram (State share)	(5,000)
College work-study program (State share)	(38,000)
Compensation awards	(15,000)
Additions, Improvements and Equip- ment	(308,500)

State Colleges Programs

Receipts in excess of those anticipated from regular tuition are hereby appropriated, subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Expenditure plans for the amounts hereinabove to each State college for Academic development shall be subject to prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Receipts from the operation of Summer programs, Special programs (on-campus) and Extension and public service programs (off-campus) and the unexpended balances as of June 30, 1980, of such receipts, are hereby appropriated.

Receipts from the operation of Auxiliary services in excess of those pledged for the payment of principal and interest on bonds of this State, and the unexpended balance as of June 30, 1980 of such receipts, are hereby appropriated (NJS 18A:64-18).

The amounts hereinabove for Student aides in the various State colleges shall constitute the appropriation to carry out the provisions of NJS 18A:64-17; provided, however, that payment for the value of work performed by students shall be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

The unexpended balances as of June 30, 1980 in the Student service charges and Parking fees accounts, and receipts derived therefrom, are hereby appropriated.

Notwithstanding the provisions of NJS 18A:72A-26 et seq., no Board of Trustees of a State college shall enter into an agreement with the Educational Facilities Authority for housing facilities for students, without first securing written authorization for such agreement from the Director of the Division of Budget and Accounting.

Any transfer of appropriation from the Physical plant support services program classification to any other purpose shall be subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

With respect to the transfer of funds between items of appropriation, as provided by law, the program classification accounts shall be deemed to be the primary expenditure accounts (NJS 18A:64-6f).

Rutgers, The State University

5600 General University

11-5600	Instruction	\$76,273,232
12-5600	Sponsored Programs and Research	3,528,115
13-5600	Extension and Public Service	1,503,622
14-5600	Auxiliary Services	3,553,700
15-5600	Academic Support	7,966,000
16-5600	Student Services	14,001,000
17-5600	Institutional Support	20,416,000
19-5600	Physical Plant Support Services	29,020,300
Sub-Total, General Operations		\$156,261,969
Special Funds expense		34,000,000
Auxiliary Funds expense		35,410,851
Total All Operations		\$225,672,820
<i>Less:</i>		
	<i>General services income</i>	<i>\$46,950,700</i>
	<i>Special funds income</i>	<i>34,000,000</i>
	<i>Auxiliary services income</i>	<i>35,410,851</i>
Total Income Deductions		\$116,361,551
Appropriation, Exclusive of Land		
	Grant Interest	(\$109,305,469)
	Land Grant Interest	(5,800)
Sub-Total Appropriation		\$109,311,269
Personal Services:		
	Salaries and wages	(\$117,425,161)
	Student aides	(589,203)
	Materials and Supplies	(15,803,192)
	Services Other Than Personal	(12,251,453)
	Maintenance and Fixed Charges	(1,514,955)

Special Purpose:

Research grants	(324,599)
Guidance of Public employees in employee-management relation- ships (C34:13A-1 et seq.)	(50,000)
Graduate and law school fellow- ships	(70,000)
Student aid	(3,082,151)
College work-study program (State share)	(400,000)
Retirement allowances	(650,000)
Major renovations	(100,000)
Bad debt expense	(125,000)
Special projects	(1,750,000)
Forum on policy research and public service, Rutgers—Camden(	50,000)
Additional security forces, Rutgers —Camden	(100,000)
Additions and Improvements	(1,976,255)
Special Funds expense	(34,000,000)
Auxiliary	(35,410,851)

Less:

<i>General services income</i>	(46,950,700)
<i>Special funds income</i>	(34,000,000)
<i>Auxiliary services income</i>	(35,410,851)

Actual full-time and part-time enrollment, exclusive of enrollment in Extension and public service programs, shall not exceed 38,004 full-time equivalent (FTE) students at Rutgers University. In the event that actual enrollments should exceed this level, the amount hereinabove for Rutgers, The State University, shall be reduced by a sum equal to the tuition and fee receipts collected by the University in excess of 2% above the tuition and fee receipts collected from 38,004 FTE students; any such adjustment to occur in the last quarter of this fiscal year.

Any transfer from Physical plant support services program classification to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5620 Agricultural Experiment Station

12-5620	Research	\$5,817,885
13-5620	Extension and Public Service	3,442,378
		<hr/>
	Sub-Total, General Operations	\$9,260,263
	Federal research and extension funds expense	3,265,000
	Special Funds expense	4,300,000
		<hr/>
	Total All Operations	\$16,825,263
<i>Less:</i>		
	<i>General services income</i>	0
	<i>Federal research and extension</i>	
	<i> funds income</i>	\$3,265,000
	<i>Special funds income</i>	4,300,000
		<hr/>
	Total Income Deductions	\$7,565,000
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	Sub-Total Appropriation	\$9,260,263
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Personal Services:		
	Salaries and wages	(\$8,341,839)
	Student aides	(85,000)
	Materials and Supplies	(277,808)
	Services Other Than Personal	(324,109)
	Maintenance and Fixed Charges	(138,904)
Special Purpose:		
	Federal research and extension	
	funds	(3,265,000)
	Special funds expense	(4,300,000)
	Additions and Improvements	(92,603)
<i>Less:</i>		
	<i>Federal research and extension</i>	
	<i> funds income</i>	(3,265,000)
	<i>Special funds income</i>	(4,300,000)
	Total Appropriation, Rutgers, The State	
	University	<hr/> \$118,571,532

5630 College of Medicine and Dentistry of New Jersey

Instruction	(\$34,885,504)
Sponsored Programs and Research ..	(15,444,477)
Extension and Public Service	(65,564,296)
Auxiliary Services	(620,647)
Academic Support	(900,242)
Student Services	(1,016,433)
Institutional Support	(10,587,959)
Physical Plant Support Services	(20,505,082)

Total All Operations (\$149,524,640)

Less:

Total Income Deductions (\$80,565,013)

17950 Central Administration

All Operations \$4,910,687

Less:

Special Services Income \$150,000

Sub-Total Appropriation, Central
Administration

\$4,760,687

17951 Collegewide Programs

All Operations \$2,694,220

Less:

General Services Income \$358,409

Sub-Total, Collegewide Programs

\$2,335,811

17952 Physical Plant Support Services

Educational Units \$12,256,403

Hospitals 8,636,099

Sub-Total Appropriation, Physical Plant
Support Services

\$20,892,502

17953 New Jersey Medical School

All Operations \$21,326,158

*Less:**General Services Income* \$3,986,519*Special Services Income* 6,972,147*Auxiliary Services Income* 475,130

Sub-Total Appropriation,

New Jersey Medical School \$9,892,362

17954 Rutgers Medical School, Piscataway

All Operations \$18,461,792

*Less:**General Services Income* \$2,473,772*Special Services Income* 5,056,026*Auxiliary Services Income* 146,009

Sub-Total Appropriation, Rutgers Medical

School, Piscataway \$10,785,985

17955 Rutgers Medical School, South Jersey

All Operations \$1,289,815

*Less:**General Services Income* \$95,667

Sub-Total Appropriation, Rutgers Medical

School, South Jersey \$1,194,148

17956 New Jersey School of Osteopathic Medicine

All Operations \$5,189,589

*Less:**General Services Income* \$652,322*Special Services Income* 1,479,709

Sub-Total Appropriation, New Jersey

School of Osteopathic Medicine \$3,057,558

17957 New Jersey Dental School

All Operations	\$6,174,965
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Less:

<i>General Services Income</i>	\$2,155,729
<i>Special Services Income</i>	264,871

Sub-Total Appropriation, New Jersey Dental School	<u>\$3,754,365</u>
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17958 Graduate School of Biomedical Sciences

All Operations	\$998,203
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Less:

<i>General Services Income</i>	\$110,670
<i>Special Services Income</i>	20,000

Sub-Total Appropriation, Graduate School of Biomedical Sciences	<u>\$867,533</u>
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17959 School of Allied Health Professions

All Operations	\$1,517,527
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Less:

<i>General Services Income</i>	\$173,620
<i>Special Services Income</i>	314,000

Sub-Total Appropriation, School of Allied Health Professions	<u>\$1,029,907</u>
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17960 College Hospital

All Operations	\$52,901,827
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Less:

<i>Hospital Services Income</i>	\$41,668,700
<i>Special Services Income</i>	1,200,000

Sub-Total Appropriation, College Hospital .	<u>\$10,033,127</u>
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17961 Raritan Valley Hospital

All Operations \$3,989,968

*Less:**Hospital Services Income* \$3,634,326Sub-Total Appropriation, Raritan Valley
Hospital \$355,642*17962 Rutgers Medical School Community Mental Health Center*

All Operations \$6,310,729

*Less:**Patient Services Income* \$1,600,000*Federal Staffing Grant* 353,914*Department of Human Services* 4,356,815Sub-Total Appropriation, Rutgers Medical
School Community Mental Health Center . \$0*17963 New Jersey Medical School
Community Mental Health Center*

All Operations \$2,866,658

*Less:**Patient Service Income* \$561,705*Federal Staffing Grant**Department of Human Services* ... 2,304,953Sub-Total Appropriation, New Jersey Medi-
cal School Community Mental Health
Center \$0Total Appropriation, College of Medicine and
Dentistry of New Jersey \$68,959,627

Personal Services:

Salaries and wages (\$87,654,403)

New positions (1,837,009)

Materials and Supplies (21,323,376)

Services Other Than Personal (9,541,407)

Maintenance and Fixed Charges (1,888,793)

Special Purpose:

Central Administration	
Board of Trustees planning fund . (	13,560)
Collegewide	
Student aid . . . . . (	440,934)
New Jersey Medical School	
Workers' compensation . . . . . (	44,000)
College Hospital	
Pension and workers' compensa- tion . . . . . (	709,952)
Rutgers Medical School	
Workers' compensation . . . . . (	16,073)
New Jersey Dental School	
Student aid . . . . . (	21,635)
Graduate School of Biomedical Sciences	
Student aid . . . . . (	46,242)
Research under contract with the Institute of Medical Research, Camden . . . . . (	388,977)
Additions, Improvements and Equip- ment . . . . . (	343,000)
Special Funds expense . . . . . (	15,456,753)
Auxiliary Fund expense . . . . . (	621,139)
Rutgers Medical School Community	
Mental Health Center . . . . . (	6,310,729)
New Jersey Medical School Com- munity Mental Health Center . . . . . (	2,866,658)

Less:

<i>General Service Income (\$10,006,708)</i>
<i>Special Service Income (15,456,753)</i>
<i>Auxiliary Service Income (621,139)</i>
<i>Hospital Service Income (45,303,026)</i>
<i>Rutgers Medical School Community</i>
<i>Mental Health Center Income (6,310,729)</i>
<i>New Jersey Medical School Com-</i>
<i>munity Mental Health Center</i>
<i>Income (2,866,658)</i>

All General service income or Hospital service income in excess of the amounts hereinabove as income deductions, shall be credited to the Gen-

eral Fund and such excess income is hereby appropriated therefrom for service improvements during fiscal year 1980-81 and the subsequent fiscal year in the several component units of the College of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The College of Medicine and Dentistry of New Jersey is hereby authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, shall be retained for such fund.

5640 New Jersey Institute of Technology

11-5640	Instruction	\$10,235,906
12-5640	Sponsored Programs and Research	412,093
13-5640	Extension and Public Service	220,000
14-5640	Auxiliary Services	1,600,000
15-5640	Academic Support	1,940,538
16-5640	Student Services	1,330,309
17-5640	Institutional Support	3,352,600
19-5640	Physical Plant Support Services	3,410,000
Total, All Operations		\$22,501,446
<i>Less:</i>		
	<i>General services income</i>	<i>\$4,934,263</i>
	<i>Auxiliary services income</i>	<i>1,600,000</i>
<i>Total Income Deductions</i>		<i>6,534,263</i>
Total Appropriation		\$15,967,183
Personal Services:		
	Salaries and wages	(\$13,450,252)
	Student aides	(200,000)
	Materials and Supplies	(2,241,822)
	Services Other Than Personal	(1,864,953)
	Maintenance and Fixed Charges	(380,119)

Special Purpose:

Academic development	(433,300)
Separately budgeted research	(400,000)
Student activities	(76,000)
Scholarships, grants, fellowships ..	(100,000)
Board of Trustees	(5,000)
Fringe benefits/retirement allow- ances	(985,000)
Additions, Improvements and Equip- ment	(765,000)
Auxiliary Fund expenses	(1,600,000)

Less:

<i>General services income</i>	(4,934,263)
<i>Auxiliary services income</i>	(1,600,000)

Actual full-time and part-time enrollments, exclusive of enrollment in Extension and public service programs, shall not exceed 4,300 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments should exceed this level, the amount hereinabove for New Jersey Institute of Technology shall be reduced by a sum equal to the tuition and fees collected by the Institute in excess of 2% above the tuition and fees collected from 4,300 FTE students; any such adjustment to occur in the last quarter of the fiscal year.

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 (NJS 18A:3-14q).

Any transfer from physical plant support services program classification to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Higher
Education

\$423,648,606

Notwithstanding the provision of C52:34-6, the amounts hereinabove for the Department of Higher Education may be expended for the purchase of contract services from the New Jersey Education Computing Network (NJEEN), as if it were a State government agency (C52:34-10a).

All expenditures for data processing services, equipment and software from sources other than the New Jersey Education Computing Network (NJEEN) shall be subject to approval by the Director of the Division of Budget and Accounting.

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 below first shall be charged to the State Lottery Fund:

Veterinary medicine education . . .	(\$1,135,950)
Optometric education	(291,000)
Aid to independent colleges and universities	(10,575,000)
Schools of professional nursing . . .	(1,500,000)
Dental school aid	(3,250,000)

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700 Community Services	\$17,732,060
99-7700 Management and Administrative Services	1,463,344
Total Appropriation, Division of Mental Health and Hospitals	<u>\$19,195,404</u>

Personal Services:

Salaries and wages	(\$1,789,819)
Positions transferred from another agency	(27,697)
Materials and Supplies	(55,100)
Services Other Than Personal	(339,148)
Maintenance and Fixed Charges	(54,576)

Special Purpose:

Social service initiatives (State share)	(250,000)
Community mental health screening units	(859,998)
Independent psychiatric evaluation and legal representation for indigent patients	(58,300)
Statistical information system	(150,000)
Compensation awards	(236)

Grants:

Community care	(8,900,000)
Community Mental Health Center, College of Medicine and Dentistry, Newark	(2,304,953)
Community Mental Health Center, College of Medicine and Dentistry, Rutgers	(4,356,815)
Additions, Improvements and Equipment	(48,762)

The unexpended balance as of June 30, 1980 in the Community mental health screening units account is hereby appropriated.

A portion of the funds in the Community care account, not to exceed \$500,000, shall be available for administration of Community services, including the Community care program.

Federal and other funds received or receivable for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the College of Medicine and Dentistry of New Jersey for the operation of the centers.

7710 Greystone Park Psychiatric Hospital

09-7710 Outpatient and Community Services	\$119,915
10-7710 Inpatient Care and Health Services	16,032,902
99-7710 Management and Administrative Services	10,298,392
Total Appropriation, Greystone Park Psychiatric Hospital	<u>\$26,451,209</u>

Personal Services:

Salaries and wages	(\$19,952,346)
Food in lieu of cash	(86,076)
Materials and Supplies	(4,869,473)
Services Other Than Personal	(541,441)
Maintenance and Fixed Charges	(393,535)

Special Purpose:

Family care	(61,938)
Computerized menu planning	(38,500)
Compensation awards	(160,400)

Additions, Improvements and Equip- ment	(347,500)
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7720 Trenton Psychiatric Hospital

09-7720 Outpatient and Community Services	\$218,087
10-7720 Inpatient Care and Health Services	17,356,089
99-7720 Management and Administrative Services	9,452,642

Total Appropriation, Trenton Psychiatric Hospital	<u>\$27,026,818</u>
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Personal Services:

Salaries and wages	(\$19,132,909)
Positions transferred from another agency	(649,116)
New positions	(270,000)
Food in lieu of cash	(31,259)
Materials and Supplies	(4,568,956)
Services Other Than Personal	(696,603)
Maintenance and Fixed Charges	(428,011)

Special Purpose:

Family care	(122,364)
Computerized menu planning	(38,500)
Compensation awards	(355,000)

Additions, Improvements and Equip- ment	(734,100)
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7730 Marlboro Psychiatric Hospital

09-7730 Outpatient and Community Services	\$316,668
10-7730 Inpatient Care and Health Services	11,835,448
99-7730 Management and Administrative Services	6,754,911

Total Appropriation, Marlboro Psychiatric Hospital	<u>\$18,907,027</u>
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Personal Services:

Salaries and wages	(\$14,326,187)
Food in lieu of cash	(31,264)
Materials and Supplies	(2,883,125)
Services Other Than Personal	(565,717)
Maintenance and Fixed Charges	(226,516)

Special Purpose:

Family care	(134,568)
Vocational rehabilitation training program	(88,000)
Computerized menu planning	(15,000)
Compensation awards	(308,000)
Additions, Improvements and Equip- ment	(328,650)

7740 Ancora Psychiatric Hospital

09-7740 Outpatient and Community Services	\$344,290
10-7740 Inpatient Care and Health Services	13,417,830
99-7740 Management and Administrative Services	7,320,986

Total Appropriation, Ancora Psychiatric
Hospital

\$21,083,106

Personal Services:

Salaries and wages	(\$15,694,976)
Positions transferred from other agencies	(465,210)
Food in lieu of cash	(39,253)
Materials and Supplies	(3,388,291)
Services Other Than Personal	(715,285)
Maintenance and Fixed Charges	(233,490)

Special Purpose:

Family care	(122,342)
Computerized menu planning	(15,000)
Compensation awards	(170,970)
Additions, Improvements and Equip- ment	(238,289)

7750 Arthur Brisbane Child Treatment Center

10-7750	Inpatient Care and Health Services	\$1,420,955
99-7750	Management and Administrative Services	458,414

Total Appropriation, Arthur Brisbane Child Treatment Center		\$1,879,369
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Personal Services:

Salaries and wages	(\$1,027,054)
Positions transferred from another agency	(536,769)
Food in lieu of cash	(3,661)
Materials and Supplies	(204,787)
Services Other Than Personal	(38,718)
Maintenance and Fixed Charges	(27,230)

Special Purpose:

Compensation awards	(2,750)
Additions, Improvements and Equipment	(38,400)

7760 Glen Gardner Center for Geriatrics

10-7760	Inpatient Care and Health Services	\$2,221,440
99-7760	Management and Administrative Services	1,817,040

Total Appropriation, Glen Gardner Center for Geriatrics		\$4,038,480
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Personal Services:

Salaries and wages	(\$2,332,237)
Positions transferred from another agency	(424,422)
Food in lieu of cash	(8,748)
Materials and Supplies	(960,116)
Services Other Than Personal	(119,311)
Maintenance and Fixed Charges	(65,856)

Special Purpose:

Computerized menu planning	(38,500)
Compensation awards	(5,030)
Additions, Improvements and Equipment	(84,260)

Division of Mental Health and Hospitals

Receipts representing the Federal share of reimbursements to institutions for the mentally ill for expenses under the Medicaid program for persons between 21 and 64 are hereby appropriated, subject to approval of the Director of the Division of Budget and Accounting, to the several institutions and programs in the Division of Mental Health and Hospitals for regaining and maintaining accreditation at the several State psychiatric hospitals.

*24 Special Health Services**7540 Division of Medical Assistance and Health Services*

21-7540	Health Services Administration	\$6,122,199
22-7540	General Medical Services	347,954,000
24-7540	Pharmaceutical Assistance to the Aged ..	41,934,054
99-7540	Management and Administrative Services	3,946,008

Total Appropriation, Division of Medical Assistance and Health Services	\$399,956,261
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Personal Services:

Salaries and wages	(\$3,048,406)
Positions established from lump sum appropriation	(501,984)
Materials and Supplies	(91,680)
Services Other Than Personal	(1,010,193)
Maintenance and Fixed Charges	(89,012)

Special Purpose:

Payments to fiscal agents	(4,140,000)
Eligibility determination	(862,400)
Payments for medical assistance recipients (State share)	(347,954,000)
Payments to fiscal agents (PAA) ..	(2,213,000)
Pharmaceutical assistance for the aged—claims	(38,813,440)
Criminal justice fraud and abuse program	(410,000)
Health facilities rate setting	(345,746)
Expanded quality control	(74,000)

County welfare agency medical transportation	(245,000)
Health facilities inspections	(110,000)
Compensation awards	(13,400)
Additions, Improvements and Equipment	(34,000)

All funds recovered under C30:4D-1 et seq., during the fiscal year ending June 30, 1981 are hereby appropriated.

The amounts hereinabove for Payments for medical assistance recipients and Pharmaceutical assistance to the aged shall be 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 hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Mental Retardation

01-7600	Purchased Residential Care	\$6,910,040
02-7600	Social Supervision and Consultation	1,399,145
03-7600	Adult Activities	2,028,397*
04-7600	Education and Day Training	3,268,529
99-7600	Management and Administrative Services	2,239,816
Total Appropriation, Division of Mental Retardation		<u>\$15,845,927*</u>

Personal Services:

Salaries and wages	(\$2,772,942)
Materials and Supplies	(647,309)
Services Other Than Personal	(284,703)
Maintenance and Fixed Charges	(1,364,501)

Special Purpose:

Family care	(210,105)
Homemaker services (State share) (	134,619)
Adult activities	(242,739*)
Foster grandparents program (State share)	(249,099)
Developmental disabilities services (	228,959)
Dental program for non-institutionalized mentally retarded and handicapped children	(102,999)
Patient employees	(317,999)
Social services (State share)	(1,245,462)
Compensation awards	(640,440)

Grants:

Purchase of residential care	(5,960,333)
Skill development homes	(529,999)
Purchase of day training services ..	(913,719)

The sum hereinabove for Purchase of residential care shall be available for the payment of obligations applicable to prior fiscal years.

None of the funds for Developmental disability services shall be expended without non-State matching funds.

The Division of Mental Retardation is hereby authorized to transfer funds from the Dental program for non-institutionalized mentally retarded and handicapped children account to the Division of Medical Assistance, 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 mentally retarded and handicapped children may be committed for the program's support during the subsequent fiscal year, rather than for expansion.

Of the amount hereinabove for the Division of Mental Retardation, not less than \$93,000 shall be allocated to Middlesex County Resources for the Mentally Handicapped.

7620 Vineland State School

05-7620	Residential Care and Habilitation	\$8,500,737
06-7620	Health Services	2,774,965
07-7620	Education and Training	363,444
99-7620	Management and Administrative Services	7,464,876

Total Appropriation, Vineland State School	\$19,104,022
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Personal Services:

Salaries and wages	(\$14,344,424)
Food in lieu of cash	(23,133)
Materials and Supplies	(4,020,216)
Services Other Than Personal	(534,108)
Maintenance and Fixed Charges	(143,641)

Special Purpose:

Computerized menu planning	(38,500)
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7630 North Jersey Training School at Totowa

05-7630	Residential Care and Habilitation	\$4,125,249
06-7630	Health Services	1,090,932
07-7630	Education and Training	239,834
99-7630	Management and Administrative Services	3,802,975

Total Appropriation, North Jersey Training School at Totowa	\$9,258,990
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Personal Services:

Salaries and wages	(\$7,057,653)
Food in lieu of cash	(12,149)
Materials and Supplies	(1,751,511)
Services Other Than Personal	(339,651)
Maintenance and Fixed Charges	(98,026)

7640 Woodbine State School

05-7640	Residential Care and Habilitation	\$5,207,530
06-7640	Health Services	1,373,839
07-7640	Education and Training	91,259
99-7640	Management and Administrative Services	4,172,800

Total Appropriation, Woodbine State School	\$10,845,428
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Personal Services:

Salaries and wages	(\$8,279,787)
Food in lieu of cash	(21,526)
Materials and Supplies	(2,283,760)
Services Other Than Personal	(108,323)
Maintenance and Fixed Charges	(113,532)

Special Purpose:

Computerized menu planning	(38,500)
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7650 New Lisbon State School

05-7650 Residential Care and Habilitation	\$4,267,835
06-7650 Health Services	918,065
07-7650 Education and Training	319,160
99-7650 Management and Administrative Services	4,126,394

Total Appropriation, New Lisbon State
School

\$9,631,454

Personal Services:

Salaries and wages	(\$7,045,562)
Food in lieu of cash	(11,502)
Materials and Supplies	(2,188,621)
Services Other Than Personal	(237,334)
Maintenance and Fixed Charges	(133,435)

Special Purpose:

Computerized menu planning	(15,000)
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7660 Woodbridge State School

05-7660 Residential Care and Habilitation	\$5,102,902
06-7660 Health Services	2,029,888
07-7660 Education and Training	145,813
99-7660 Management and Administrative Services	4,493,610

Total Appropriation, Woodbridge State
School

\$11,772,213

Personal Services:

Salaries and wages	(\$8,682,072)
Positions transferred from another agency	(46,992)
Food in lieu of cash	(9,720)
Materials and Supplies	(2,579,519)
Services Other Than Personal	(282,934)
Maintenance and Fixed Charges	(170,976)

7670 Hunterdon State School

05-7670	Residential Care and Habilitation	\$5,418,966
06-7670	Health Services	2,334,243
07-7670	Education and Training	137,219
99-7670	Management and Administrative Services	5,046,467

Total Appropriation, Hunterdon State School	<u>\$12,936,895</u>
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Personal Services:

Salaries and wages	(\$9,522,775)
Food in lieu of cash	(1,134)
Materials and Supplies	(2,723,105)
Services Other Than Personal	(501,749)
Maintenance and Fixed Charges	(149,632)

Special Purpose:

Computerized menu planning	(38,500)
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7680 Edward R. Johnstone Training and Research Center

05-7680	Residential Care and Habilitation	\$2,000,488
06-7680	Health Services	381,154
07-7680	Education and Training	397,046
25-7680	Research	186,252
99-7680	Management and Administrative Services	2,303,477

Total Appropriation, Edward R. Johnstone Training and Research Center	<u>\$5,268,417</u>
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Personal Services:

Salaries and wages	(\$4,098,283)
Food in lieu of cash	(10,579)
Materials and Supplies	(965,282)
Services Other Than Personal	(84,001)
Maintenance and Fixed Charges	(70,272)
Additions, Improvements and Equipment	(40,000)

7690 New Jersey Neuropsychiatric Institute

05-7690	Residential Care and Habilitation	\$4,097,867
06-7690	Health Services	1,635,578
07-7690	Education and Training	22,433
99-7690	Management and Administrative Services	3,998,929

Total Appropriation, New Jersey Neuropsychiatric Institute	<u>\$9,754,807</u>
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Personal Services:

Salaries and wages	(\$7,320,652)
Food in lieu of cash	(13,261)
Materials and Supplies	(1,968,391)
Services Other Than Personal	(308,217)
Maintenance and Fixed Charges	(105,786)

Special Purpose:

Computerized menu planning	(38,500)
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Division of Mental Retardation

Receipts representing reimbursements to the institutions for the mentally retarded and the Purchased residential care program for eligible expenses under the Intermediate care facility—Mental retardation (ICF-MR) program are hereby appropriated, as the Director of the Division of Budget and Accounting shall determine, to the Division of Mental Retardation for allocation to the several institutions included within that Division and for other related program and administrative costs required to meet compliance plan commitments so as to enable the continuance of the reimbursements and to qualify additional institutional and purchased residential care facilities for the ICF-MR program.

*33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired*

11-7560	Habilitation and Rehabilitation	\$1,922,960
12-7560	Instruction and Community Programs ..	1,939,193
99-7560	Management and Administrative Services	297,456

Total Appropriation, Commission for the Blind and Visually Impaired	\$4,159,609
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Personal Services:

Salaries and wages	(\$2,063,087)
Materials and Supplies	(62,599)
Services Other Than Personal	(180,862)
Maintenance and Fixed Charges	(47,561)

Special Purpose:

Services to Rehabilitation Clients . .	(700,000)
Educational Services for Children . .	(1,100,000)
Compensation awards	(1,100)
Additions, Improvements and Equip- ment	(4,400)

In addition to the amount hereinabove, recoveries of the State share of expenditures made in the year ending June 30, 1981, and those made in prior fiscal years, are hereby appropriated.

*Economic Planning, Development and Security**53 Economic Assistance and Security**7550 Division of Public Welfare*

13-7550	Fiscal Control	\$2,045,039
14-7550	Quality Control	933,610
15-7550	Income Maintenance	1,282,371
99-7550	Management and Administrative Services	2,552,808
Total Appropriation, Division of Public Welfare		<u>\$6,813,828</u>

Personal Services:

Salaries and wages	(\$3,754,455)
Materials and Supplies	(48,981)
Services Other Than Personal	(1,327,278)
Maintenance and Fixed Charges	(246,325)

Special Purpose:

Development and implementation of income maintenance information system	(1,434,289)
Additions, Improvements and Equip- ment	(2,500)

The unexpended balance as of June 30, 1980 in the Development and implementation of income maintenance information system account is hereby appropriated.

Receipts derived from counties and local governments for data processing services, in addition to the unexpended balances of such receipts, as of June 30, 1980 are hereby appropriated.

The Commissioner of Human Services, in cooperation with the Director of the Administrative Office of the Courts, shall report to the Joint Appropriations Committee, by October 1, 1980, as to the specific problems confronting the Child support enforcement program and the legislative actions needed to improve the program's operation and collect arrearages. Such report shall also examine the financial feasibility of having the Division of Taxation withhold gross income tax refunds to individuals who the Director of Public Welfare certifies is in arrears in child support payments.

55 Related Social Services Programs

7570 Division of Youth and Family Services

16-7570	Community Family Services	\$4,552,694
17-7570	Residential Services	5,113,919
18-7570	Social Services	15,790,078
99-7570	Management and Administrative Services	3,726,826
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Total Appropriation, Division of Youth and Family Services		\$29,183,517
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Personal Services:

Salaries and wages	(\$16,061,757)
Food in lieu of cash	(6,156)
Materials and Supplies	(444,278)
Services Other Than Personal	(1,640,353)
Maintenance and Fixed Charges	(704,625)

Special Purpose:

Community day care (State share) .	(4,052,694)
Facilities for autistic children	(275,760)
Youth facilities aid program	(362,360)
Expanded social services	(3,200,000)
Implementation of judicial deter-	
minations	(1,000,000)
Social service initiative	(318,000)
Adoption services for institutional	
children	(160,000)
Contract auditing	(300,000)

Compensation awards	(6,534)
Work incentive program (State share)	(500,000)
Shelters for battered women	(131,000)

Grants:

Grant to Providence House	(20,000)
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The amount hereinabove for Community Day Care (State share) shall be made available on the basis of up to 100% funding of the non-Federal share to those centers in which either the State financed the non-Federal share, or were State operated in fiscal year 1979-80, and on the basis of up to 30% of the non-Federal share for other centers providing community day care services under contract with the Department of Human Services.

*Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

99-7500 Management and Administrative Services	\$4,883,479*
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Total Appropriation, Division of Management and Budget	\$4,883,479*
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Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(2,974,300)
Positions transferred from other agencies	(46,617)
Materials and Supplies	(43,873)
Services Other Than Personal	(780,029)
Maintenance and Fixed Charges	(108,160)

Special Purpose:

Information systems development ..	(150,000)
Nursing scholarship program	(270,000)
Retroactive cost studies and claims ..	(75,000)
Computerized menu planning	(40,000)
Crisis intervention/patient rights staff training program	(360,000)
Administration of school programs (C18:75B-1 et seq.)	(85,000)
Compensation awards	(8,500)

Additions, Improvements and Equip-
ment (66,000)

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Human Services Data Center from the various appropriations made to any department for data processing costs which are appropriated or allocated to such departments for their share of such costs.

Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

19-7520 Management and Field Services \$698,257

Total Appropriation, Division of Veterans'
Services \$698,257

Personal Services:

Salaries and wages (\$391,160)
Materials and Supplies (4,150)
Services Other Than Personal (12,847)
Maintenance and Fixed Charges (10,100)

Grants:

Veterans' orphans fund, education
grants (50,000)
Blind orphans' allowances (60,000)
Paraplegic and hemiplegic veterans'
allowances (170,000)

*7525 New Jersey Memorial Home for Disabled Soldiers
at Menlo Park*

20-7525 Domiciliary and Treatment Services \$2,938,707

99-7525 Management and Administrative Services 1,554,501

Total Appropriation, New Jersey Memorial
Home for Disabled Soldiers at Menlo Park \$4,493,208

Personal Services:

Salaries and wages	(\$3,499,411)
Food in lieu of cash	(10,720)
Materials and Supplies	(756,617)
Services Other Than Personal	(119,210)
Maintenance and Fixed Charges	(33,250)

Special Purpose:

Computerized menu planning	(15,000)
Compensation awards	(25,000)

Additions, Improvements and Equip-

ment	(34,000)
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None of the amount hereinabove for the New Jersey Memorial Home for Disabled Soldiers at Menlo Park shall be expended for cleaning and food services provided by inmates from the State Prison, Rahway.

*7530 New Jersey Memorial Home for Disabled Soldiers
at Vineland*

20-7530 Domiciliary and Treatment Services	\$3,009,975
99-7530 Management and Administrative Services	1,697,839

Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Vineland ..	<u>\$4,707,814</u>
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Personal Services:

Salaries and wages	(\$3,684,749)
Food in lieu of cash	(9,396)
Materials and Supplies	(819,896)
Services Other Than Personal	(103,223)
Maintenance and Fixed Charges	(35,550)

Special Purpose:

Computerized menu planning	(15,000)
Compensation awards	(20,000)

Additions, Improvements and Equip-

ment	(20,000)
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Total Appropriation, Department of Human Services	<u><u>\$678,075,539*</u></u>
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Balances on hand as of June 30, 1980 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are hereby appropriated for the use of such patients.

Revenues representing additional receipts to the General Fund from charges to Residents trust accounts for maintenance costs are hereby appropriated for use as Personal needs allowances for patients/residents who have no other source of funds for such purposes; provided, however, that the allowance shall not exceed \$25 per month for any eligible resident of an institution; and provided, further, that the total amount herein for such allowances shall not exceed \$854,000.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are hereby appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

The unexpended balances as of June 30, 1980 of funds received by the several institutions representing rental of garages, and such funds as may be received during fiscal year 1980-81, are hereby appropriated for the repair and maintenance of existing garages and for construction of additional garages by such institutions.

So much of the sums received by the various State institutions from payments which represent the State share of medical assistance, not otherwise anticipated for skilled nursing facilities, are hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments for the State share of medical assistance (C30:4D-1 et seq.).

The annual State plan for implementing Title XX of the Social Security Act shall be submitted to the Legislature at least 120 days prior to its implementation date.

Of the amount hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule below shall first be charged to the State Lottery Fund:

Operation of State psychiatric hospitals	(\$25,286,009)
Operation of schools for the mentally retarded	(46,672,226)
Operation of homes for disabled veterans	(5,745,739)

DEPARTMENT OF INSURANCE

*Economic Planning, Development and Security**52 Economic Regulation*

01-3110	Licensing and Enforcement	\$1,279,457
02-3120	Actuarial Services	1,194,104
03-3130	Regulation of the Real Estate Industry ..	693,356
99-3150	Management and Administrative Services	1,652,378

Total Appropriation, Economic Regulation .	<u>\$4,819,295</u>
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Personal Services:

Commissioner	(\$56,000)
Real Estate Commissioners (7 @ \$7,000)	(49,000)
Salaries and wages	(3,837,106)
New positions	(42,367)
Materials and Supplies	(121,000)
Services Other Than Personal	(633,972)
Maintenance and Fixed Charges	(34,300)

Special Purpose:

Compensation awards	(20,000)
Additions, Improvements and Equipment	(25,550)

There are hereby appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

The unexpended balance as of June 30, 1980, in the account Life and Health Insurance Policy Language Simplification Act (PL 1979, c. 167) is hereby appropriated for the same purpose.

Receipts from the investigation of out-of-State land sales are hereby appropriated for the conduct of such investigations.

A sum, not to exceed \$250,000, is hereby appropriated from receipts to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners (C17:24-13).

Receipts derived from fines and penalties, in excess of \$40,000, are hereby appropriated to the Department for the sole purpose of defraying the cost of conducting investigations.

Total Appropriation, Department of Insurance	<u><u>\$4,819,295</u></u>
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DEPARTMENT OF LABOR AND INDUSTRY

Economic Planning, Development and Security

51 Economic Planning and Development

18-4570	Planning and Research	\$524,204
20-4590	Economic Expansion and Growth	3,414,736
24-4591	Travel and Tourism	1,355,000
99-4565	Management and Administrative Services	676,899

Total Appropriation, Economic Planning and Development	<u><u>\$5,970,839</u></u>
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Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(1,859,378)
Materials and Supplies	(66,500)
Services Other Than Personal	(756,711)
Maintenance and Fixed Charges	(59,975)

Special Purpose:

Statistical reporting (State share) . (	44,075)
Census information center . . . . . (	99,500)
Office of technical innovations . . . . (	190,000)
State office, World Trade Center . . . (	27,000)
Jobs transportation . . . . . (	200,000)
New Jersey motion picture and tele- vision development commission . . (	229,000)
Economic development assistance act of 1966 . . . . . (	100,000)
International trade promotion . . . . (	424,700)
Travel and tourism promotion (1,355,000)

Grants:

Customized training (500,000)
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Additions, Improvements and Equip-

ment (3,000)
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The amounts hereinabove for Economic expansion and growth and Travel and tourism program classifications are hereby appropriated out of the Unemployment Compensation Auxiliary Fund.

The unexpended balance as of June 30, 1980 in the Economic expansion and growth and Travel and tourism program classifications are hereby appropriated.

*

There are hereby appropriated as a revolving fund, the receipts derived from services rendered by the Public Services Data Processing Center, and the unexpended balance of such receipts, as of June 30, 1980, for the purpose of operating the Public Services Data Processing Center, including replacement of and purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Public Services Data Processing Center, from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

52 Economic Regulation

11-4550	Promulgation and Licensing of Workplace Standards	\$438,407
12-4550	Enforcement of Workplace Standards ..	2,547,965
Total Appropriation, Economic Regulation ..		<u>\$2,986,372</u>

Personal Services:

Salaries and wages	(\$2,400,559)
Materials and Supplies	(37,250)
Services Other Than Personal	(293,031)
Maintenance and Fixed Charges	(96,430)

Special Purpose:

Carnival amusement ride safety advisory board	(1,650)
On-site consultation (State share) ..	(95,000)
Mine safety training act (State share)	(36,920)
Compensation awards	(8,632)
Additions, Improvements and Equipment	(16,900)

There are hereby appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

Receipts in excess of those anticipated from fees charged by the Division of Workplace Standards are hereby appropriated.

53 Economic Assistance and Security

01-4510	Unemployment Insurance	\$360,000
03-4520	State Disability Insurance Plan	3,730,586
04-4520	Private Disability Insurance Plan	1,513,362
05-4525	Workers' Compensation	3,040,421
06-4530	Special Compensation Fund	710,833
Total Appropriation, Economic Assistance and Security		<u>\$9,355,202</u>

Personal Services:

Salaries and wages	(\$7,285,518)
Materials and Supplies	(189,407)
Services Other Than Personal	(1,170,371)
Maintenance and Fixed Charges	(317,706)

Special Purpose:

Implementation of Wage Reporting Act (S-285)	(360,000)
Compensation awards	(25,000)
Additions, Improvements and Equip- ment	(7,200)

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 hereby 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.

Notwithstanding the \$12,500 limitation (RS 34:15-95), the amount hereinabove for Special Compensation Fund shall be payable out of such Fund and, in addition to the amounts hereinabove, there are hereby 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 hereby empowered and 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, 1980 (RS 34:15-94).

54 Manpower and Employment Services

07-4535	Vocational Rehabilitation Services	\$6,923,452*
08-4540	Work Incentive Program	722,000
16-4555	Public Sector Labor Relations	1,292,023
17-4560	Private Sector Labor Relations	324,755
23-4538	Services for the Deaf	184,299
Total Appropriation, Manpower and Em- ployment Services		<u>\$9,446,529*</u>

Personal Services:

Board members (7)	(\$10,500)
Salaries and wages	(2,581,993)
Materials and Supplies	(36,900)
Services Other Than Personal	(443,486)
Maintenance and Fixed Charges	(27,650)

Special Purpose:

Services to clients (State share) ...	(2,595,000)
Sheltered workshop support (State share)	(2,975,000)
Work incentive program (State share)	(722,000)
Expansion grants (State share) ...	(*)
Services to deaf clients	(35,000)
Advisory council on the deaf	(1,500)
Additions, Improvements and Equipment	(17,500)

The sum hereinabove for the Vocational rehabilitation services program classification shall be available for the payment of obligations applicable to prior fiscal years.

The unexpended balance as of June 30, 1980 in this account is hereby appropriated; provided, however, that the unexpended balance for the vocational rehabilitation services program classification shall not exceed \$300,000.

The amount provided hereinabove for Sheltered workshop support (State share) shall be reduced, as the Director of the Division of Budget and Accounting shall determine, by the amount of Federal funds made available for such program.

The amount hereinabove for the Work incentive program is hereby appropriated out of the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of C34:13A-1 et seq., the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

Of the sum provided for Public sector, an amount of \$48,000 shall be provided for the annual salary of the Chairman of the Public Employee Relations Commission.

Total Appropriation, Department of Labor and Industry	\$27,758,942*
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DEPARTMENT OF LAW AND PUBLIC SAFETY

*Public Safety and Criminal Justice**11 Vehicular Safety*

01-1110	Licensing and Registration	\$11,178,371
02-1110	Vehicle Control	12,379,520
03-1110	Driver Control	3,721,823
04-1140	Security Responsibility	2,955,580
05-1150	Unsatisfied Claims	306,020
99-1110	Management and Administrative Services	3,599,472

Total Appropriation, Vehicular Safety	\$34,140,786
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Personal Services:

Salaries and wages	(\$21,719,601)
Positions established from lump sum appropriation	(58,266)
Materials and Supplies	(3,100,470)
Services Other Than Personal	(6,213,605)
Maintenance and Fixed Charges	(473,514)

Special Purpose:

Vehicle reinspection program	(497,898)
Transfer to an applicant State de- partment for State share of cost of highway safety projects which qualify for no less than 70% Federal government matching ...	(120,000)
System evaluation and improvement	(1,000,000)
Implement revisions to motor vehicle statutes recommended by motor vehicle study commission	(500,000)
Compensation awards	(77,272)
Additions, Improvements and Equip- ment	(380,160)

In addition to the amounts hereinabove, there are hereby appropriated from driver license and motor vehicle fees such sums as may be necessary to defray the cost of registering motor vehicles and licensing drivers (RS 39:3-3 and RS 39:10-25).

The unexpended balance as of June 30, 1980, in the account Implement color photograph driver license program (PL 1979, c. 262) is hereby appropriated for the same purpose.

The unexpended balance in the Transfer to an applicant State department for the State share of the cost of highway safety projects account as of June 30, 1980 is hereby appropriated for such projects.

The amount hereinabove to Security Responsibility for the cost of administering the Motor Vehicle Security Responsibility law shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State (C39:6-58), and any receipts in excess of the amount hereinabove, are hereby appropriated to defray additional cost of administration of the Security Responsibility program.

The amount hereinabove for Unsatisfied Claims is hereby appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are hereby appropriated out of such Fund additional sums as may be necessary for the payment of claims (C39:6-67), and for such additional costs as may be required to administer the program (C39:6-62 et seq.).

Such additional sums as may be necessary for the implementation of PL 1977, c. 23 through 29, not to exceed \$700,000, are hereby appropriated from receipts pursuant to such chapters.

The unexpended balance as of June 30, 1980 in the System evaluation and improvement account is hereby appropriated for the same purpose.

*

Receipts derived pursuant to PL 1979, c. 262, with respect to motor vehicle driver licenses with color photographs are hereby appropriated to defray the cost of operation.

12 Law Enforcement

06-1200	Patrol Activities and Crime Control	\$37,091,467
07-1200	Police Services and Public Order	7,594,983
08-1200	Emergency Services	426,801
09-1020	Criminal Justice	5,321,791
10-1040	Police Training Commission	515,620
11-1050	State Medical Examiner	662,173
23-1200	State Capitol Complex Security	1,925,631
99-1200	Management and Administrative Services	10,643,559
Total Appropriation, Law Enforcement		<u>\$64,182,025</u>

Personal Services:

Salaries and wages	(\$44,232,853)
Positions converted (45)	(656,094)
Cash in lieu of maintenance	(4,642,895)
Materials and Supplies	(4,311,291)
Services Other Than Personal	(4,316,176)
Maintenance and Fixed Charges	(1,338,505)

Special Purpose:

Office of State Fire Marshal	(163,500)
Data reduction and fingerprint back- log processing	(393,200)
Hammonton Training School	(8,000)
Expenses of State Grand Jury	(135,000)
Supplementary security coverage, State Capitol Complex	(839,346)
State police recruit training	(645,000)
Management improvement	(40,000)
Compensation awards	(200,000)
Additions, Improvements and Equip- ment	(2,260,165)

The Governor is hereby empowered to direct the State Treasurer to transfer from any State department to this Department such sums as may be necessary for the cost of any emergency occa-

sioned by aggression, civil disturbance, sabotage, disaster or for flood loss expenses for State-owned structures to comply with Federal insurance administration requirements.

Such sums as may be necessary are hereby appropriated from the Special Fund for Civil Defense volunteers (C. App. A :9-57.1 et seq.).

The unexpended balance as of June 30, 1980, in the Expenses of State Grand Jury account is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1980, in the revolving fund established under the New Jersey Antitrust Act (C56:9-1 et seq.) is hereby appropriated for the administration of the Act; provided, however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are hereby appropriated out of the General Fund such additional amounts as may be required to carry out the provisions of the New Jersey Antitrust Act; provided, however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1980, in Patrol activities and crime control, Police services and public order, State Capitol Complex security and Management and administrative services program classifications are hereby appropriated for State police recruit training.

In addition to the amounts hereinabove to the Division of State Police, there are hereby appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality or public authority for direct and indirect costs of all State police services furnished thereto, except as to such cost for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the

Division of Budget and Accounting shall determine; provided, however, that payments from such instrumentalities or authorities for employer contributions to the State Police Retirement System shall not be appropriated and shall be paid into the General Fund.

13 Special Law Enforcement Activities

17-1420	Election Law Enforcement	\$571,797
18-1430	Law Enforcement Planning	349,853
20-1450	Review and Enforcement of Ethical Standards	87,789
21-1400	Regulation of Alcoholic Beverages	876,448
22-1410	Regulation of Racing Activities	1,233,326
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Total Appropriation, Special Law Enforcement Activities		<hr/> \$3,119,213 <hr/>

Personal Services:

Salaries and wages	(\$2,148,425)
Materials and Supplies	(86,540)
Services Other Than Personal	(413,564)
Maintenance and Fixed Charges	(21,960)

Special Purpose:

Implementation of judicial decision on filing annual financial reports .	(70,047)
Payment to members of the Election Law Enforcement Commission, per diem amount of \$200 for each Commission meeting day attended	(24,000)
Administration of SLEPA	(257,862)
Juvenile justice grant	(91,935)
Compensation awards	(3,080)
Additions, Improvements and Equip- ment	(1,800)

The unexpended balance as of June 30, 1980 for Law Enforcement Planning is hereby appropriated for the same purposes.

The amounts hereinabove for Discretionary grants and Juvenile justice grants are available for

transfer to an applicant State department with the approval of the Director of the Division of Budget and Accounting for the State share of State Law Enforcement Planning Agency programs for which matching Federal funds are approved.

Receipts from the Race track admission tax (C5:5-64), and the unexpended balance of such receipts, as of June 30, 1980, are hereby appropriated for use as provided by law.

19 Central Planning, Direction and Management

99-1000	Management and Administrative Services	\$927,979
Total Appropriation, Central Planning, Direction and Management		<hr/> \$927,979 <hr/>

Personal Services:

Attorney General	(\$56,000)
Salaries and wages	(591,654)
Positions transferred from other	
Statewide programs	(148,540)
Materials and Supplies	(33,000)
Services Other Than Personal	(59,435)
Maintenance and Fixed Charges	(39,350)

There are hereby appropriated out of the Veterans' Guaranteed Loan Fund (C38:23B-1) such sums as may be necessary to pay for the administration thereof.

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the Criminal Justice Data Processing Center, and the unexpended balance of such receipts as of June 30, 1980, for the purpose of operating the Criminal Justice Data Processing Center revolving fund, including the replacement of data processing equipment and the purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Criminal Justice Data Processing Center revolving fund from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

Government Direction, Management and Control

74 General Government Services

12-1010	Legal Services	\$5,659,571
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Total Appropriation, General Government Services	\$5,659,571
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Personal Services:

Salaries and wages	(\$5,023,507)
Materials and Supplies	(173,150)
Services Other Than Personal	(332,808)
Maintenance and Fixed Charges	(67,851)

Special Purpose:

Compensation awards	(14,200)
Additions, Improvements and Equipment	(48,055)

Special Government Services

82 Protection of Citizens' Rights

14-1310	Consumer Affairs	\$2,182,186
15-1320		
through		
15-1338	Operation of State Professional Boards ..	3,415,337
16-1350	Protection of Civil Rights	1,676,362
19-1440	Violent Crimes Compensation	2,233,774

Total Appropriation, Protection of Citizens' Rights	\$9,507,659
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Personal Services:

Salaries and wages	(\$4,571,531)
Positions established from lump sum appropriation	(128,636)
Materials and Supplies	(188,788)
Services Other Than Personal	(2,102,033)
Maintenance and Fixed Charges	(442,306)

Special Purpose:

Consumer education project	(14,100)
Hearing Aid Dispensers Examining Committee	(2,000)
Claims—Victims of Violent Crimes	(1,990,900)
Compensation awards	(12,000)
Additions, Improvements and Equip- ment	(55,365)

Receipts derived from the assessment and recovery of costs of hearings conducted, pursuant to the Consumer Fraud Act, are hereby appropriated for such purpose.

Of the sum hereinabove for Consumer Affairs, the annual salary of the State Athletic Commissioner shall not exceed \$10,000.

The amount hereinabove for each of the several State professional boards shall be provided from receipts of such boards and any receipts in excess of the amount specifically provided to each of said boards are hereby appropriated; provided, however, that the appropriation of excess receipts shall not apply to the State Board of Beauty Culture Control and to the State Board of Barber Examiners.

In presenting his budget recommendations for the 1982 fiscal year, the Governor shall set forth the budget totals for the operation of each of the professional boards.

The sum hereinabove for Claims—Victims of violent crimes shall be available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from penalties collected pursuant to PL 1979, c. 396, are hereby appropriated to the Violent Crimes Compensation Board for satisfying claims filed (C52:4B-1 et seq.). Of these receipts, not more than \$120,000 may be utilized for expenses associated with settling claims.

Of the amount hereinabove for Claims—Victims of violent crimes, not more than \$50,000 shall be utilized for expenses associated with settling claims.

Total Appropriation, Department of Law and Public Safety	\$117,537,233
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DEPARTMENT OF THE PUBLIC ADVOCATE

Government Direction, Management and Control

76 Management and Administration

99-8470	Management and Administrative Services	\$697,044
99-8480	Management and Administrative Services —Commissioner's Office	327,565

Total Appropriation, Management and Administration	\$1,024,609
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Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(669,974)
Positions transferred from other	
Statewide programs	(30,202)
Positions converted	(133,333)
Materials and Supplies	(34,770)
Services Other Than Personal	(51,565)
Maintenance and Fixed Charges	(48,765)

Special Government Services

82 Protection of Citizens' Rights

01-8310	Mental Health Advocacy	\$1,127,284*
02-8320	Public Interest Advocacy	450,836
03-8330	Citizens' Complaints and Dispute Settlement	579,201

04-8410	Trial Services to Indigents	12,218,936
05-8420	Appellate Services to Indigents	2,058,003
06-8430	Administration and Special Programs ...	699,789

Total Appropriation, Protection of Citizens' Rights	<u>\$17,134,049*</u>
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Personal Services:

Salaries and wages	(\$12,206,993)
Positions transferred from another	
Statewide program	(57,697)
Positions converted	(363,002)
Materials and Supplies	(257,895)
Services Other Than Personal	(3,832,627)
Maintenance and Fixed Charges	(190,235)

Special Purpose:

Advocacy for developmentally disabled	(100,000)
Child abuse representation (State share)	(88,800)
Establishment of Bergen and Passaic regional offices	(*)
Additions, Improvements and Equipment	(36,800)

The unexpended balance as of June 30, 1980 in the Rate Counsel program classification, and receipts, are hereby appropriated as a revolving fund for the purpose of defraying the costs of operation of the Rate Counsel activity and 20% of the Departmental administrative costs.

The unexpended balance as of June 30, 1980 in the Receipts from clients account, and any receipts collected, are hereby appropriated.

The sum hereinabove for legal and investigative services shall be available for payment of obligations applicable to prior fiscal years.

Total Appropriation, Department of the Public Advocate	<u>\$18,158,658*</u>
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DEPARTMENT OF STATE

*Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

02-2510	Support of the Arts	\$2,983,138
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Total Appropriation, Cultural and Intellectual Development Services		\$2,983,138
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Personal Services :

Salaries and wages	(\$88,425)
Position transferred from another Statewide program	(15,963)
Materials and Supplies	(5,650)
Services Other Than Personal	(18,600)
Maintenance and Fixed Charges	(2,150)

Special Purpose :

Cultural projects	(2,500,000)
Council member expenses	(1,500)
Paper Mill Playhouse	(350,000)
Additions, Improvements and Equipment	(850)

Of the amount hereinabove for Cultural projects, a sum not to exceed \$50,000 may be used for additional administrative expenses.*

*

The Council on the Arts may require of recipient groups, and in the case of those receiving over \$50,000 shall require, that performances be scheduled in several regional centers of the State.

*Government Direction, Management and Control**74 General Government Services*

01-2505	Commercial and Governmental Records Control	\$2,007,478
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03-2515	Adjudication of Administrative Appeals	2,591,278
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Total Appropriation, General Government Services		\$4,598,756
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Personal Services:

Secretary of State	(\$56,000)
Salaries and wages	(1,249,756)
Materials and Supplies	(90,800)
Services Other Than Personal	(394,100)
Maintenance and Fixed Charges	(19,500)

Special Purpose:

Voter registration	(345,000)
Voter declaration	(4,000)
Office of Administrative Law	(2,419,100)

Additions, Improvements and Equip- ment	(20,500)
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The unexpended balance as of June 30, 1980 in the Examination of voting machines account, and any additional receipts derived from the examination of voting machines by the Secretary of State, are hereby appropriated for the costs of making such examinations.

Of the amount hereinabove for Adjudication of administrative appeals, an amount of \$48,000 is hereby provided for the salary of the Director of the Office of Administrative Law.

Receipts * from charges made for services by the Office of Administrative Law are hereby appropriated. *

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Office of Administrative Law in this Department from the various appropriations made to any department for service charges appropriated or allocated to such department for their share of such costs.

The unexpended balance as of June 30, 1980 in the Publications preparation account, and any additional receipts, in excess of \$100,000, derived from the sale of publications by the Division of Administrative Procedure, are hereby appropriated for the preparation, printing and distribution of such publications.

Total Appropriation, Department of State ..	\$7,581,894
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DEPARTMENT OF TRANSPORTATION

*Transportation Services**61 State Highway Facilities*

06-6100	Roadway and Bridge Maintenance	\$42,097,727
07-6110	Electrical and Traffic Operations	14,599,784
08-6120	Physical Plant Maintenance	3,788,032
09-6130	Equipment Maintenance and Operations .	17,947,454

Total Appropriation, State Highway Facilities	<u>\$78,432,997</u>
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Personal Services:

Salaries and wages	(\$38,887,031)
Position transferred from another Statewide program	(10,358)
Materials and Supplies	(8,647,458)
Services Other Than Personal	(905,750)
Maintenance and Fixed Charges	(12,888,950)

Special Purpose:

Construction, reconstruction, im- provements or rebuilding of State highways, including resurfacing and major bridge repairs or re- habilitation	(6,000,000)
Improved maintenance of roadways and bridges	(150,000)
Traffic signals, signs, lighting and safety improvements	(1,150,000)
Additions, Improvements and Equip- ment	(9,793,450)

The unexpended balance as of June 30, 1980 in this
account is hereby appropriated.

62 Public Transportation

04-6050	Public Transportation	\$88,421,044
05-6070	Aeronautics	500,658

Total Appropriation, Public Transportation .	<u>\$88,921,702</u>
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Personal Services:

Salaries and wages	(\$387,898)
Materials and Supplies	(12,520)
Services Other Than Personal	(89,120)
Maintenance and Fixed Charges	(10,120)

Special Purpose:

Purchase of transportation services
from the New Jersey Transit
Corporation:

Administration of New Jersey Transit Corporation	(8,721,044)
Passenger service subsidies for rail operations	(46,500,000)
Passenger service subsidies for bus operations	(26,400,000)
Subsidies for motor bus trans- portation services to elderly and handicapped citizens	(5,700,000)
Promotion of public transit ridership	(500,000)
Reimbursement to bus com- panies for student reduced fare program	(600,000)
Additions, Improvements and Equip- ment	(1,000)

The unexpended balance as of June 30, 1980 in
Public transportation program classification is
hereby appropriated.

The Department is directed to develop a formal plan
to ensure uniform promotion of public ridership
throughout New Jersey for the State's integrated
mass transit system.

64 Planning and General Management Support

02-6030 Planning	\$1,710,914
03-6040 Research	827,071
97-6020 Financial Management	3,973,951
98-6010 Employee and Support Services	3,830,309
99-6000 Management and Administrative Services	1,429,335
Total Appropriation, Planning and General Management Support	\$11,771,580

Personal Services:

Commissioner	(\$56,000)
Salaries and wages	(7,394,624)
Positions transferred from another Statewide program	(395,084)
Materials and Supplies	(224,840)
Services Other Than Personal	(2,213,434)
Maintenance and Fixed Charges	(84,800)

Special Purpose:

Comprehensive highway transportation planning studies	(50,600)
Public transportation and aviation planning	(194,200)
Metropolitan planning studies	(181,898)
Compensation awards	(900,000)
Additions, Improvements and Equip- ment	(76,100)

The unexpended balances as of June 30, 1980 in the Planning and Research program classifications are hereby appropriated.

Sums allocated by the Commissioner of Transportation for planning and research in the annual construction program may be transferred to the Planning and Research program classifications for expenditure.

The unexpended balance as of June 30, 1980, and the reimbursements in the Department stock purchase revolving fund for the purchase of materials and supplies required for the operation of the Department, are hereby appropriated.

There are hereby appropriated as a revolving fund, receipts derived from services rendered by the Engineering and Development Data Processing Center for the purpose of operating the Data Processing Center, including the replacement and purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Engineering and Development Data

Processing Center from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

Total Appropriation, Department of Transportation	\$179,126,279
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Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A-1 et seq. (Emergency Transportation Tax Act) as determined by the Director of the Division of Budget and Accounting first shall be charged to the Transportation Fund established in such Act.

DEPARTMENT OF THE TREASURY

Economic Planning, Development and Security

51 Economic Planning and Development

02-2010 Economic Planning and Research	\$121,265
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Total Appropriation, Economic Planning and Development	\$121,265
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Personal Services:

Salaries and wages	(\$95,265)
Materials and Supplies	(12,300)
Services Other Than Personal	(13,400)
Maintenance and Fixed Charges	(300)

Government Direction, Management and Control

72 Governmental Review and Oversight

03-2015 Employee Relations and Collective Negotiations	\$367,928
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05-2030 Budget Planning and Control	1,974,910
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07-2040 Accounting and Fiscal Management	5,115,032
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08-2045 Management of Data Processing and Telecommunications	1,182,031
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18-2110 Financial Regulation and Assistance	535,705
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Total Appropriation, Governmental Review and Oversight	\$9,175,606
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Personal Services :

Salaries and wages	(\$5,946,347)
Positions transferred from another	
Statewide program	(64,411)
New positions	(87,071)
Materials and Supplies	(244,400)
Services Other Than Personal	(2,691,171)
Maintenance and Fixed Charges	(61,630)

Special Purpose :

Federal program policy review	(22,500)
Additions, Improvements and Equip- ment	(58,076)

There are hereby appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

Such sums as may be necessary for administrative expenses incurred by the Bureau of Accounting in processing Federal benefit payments are hereby appropriated from such sums as may be received or receivable for this purpose.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are hereby appropriated for the purposes and from the sources defined in said acts.

There is hereby appropriated from the balances in any funds created to implement the New Jersey State Employees' Deferred Compensation Plan (PL 1978, c. 39) such sums as may be necessary for administration, service costs, investment services, and contractual expenses for administering the New Jersey State Employees' Deferred Compensation Plan.

73 *Financial Administration*

13-2070	Special Procedures and Investigations ..	\$6,622,710
14-2075	Tax Audit Services	10,775,489
15-2080	Processing and Administration	9,500,187
16-2090	Administration of State Lottery	3,607,555
19-2120	Management of State Investments	1,282,589

Total Appropriation, Financial Administration	<u>\$31,788,530</u>
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Personal Services:

Salaries and wages	(\$24,211,916)
Materials and Supplies	(948,200)
Services Other Than Personal	(5,421,534)
Maintenance and Fixed Charges	(800,600)

Special Purpose:

Administrative expenses of corporation tax extensions	(170,000)
Administration of cigarette distributor licensing (PL 1979, c. 481)	(100,000)
Compensation awards	(50,000)
Additions, Improvements and Equipment	(86,280)

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the Cigarette tax act as may be necessary for confiscation, storage, disposal and other related expenses thereof are hereby 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, as amended and supplemented.

Any appropriation herein or heretofore made for administration of the Emergency Transportation Tax Act (C54:8A-1 et seq.) and the Transportation Benefits Tax Act (C54:8A-58 et seq.) first shall be charged to the Transportation Fund

or the Transportation Benefits Fund, respectively, established in said acts and, in addition thereto, such sums as may be necessary for additional expenses of administration of said acts are hereby appropriated from the receipts thereof.

The unexpended balance as of June 30, 1980, in the account Administration of Cigarette distributor licensing (PL 1979, c. 481) is appropriated for the same purpose.

There are hereby appropriated, out of the State Lottery Fund, the amounts hereinabove for Administration of State Lottery, and such sums as may be necessary for such additional costs required to implement C5:9-1 et seq.

In addition to the amounts hereinabove, there are hereby appropriated from the State Lottery Fund such sums as may be necessary for payment of commissions, prizes and expenses of developing games (C5:9-7).

There are hereby 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 hereby 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 (C52:18-16.1).

74 General Government Services

09-2050	Purchasing and Inventory Management	\$2,107,503
10-2055	Physical Plant Operation and Maintenance	6,755,901
11-2060	Other Property Management Services ...	484,556
12-2065	Construction Management Services	2,602,244
21-2140	Management of Employee Benefits Programs	5,880,678
Total Appropriation, General Government Services		<u>\$17,830,882</u>

Personal Services:

Salaries and wages	(\$10,767,733)
New positions	(273,550)
Materials and Supplies	(3,406,400)
Services Other Than Personal	(2,795,299)
Maintenance and Fixed Charges	(349,500)
Additions, Improvements and Equip- ment	(238,400)

The Director of the Division of Budget and Accounting is hereby 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 hereby appropriated such additional sums as may be necessary for unforeseen needs related to the implementation of the consultant's report, including improvements to internal controls, systems and data processing in the Division of Pensions.

A sum, not to exceed \$100,000, is hereby appropriated out of the New Jersey Spill Compensation Fund for hiring adjusters, administering the Fund and such additional sums as necessary for paying approved claims for damages.

2050-321-09 State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1980, and the reimbursements thereto, are hereby appropriated for the purpose of making payments for purchases (RS 52:25-1 et seq.), and for expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

2060-440-11 Other Property Management Services

A sum, not to exceed \$257,403, from the proceeds derived from the sale of State-owned surplus real property is hereby appropriated for administrative expenses connected with such sale or disposition.

2035-324-40 Management and Financial Data Processing Center

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the Management and Financial Data Processing Center, and the unexpended balance of such receipts, as of June 30, 1980, for the purpose of operating the revolving fund, including the replacement of data processing equipment and the purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Management and Financial Data Processing revolving fund, from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

2000-301-43 Print Shop

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Print Shop revolving fund from any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop.

2000-302-42 Microfilm Section

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Microfilm Section revolving fund from any appropriation made to any department for microfilming costs appropriated or allocated to such departments for their share of costs of the Microfilm Section.

2064-443-62, 444-66 State Cafeterias

The unexpended balances in the State Cafeteria accounts as of June 30, 1980, and receipts obtained from cafeteria operations, are hereby appropriated for the improvement and extension of cafeteria services and facilities (C52:18A-19.6).

76 Management and Administration

01-2005	Federal Liaison Activities	\$100,000
99-2000	Management and Administrative Services	1,622,906

Total Appropriation, Management and Administration	<u>\$1,722,906</u>
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Personal Services:

State Treasurer	(\$56,000)
Salaries and wages	(1,027,104)
Positions converted	(21,966)
Materials and Supplies	(38,600)
Services Other Than Personal	(99,391)
Maintenance and Fixed Charges	(24,300)

Special Purpose:

Federal liaison office, Washington, D. C.	(100,000)
Public contracts affirmative action program	(352,545)
Additions, Improvements and Equipment	(3,000)

Fees collected on behalf of the Public contracts affirmative action program, are hereby appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury	<u><u>\$60,639,189</u></u>
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MISCELLANEOUS EXECUTIVE COMMISSIONS
*New Jersey American Revolution Bicentennial
 Celebration Commission*

The unexpended balance as of June 30, 1980 in all accounts of this Commission shall lapse into the General Fund.

Community Development and Environmental Management

43 Environmental Quality

9130 Interstate Sanitation Commission

03-9130	Air Pollution	\$85,000
04-9130	Water Quality	152,700
		<hr/>
Total Appropriation, Interstate Sanitation Commission		\$237,700
		<hr/>

Special Purpose:

New Jersey share of air pollution costs (45%)		(\$85,000)
New Jersey share of water quality costs (45%)		(152,700)

9140 Delaware River Basin Commission

02-9140	Water Supply Management	\$346,600
		<hr/>
Total Appropriation, Delaware River Basin Commission		\$346,600
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Special Purpose:

Expenses of Commission		(\$346,600)
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44 Recreational Resource Management

9110 Palisades Interstate Park Commission

05-9110	Parks Management	\$1,215,828*
06-9110	Patrol Activities and Crime Control	697,555
		<hr/>
Total Appropriation, Palisades Interstate Park Commission		\$1,913,383*
		<hr/>

Personal Services:

Salaries and wages	(\$1,353,539)
Materials and Supplies	(236,330)
Services Other Than Personal	(138,684)
Maintenance and Fixed Charges	(104,630)

Special Purpose:

Compliance with the requirements of S. 1164 or similar legislation, when enacted	(*)
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Additions, Improvements and Equip- ment	(80,200)
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The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, and the unexpended balance as of June 30, 1980 from such revenues, are hereby appropriated for maintenance.

The unexpended balances as of June 30, 1980 from police court, stands, concessions and self-sustaining activities operated or supervised by this Commission, and receipts from such activities, are hereby appropriated.

*Transportation Services**61 State Highway Facilities**9120 Delaware River Joint Toll Bridge Commission*

07-9120 Delaware River Joint Toll Bridge Commission	\$1,773,455
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Total Appropriation, Delaware River Joint Toll Bridge Commission	<u>\$1,773,455</u>
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Personal Services:

Salaries and wages	(\$971,480)
Materials and Supplies	(54,400)
Services Other Than Personal	(237,000)
Maintenance and Fixed Charges	(33,000)

Special Purpose:

Other special purpose	(29,775)
Additions, Improvements and Equip- ment	(447,800)

*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	\$103,000*
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Total Appropriation, New Jersey Commission on Capital Budgeting and Planning ..	\$103,000*
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Special Purpose:	
Expenses of commission (\$103,000*)	
Total Appropriation, Miscellaneous Executive Commissions	\$4,374,138*
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INTER-DEPARTMENTAL ACCOUNTS

*Government Direction, Management and Control**74 General Government Services**9400 Property Rentals, Insurance and Other Services*

01-9400 Property Rentals—Buildings and Grounds	\$24,852,871
02-9400 Insurance and Other Services	700,000
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Total Appropriation, Property Rentals, Insurance and Other Services	\$25,552,871
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Maintenance and Fixed Charges (\$24,852,871)

Special Purpose:

Excess Liability Insurance Master
Policy (700,000)

Of the amount hereinabove for Property rentals, so much as is necessary may be used for offices, rent, telephones, answering services, furniture and office equipment for district offices of members of the Legislature; provided, however, that the rental of office space for a district office shall not be in any facility in which the legislator has any proprietary interest; provided, further, however, that the sum not be used to provide remuneration

to any members of the Legislature; and provided, further, however, that the expenditure be in accordance with joint rules established by the President of the Senate and the Speaker of the General Assembly.

The Director of the Division of Budget and Accounting is hereby empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are hereby appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, no lease for the rent of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President pro tem of the Senate and the Speaker of the General Assembly.

The unexpended balance as of June 30, 1980 in the Tort Claims Liability Fund account (C59:12-1) is hereby appropriated for the same purpose.

There are hereby appropriated such additional sums as may be required to pay tort claims (C59:12-1), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Tort Claims Liability Fund (C59:12-1) 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 sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

9410 Employee Benefits

03-9410 Employee Benefits \$286,529,001*

Total Appropriation, Employee Benefits \$286,529,001*

Personal Services:

Heath Act	(\$50,000)
Veterans' Act	(100,000)
Miscellaneous special acts	(8,500)
Annuity for Governors' Widows	(8,000)
Judicial Retirement System	(5,248,231)
Prison officers' pension	(1,850,000)
Public Employees' Retirement Sys- tem	} (70,807,429)
Premiums for non-contributory in- surance	
Social security tax	(90,172,943)
State Police Retirement System ..	} (6,143,206)
Premiums for non-contributory in- surance —State Police	
Dental care program, shared cost ..	(4,000,000)
State employees' health benefits ...	(57,518,802)
Prescription drug program	(5,700,000)
Pension Adjustment Act	(16,000,000)
Pension adjustment increase to 66 $\frac{2}{3}$ %, subject to enactment of enabling legislation	(*)
Employer contributions, alternate benefit program	(19,500,000)
Pension and insurance contributions payable to Teachers' Pension and Annuity Fund for higher educa- tion and State employee members	(2,921,890)
Unemployment insurance—Employer liability	(2,000,000)
Police and Firemen's Retirement System (C43:16A-1)	(4,500,000)

Of the sum hereinabove, upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow of any person, now deceased, who was elected and served as Governor of 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 not apply to any widow receiving a pension granted under RS 43:8-2, and continued by RS 43:7-1 et seq., RS 43:8-1 et seq. and RS 43:8-8 et seq.

Any adjustment which may be required for payment of Premium for non-contributory insurance shall result in a contra-adjustment in the payment of the normal contribution for the Public Employees' Retirement System.

Any adjustment which may be required for payment of Premium for non-contributory insurance shall result in a contra-adjustment in the payment of the normal contribution for the State Police Retirement System.

Notwithstanding the provisions of any other law, the sum hereinabove for the Public Employees' Retirement System shall be paid to the System not later than June 30, 1981 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, 1980 through the date of such payment.

Such additional sums as may be required for Social security tax, Unemployment compensation liability and/or State employees' health benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

The amounts appropriated for Social security tax and State employees' health benefits first shall be

charged to funds received from the Federal government as general revenue sharing.

Such interest as may be required to be paid on account of delayed payments to the Public Employees' Retirement System is hereby appropriated from investment earnings.

The amount hereinabove for Prescription drug programs is based upon a co-payment of \$2.50 for each eligible prescription.

9420 State Contingency Fund

04-9420 State Contingency Fund	\$1,800,000
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Total Appropriation, State Contingency Fund	\$1,800,000
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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. ... (\$300,000)

To the Director of the Division of Budget and Accounting, for allotment, as required, to meet contingencies, including increases in the price of fuel and food and other commodities and services beyond those anticipated. (1,300,000)

To the Director of the Division of Budget and Accounting, for allotment to the various departments and agencies who make applica-

tion for and demonstrate the need for seed money to implement cost saving processes or other productivity improvements. (50,000)

To the Director of the Division of Budget and Accounting, for allotment to the various departments or agencies to pay compensation awards allowed State employees.. (150,000)

The Director of the Division of Budget and Accounting is hereby empowered to transfer savings to the Productivity improvements account or to appropriate additional revenue up to \$200,000, resulting from the implementation of cost-saving processes or other productivity improvements, as determined by the Director.

The unexpended balance in the Agency accounting systems account as of June 30, 1980 is hereby appropriated for the same purpose.

9430 Salary and Other Benefits

05-9430 Salary and Other Benefits	\$55,342,610
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Total Appropriation, Salary and Other Benefits	\$55,342,610
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Special Purpose:

To the Director of the Division of Budget and Accounting for allotment to the various agencies for lump sum payments to eligible retired employees for earned and unused accumulated sick leave (C11:14-9 et seq.) (\$2,500,000)

To the Director of the Division of Budget and Accounting for allotment to the various agencies and the Legislature for the costs of salary and other benefits, including normal merit increments,

resulting from negotiated contractual agreements with various employee organizations and the costs of salary and other benefits, including normal merit increments, for those employees not covered by a negotiated contractual agreement with any employee organization. (52,842,610)

The amount for Salary and other benefits hereinabove shall be subject to rules and regulations established by the State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting; provided, however, that any salary adjustment which may be authorized be made effective at the beginning of the bi-weekly pay period nearest July 1, 1980, or thereafter, as the State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting determine.

Notwithstanding any other laws to the contrary, the Director of the Division of Budget and Accounting shall adjust the salaries of the various officers, officials and employees so that one-half of the individual line item salary increases take effect at the beginning of the biweekly pay period nearest July 1, 1980 and one-half of the individual line item salary increases take effect at the beginning of the biweekly pay period nearest April 1, 1981 or thereafter so as to phase-in these increases.

The cash salary rate which may be paid to any employee shall not be increased to a salary rate which exceeds \$500 less than the cash salary rate provided by law for the respective department head, including employees of the College of Medicine and Dentistry of New Jersey; Rutgers, The State University; the New Jersey Institute of Technology and the State colleges; except that the rates of pay of administrators and medical

faculty at the College of Medicine and Dentistry of New Jersey; of licensed medical doctors in other State agencies; the President of Rutgers, The State University, and the President of the New Jersey Institute of Technology, may be increased above the department head's salary rate with the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting. With respect to salary adjustments for the College of Medicine and Dentistry of New Jersey, recommendations for such salary adjustment shall be in accordance with criteria promulgated by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

No salary range or rate of pay shall be increased or salary adjustment paid in any State department, agency, commission or higher education institution without the approval of the President of the Civil Service Commission and the Director of the Division of Budget and Accounting *; provided, however, that any sums appropriated to the several departments for salaries be made available for salary adjustment therein, arising from various exigencies of the State service as the President of the Civil Service Commission and the Director of the Division of Budget and Accounting shall determine. A copy of any such salary increase or adjustment shall be transmitted to the Legislative Budget Officer *. Nothing herein shall be construed as applicable to the unclassified personnel of the Legislative Branch.

The classification, compensation, promotion and salary administration program plans of Rutgers, The State University; the New Jersey Institute of Technology and the College of Medicine and Dentistry of New Jersey shall be maintained and amended as required, in accordance with standards and guidelines established by the President of the Civil Service Commission, and approved by the Director of the Division of Budget and

Accounting, subject to audit by the Department of Civil Service. Information copies of such program plans as hereinabove described shall be forwarded to the Legislative Budget Officer, upon promulgation of such plans.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to Rutgers, The State University; the College of Medicine and Dentistry of New Jersey or to the State Board of Higher Education for the New Jersey Institute of Technology, or holding office, position or employment under the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission and the Interstate Sanitation Commission.

Each person holding such State office, position or employment, whose compensation from State funds is derived in whole or in part from Federal or non-State fund sources, shall be entitled to such salary payments which may be authorized which he would receive if his compensation were paid wholly from State funds; provided, however, that the Federal government or non-State fund sources consent thereto and pay the cost thereof; and provided, further, the funds required therefor are hereby appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Inter-Departmental

Accounts \$369,224,487*

THE JUDICIARY

*Public Safety and Criminal Justice**15 Judicial Services*

01-9710	Supreme Court	\$1,434,189
02-9720	Superior Court	18,126,398
03-9785	Tax Court	1,089,820
06-9730	Official Court Reporters	4,790,762
07-9740	General Support Services	2,966,341
08-9750	Legal Services	898,110
09-9760	Probation Services	116,569
99-9770	Management and Administrative Services	1,002,618
Total Appropriation, Judicial Services		<u>\$30,424,807</u>

Personal Services:

Chief Justice	(\$65,500)
Associate Justices (6 @ \$63,000) ..	(378,000)
Judges (245)	(12,579,500)
Salaries and wages	(14,080,199)
New positions	(115,744)
Materials and Supplies	(1,000,750)
Services Other Than Personal	(1,846,639)
Maintenance and Fixed Charges	(121,550)

Special Purpose:

Compensation awards	(35,600)
Additions, Improvements and Equip- ment	(201,325)

Total Appropriation, The Judiciary \$30,424,807

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Receipts from charges to the Superior Court trust fund and Clients' security fund for services provided to those funds are hereby appropriated.

Notwithstanding the provisions of C2A:1A-6, the salaries for certain Judges shall be in accordance with the schedule below:

Chief Justice of the Supreme Court	\$65,500
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Associate Justice of the Supreme Court	63,000
Judge of the Superior Court, Appellate Division	60,000
Judge of the Superior Court, Assignment Judge	58,000
Judge of the Superior Court	55,000

Notwithstanding any other law to the contrary, the Director of the Division of Budget and Accounting shall adjust the salaries of the various judges so that one-half of the individual line item salary increases take effect at the beginning of the biweekly pay period nearest July 1, 1980 and one-half of the individual line item salary increases take effect at the beginning of the biweekly pay period nearest April 1, 1981 or thereafter to phase in these increases.

Total Appropriation, Direct State Services . \$2,161,485,121*

The total appropriation which is subject to the provisions of PL 1976, c. 67 is authorized to exceed the limitation provided therein by an amount equal to any reduction in the funds received from Federal general revenue sharing.

STATE AID

DEPARTMENT OF COMMUNITY AFFAIRS

Community Development and Environmental Management

41 Community Development Management—State Aid

02-8020 Housing Services	\$1,473,000
04-8030 Local Government Services	59,503,339*
06-8015 Uniform Construction Code	36,000

Total Appropriation, Community Development Management \$61,012,339*

State Aid:

Relocation assistance	(\$1,073,000)
Neighborhood preservation	(150,000)
Municipal aid (C52:27D-178)	(39,729,924)
Safe and clean neighborhoods includ- ing Phillipsburg and Asbury Park	(14,578,815)
Interlocal services	(262,000)
Public service training internships ..	(250,000)
Municipal aid, Asbury Park	(406,080)
Municipal aid to Phillipsburg	(89,280)
Municipal aid to Lodi, subject to en- actment of enabling legislation ..	(54,000)
Municipal aid to Garfield, subject to enactment of enabling legislation ..	(54,360)
Municipal aid to Englewood, subject to enactment of enabling legisla- tion	(77,040)
Aid to depressed rural centers	(451,840)
Revolving housing development and demonstration grant fund	(*)
Capital trade and civic center (State contribution)	(750,000)
Special assistance to Essex County ..	(1,500,000)
Payment to Jersey City for urban aid, redevelopment, planning, and to qualify for Federal funds	(1,550,000)
Municipal memberships in building codes association	(36,000)

Of the sum hereinabove for Neighborhood preserva-
tion, a sum not to exceed \$200,000 may be used
for administration of the program.

The unexpended balance as of June 30, 1980 in the
Revolving housing development and demonstra-
tion grant fund account, and receipts, are hereby
appropriated for the same purpose.

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 hereinabove for Safe and clean neighborhoods shall be available to those municipalities qualifying for municipal aid (C52:27D-178) for the purpose of improving safety and cleanliness of neighborhoods; provided, however, that each recipient municipality match its allocation with an equal amount; and provided, further, that no municipality receive more than \$1,500,000.

Notwithstanding the provisions of C52:27D-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.

No payment (C52:27D-178 et seq.) shall be made to any municipality which does not qualify for aid pursuant to section 1 of said act, unless it had issued qualified bonds guaranteed by municipal aid prior to 1978.

Appropriations of municipal aid moneys (C52:27D-178 et seq.) by qualifying municipalities, or line item moneys contained in this budget for municipalities that no longer qualify, may be treated as an exception to the spending limitation set forth in C40A:4-45.1 et seq., in their 1980 budgets.

Treatment of such moneys as an exception to such spending limitation shall not alter the amount upon which the five percent annual increase permitted under C40A:4-45.1 et seq. is calculated for such municipalities.

Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050	Human Resources	\$2,195,000*
08-8060	Programs for the Aging	1,321,544
Total Appropriation, Related Social Services Programs		<hr/> \$3,516,544*

State Aid:

Community Development	(\$395,000)
Recreation for the handicapped ...	(150,000)
County offices on aging	(420,000)
Older Americans Act (State share) .	(901,544)
Economic opportunity programs ...	(800,000*)
Office of Hispanic Affairs	(650,000)
Special youth olympics	(100,000*)
Cultural development for ethnic groups	(*)
Program development	(100,000)

The unexpended balance as of June 30, 1980 in the Youth Employment program account is appropriated.

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Total Appropriation, Department of Community Affairs	<u>\$64,528,883*</u>
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DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance—State Aid*

01-5120	General Formula Aid	\$351,873,356
02-5120	Non-Public School Aid	15,330,712
03-5120	Miscellaneous Grants-in-Aid Programs ..	3,000,000
04-5030	Adult and Continuing Education Programs	3,900,960
07-5120	Special Education Programs	<u>90,667,844*</u>

Total Appropriation, Direct Educational Services and Assistance	<u>\$464,772,872*</u>
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State Aid:

General Formula Aid	(\$351,873,356)
Aid to non-public education	(3,400,000)
Non-public nutrition aid	(680,712)
Non-public handicapped aid	(4,800,000)
Non-public auxiliary services aid ..	(6,000,000)

Non-public auxiliary services aid—	
Transportation	(450,000)
Emergency Fund	(500,000)
Public school safety act	(2,500,000)
High school equivalency	(1,650,000)
Adult Education	(1,058,000)
Adult literacy	(989,960)
Evening school for the foreign born	(203,000)
Pilot projects for pre-school educa- tion for the handicapped	(900,000*)
Special education	(89,767,844)

Of the amount hereinabove in the Current expense equalization aid account, not more than \$250,000 may be used for administrative expenses.

From the amount hereinabove for Current expense equalization aid, an amount not to exceed \$8,000,000 may be used to fund County special services districts (NJS 18A:46-44).

With respect to the amount hereinabove for Non-public auxiliary services aid—Transportation, the Department is hereby authorized to allocate this amount to local school districts to provide transportation services to students who are eligible (C18A:46A-1 et seq.).

Of the amount hereinabove in the High school equivalency and the Adult literacy accounts, such sums as are necessary may be transferred to an applicant State department.

In the event that sufficient funds are not appropriated to fully fund NJS 18A:50-7 (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.

33 Supplemental Education and Training Programs—State Aid

20-5040	General Vocational Education Programs.	\$7,161,341
Total Appropriation, Supplemental Education and Training Programs		<u>\$7,161,341</u>

State Aid:

District and regional vocational education	(\$2,006,341)
Schools of industrial education	(30,000)
Vocational education	(4,500,000)
National Guard cooperative education	(125,000)
Work study program	(500,000)

34 Educational Support Services—State Aid

31-5110	Educational Improvement Centers	\$2,700,000
36-5120	Pupil Transportation Services	37,170,000
37-5120	School Nutrition Programs	10,700,000
38-5120	Facilities Planning and School Building Aid	35,326,863
39-5095	Teachers' Pension and Annuity Assistance	<u>352,703,334*</u>
Total Appropriation, Educational Support Services		<u>\$438,600,197*</u>

State Aid:

Educational improvement centers ..	(\$2,700,000)
Computerized bus scheduling	(250,000)
Transportation aid	(36,920,000)
State school lunch aid	(10,700,000)
School building aid debt service ...	(16,154,824)
School building aid (C18A:7A-1 et seq.)	(19,172,039)
Teachers' pension and annuity fund	(145,635,593)
Premium for non-contributory insurance	(9,567,741)
Social security tax	(145,000,000)
Pension Adjustment Act	(52,500,000)
Pension adjustment increase to 66 $\frac{2}{3}$ %, subject to enactment of enabling legislation	(*)

The amount appropriated hereinabove for Transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1978-79 school year.

The unexpended balance as of June 30, 1980 in the School building aid debt service account is hereby appropriated for the same purpose.

Any adjustment in the Premium for non-contributory insurance is hereby reflected in the appropriation for Normal contribution.

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, 1981, 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, 1980 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 are hereby appropriated from 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	\$8,814,571
52-5075	Development of Historical Resources ...	*
53-5080	Museum Services	772,624
Total Appropriation, Cultural and Intellectual Development Services		<u>\$9,587,195*</u>

Personal Services:

Salaries and wages .....	(	\$75,023)
Materials and Supplies .....	(	2,600)
Services Other Than Personal	(4,500)
Maintenance and Fixed Charges	(738)

Special Purpose:

Workshops	(4,000)
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State Aid:

State aid for certain libraries	(8,726,000)
Newark Museum Association	(772,624)
Senator James F. Murray, Jr. Historical Fund for New Jersey History	(*)

Additions, Improvements and Equip- ment	(1,710)
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Total Appropriation, Department of Education	\$920,121,605*
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The unexpended balances as of June 30, 1980 in the State aid accounts, not to exceed \$250,000, are hereby 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 below first shall be charged to the State Lottery Fund:

Non-public school aid	(\$15,330,712)
Educational improvement centers	(2,700,000)
School building aid debt service	(16,154,824)
School building aid	(19,172,039)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Community Development and Environmental Management**42 Natural Resource Management—State Aid*

15-4890 Marine Lands Management	\$400,000
17-4900 Solid Waste Resource Management	760,000*

Total Appropriation, Natural Resource Management	\$1,160,000*
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State Aid:

Town of Keansburg, for not more than 50% of the cost of operation and maintenance of hurricane and beach control structures (\$100,000)

Planning and administrative costs for shore protection projects (300,000)

A grant to the City of Camden to study the Harrison Street landfill site (30,000)

Implementation and demonstration grants to solid waste management districts, contingent upon no less than 50% participation by such districts (730,000)

To the Camden County Industrial Pollution Control Finance Authority for start-up funds to implement a study of ground water surrounding various landfills in Camden County (*)

The unexpended balance as of June 30, 1980 in the Lake management account is hereby appropriated.

44 Recreational Resource Management—State Aid

21-4895 Recreational Boating \$500,000

Total Appropriation, Recreational
Resource Management \$500,000

State Aid:

Dredging of inland waterways—
State aid to counties and municipalities on a 50/50 matching basis (75/25 matching for municipalities receiving aid pursuant to PL 1978, c. 14) (\$500,000)

45 Environmental Planning and Administration—State Aid

99-4800 Management and Administrative Services	\$1,940,647*
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Total Appropriation, Environmental Plan- ning and Administration	\$1,940,647*
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State Aid:

Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes	(\$645,000)
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Administration, planning and devel- opment activities of the Pinelands Commission	(400,000)
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Aid to counties and municipalities by Pinelands Commission	(300,000)
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Reimbursement to the Boroughs of Pennington and Hopewell for in- terest and debt service costs (C26:2E-8.1)	(195,647)
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Mosquito control, research, adminis- tration and operations	(400,000)
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Aid to environmental agencies for urban environmental concerns ...	(*)
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Grants for historic restorations in the Capital city	(*)
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The unexpended balance as of June 30, 1980 in the Mosquito control, research, administration and operations account is hereby appropriated.

The amount hereinabove for Mosquito control, research, administration and operations shall be available to the State Mosquito Control Commission; provided, however, that an amount not to exceed \$50,000 be available to the Department of Environmental Protection for the administration and coordination of such programs.

The unexpended balance as of June 30, 1980, of receipts, and any additional receipts derived from the rental of property acquired (C58:21A-1 et seq.; C58:21B-1 et seq.; PL 1971, c. 165; PL 1974,

c. 102 and PL 1978, c. 118), are hereby appropriated for payments in lieu of taxes on such properties and for maintenance of such properties.

The unexpended balance as of June 30, 1980, in the Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes account is hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1980, in the Aid to environmental agencies for urban environmental concerns account is hereby appropriated for the same purpose.

Total Appropriation, Department of Environmental Protection	<u>\$3,600,647*</u>
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DEPARTMENT OF HEALTH

Physical and Mental Health

21 Health Services—State Aid

02-4220 Community Health Services	<u>\$9,511,104</u>
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Total Appropriation, Health Services	<u>\$9,511,104</u>
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Personal Services:

Salaries and wages	(\$252,180)
Materials and Supplies	(3,000)
Services Other Than Personal	(18,900)
Maintenance and Fixed Charges	(11,200)

State Aid:

Assistance to public general hospitals(	6,800,000)
Community health services	(2,425,824)

The unexpended balance as of June 30, 1980 in this account, excluding Assistance to public general hospitals, is hereby appropriated.

Notwithstanding the provisions of the Public General Hospital Assistance Act, PL 1977, c. 239, the appropriation for the Jersey City Medical Center may also be utilized for the following services: emergency clinic, outpatient care and services related to indigent care. In addition, it may also be utilized for prior debts.

The capitation is hereby set at 25 cents for the year ending June 30, 1981 for the purposes prescribed (C26:2F-1 et seq.).

Total Appropriation, Department of Health .	\$9,511,104
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DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

Higher Educational Services—State Aid

06-5400 Aid to County Colleges	\$54,638,155
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Total Appropriation	\$54,638,155
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State Aid:

Capital projects	(\$320,000)
Operational costs	(52,562,500)
Debt service (NJS 18A:64A-22) ...	(1,755,655)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

It is the intent of the appropriation to fund a total enrollment during fiscal year 1980-81 of 72,500 equated full-time students at \$725 per student and no adjustment shall be payable in future fiscal years to compensate any county college or any county-assisted junior college for enrollment in excess of its proportionate share of the said total. The allocation of State aid shall be determined by the Board of Higher Education according to a plan agreed to by the Council of County Colleges.

Total Appropriation, Department of Higher Education	\$54,638,155
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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 below first shall be charged to the State Lottery Fund:

Aid to County colleges for operational costs	(\$52,562,500)
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DEPARTMENT OF HUMAN SERVICES

*Physical and Mental Health**23 Mental Health Services—State Aid**7700 Division of Mental Health and Hospitals*

08-7700 Community Services	\$34,038,000*
Total Appropriation, Division of Mental Health and Hospitals	<u>\$34,038,000*</u>

State Aid:

Support of patients in county mental hospitals	(\$25,000,000)
Establishment, development, im- provement and expansion of com- munity mental health services ...	(7,338,000)
Establishment, development, im- provement and expansion of com- munity mental health services, including services to children	(1,700,000*)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Funds hereinabove for Establishment, development, improvement and expansion of community mental health services shall be available for training stipends, training programs and support of demonstration projects in mental health, to the extent that the appropriation exceeds the funds required for the aid program.

The sums hereinabove shall be available for payment of obligations applicable to prior fiscal years.

*Economic Planning, Development and Security**53 Economic Assistance and Security—State Aid**7550 Division of Public Welfare*

15-7550 Income Maintenance	\$254,477,500
Total Appropriation, Division of Public Welfare	<u>\$254,477,500</u>

State Aid:

Payments to municipalities for cost of general assistance (State share)	(\$35,408,000)
Payments for dependent children as- sistance—Regular segment (State share)	(186,115,000)
Payments for emergency assistance (State share)	(900,000)
Payments for supplemental security income (State share)	(19,000,000)
Payments for dependent children as- sistance—Unemployment of father (State share)	(7,910,600)
Payments for dependent children as- sistance—Insufficient employment of parents (State share)	(5,143,900)

The unexpended balance as of June 30, 1980 not to exceed \$2,372,000, in this account is hereby appropriated subject to the approval of the Director of the Division of Budget and Accounting.

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 RS 44:7-14, C44:10-4 et seq., C30:4B-1 et seq. and C44:13-1 et seq., during the fiscal year ending June 30, 1981, are hereby appropriated.

The receipts from State administered towns during the fiscal year ending June 30, 1981 are hereby appropriated.

A portion of the amount hereinabove for Payments to municipalities for cost of general assistance (State share) shall be available for transfer to the Department of Labor and Industry, Division of Employment Services, for support costs related to the Workfare program (C44:8-108 et seq.). Any funds transferred to the Department of Labor and Industry shall be used solely to fund employability teams and other costs to implement this general assistance work program.

The amount hereinabove for Payments for supplemental security income (State share) account is hereby available for payments to County Welfare Boards to reimburse the Boards for emergency loans to SSI recipients which are not repaid by the recipients.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

The Commissioner shall provide the Joint Appropriations Committee and the Senate and Assembly Institutions, Health and Welfare Committees with copies of the proposed plan to distribute Federal energy assistance funds prior to the plan's submission to the Federal government in order to permit legislative review and comment.

A portion of the amount hereinabove for Income maintenance shall be made available to support costs related to the implementation of the Wage Reporting Act (S-285).

55 Related Social Services Programs—State Aid

7570 Division of Youth and Family Services

26-7570	Child Care Services	\$28,918,825
Total Appropriation, Division of Youth and Family Services		<u>\$28,918,825</u>

State Aid:

Maintenance to children residing with families	(\$16,048,617)
Residential services	(11,657,958)
Independent living	(422,250)
Juveniles in need of supervision	(190,000)
Acute care community units and shelters	(600,000)

Funds recovered (C30:4C-1 et seq.) during the fiscal year ending June 30, 1981, are hereby appropriated.

The amount hereinabove shall be reduced by the amount of additional Federal funds made available for AFDC—Foster care, as the Director of the Division of Budget and Accounting shall determine, and such reduction shall be lapsed into the General Fund.

Of the amount hereinabove for Foster Care, the Division of Youth and Family Services may expend up to \$250,000 to provide emergency services funds to families with children, to prevent the out-of-home placement of such children; such funds shall be utilized to assist with the relocation of a family in an emergency situation when other funds are not available.

The sum hereinabove shall be 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.

In addition to the amount appropriated for Maintenance to children residing with families account, \$1.2 million of the unexpended balance as of June 30, 1980 in the Division of Youth and Family Services' Direct State Services accounts is hereby appropriated.

Of the amount hereinabove for Acute care community units and shelters, not more than \$100,000 may be used for administration.

Total Appropriation, Department of	
Human Services	<u>\$317,434,325*</u>

DEPARTMENT OF LABOR AND INDUSTRY

*Economic Planning, Development and Security**51 Economic Planning and Development—State Aid*

There are hereby 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 Debt Service Reserve Fund (C12:11A-14) and the Property Tax Reserve Fund (C12:11A-20), subject to the approval of the Director of the Division of Budget and Accounting.

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Public Safety and Criminal Justice**13 Special Law Enforcement Activities—State Aid*

18-1430	Law Enforcement Planning	\$110,000
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	Total Appropriation, Special Law Enforcement Activities	\$110,000
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State Aid:

50% of the non-Federal share of law enforcement action grant projects undertaken by local governments(\$110,000)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated for the same purpose.

	Total Appropriation, Department of Law and Public Safety	\$110,000
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DEPARTMENT OF TRANSPORTATION

*Transportation Services**62 Public Transportation—State Aid*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

63 Local Highway Facilities—State Aid

20-6220	Federal Aid Urban System Highway Projects	\$8,500,000
30-6220	Federal Aid Rural Highway Projects ...	1,500,000
40-6220	Federal Aid Bridge and Highway Safety Projects	500,000
80-6220	County and Municipal Aid	1,400,000
88-6220	Local Aid Engineering and Project Administration	1,918,791
Total Appropriation, Local Highway Facilities		<u>\$13,818,791</u>

Personal Services:

Salaries and wages	(\$1,737,091)
Materials and Supplies	(51,700)
Services Other Than Personal	(127,000)
Maintenance and Fixed Charges	(100)

State Aid:

Federal aid urban system highway projects	(8,500,000)
Federal aid rural highway projects ..	(1,500,000)
Federal aid bridge and highway safety projects	(500,000)
County and municipal aid for lighting	(1,400,000)
Additions, Improvements and Equipment	(2,900)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Capital construction funds are hereby available for allotment by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting, to provide the non-Federal share of Construction of local highway facilities.

Amounts hereinabove are hereby 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	\$13,818,791
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DEPARTMENT OF THE TREASURY

*Government Direction, Management and Control**75 State Subsidies and Financial Aid—State Aid*

28-2077	Reimbursement—County Boards of Taxation	\$649,354
29-2088	Locally Provided Services	11,050,000
30-2081	Railroad Property Taxes	4,000,000
31-2082	Business Personal Property Tax Replacement	158,703,834
35-2087	Consolidated Police and Firemen's Pension Fund	5,910,555
36-2081	Municipal Purpose Tax Assistance Program	27,000,000
Total Appropriation, State Subsidies and Financial Aid		\$207,313,743

Personal Services:

County Tax Board Members (69) ..	(\$649,250)
Services Other Than Personal	(104)

State Aid:

Payments to municipalities for services to State-owned property ...	(11,000,000)
Payments to municipalities in lieu of railroad property tax	(4,000,000)
Payments to municipalities to avoid loss of revenue to municipalities resulting from elimination of local property tax on business personalty	(158,703,834)

Payments to municipalities pursuant
to the Municipal Purposes Tax
Assistance Program (PL 1980,
c. 12) (27,000,000)
Tuition payments for local assessors(50,000)
State contribution to consolidated
police and firemen's pension fund(5,910,555)

The expenditure of funds for tuition payments for
local assessors shall be subject to regulations
established by the Director of the Division of
Taxation.

In addition to the amount hereinabove, there are
hereby appropriated such additional sums as may
be required for the payment of State aid to cer-
tain municipalities in which railroad property is
located (C54:29A-1 et seq.).

There are hereby appropriated so much of the
proceeds derived from the taxes collected from
banking corporations, pursuant to the Corpora-
tion Business Tax act and the Business Personal
Property Tax act, as may be required for pay-
ment to the local taxing districts (C54:10A-3 et
seq.).

There are hereby appropriated so much of the
proceeds derived from the imposition of the
financial business tax as may be required for
payment to the local taxing districts (C54:10B-2
et seq.).

There are hereby appropriated so much of the pro-
ceeds of taxes derived from the fire insurance
premiums as may be required for payment to the
New Jersey Firemen's Home and the New Jersey
Firemen's Association (RS 54:17-4).

There are hereby appropriated so much of the pro-
ceeds derived from the taxes collected, pursuant
to the Public Utilities Franchise Tax and the
Public Utilities Gross Receipts Tax, as may be re-
quired for payment to the local taxing districts
(C54:30A-16 et seq. and C54:30A-49 et seq.).

The unexpended balance as of June 30, 1980 from the taxes collected pursuant to PL 1940, c. 4 (C54:30A-16 et seq.) and PL 1940, c. 5 (C54:30A-49 et seq.) shall lapse.

Total Appropriation, Department of the Treasury	\$207,313,743
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Total Appropriation, State Aid	\$1,591,077,253*
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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, and with the approval of the Joint Appropriation Committee's Sub-Committee on Transfers, 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.

CAPITAL CONSTRUCTION

LEGISLATURE

Government Direction, Management and Control

71 Legislative Activities

Capital Projects:

Space planning, historical restoration and renovations in the State

House and State House Annex .. (\$1,500,000)

Total Appropriation, Legislature	\$1,500,000
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DEPARTMENT OF AGRICULTURE

Community Development and Environmental Management

42 Natural Resource Management

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

DEPARTMENT OF CORRECTIONS
Public Safety and Criminal Justice
 16 *Detention and Rehabilitation*

Capital Projects:

Improvements to hot water supply system, Rahway	(\$750,000)
Renovations to minimum unit, Leesburg	(50,000)
Electrical conversion, Leesburg ...	(644,000)
Renovation of infirmary, Clinton ..	(200,000)
Life safety improvements, Borden-town	(750,000)
Renovations to windows and roofs, Annandale	(190,000)
Deferred maintenance, institutions and prison farms	(500,000)
Planning and design	(215,000)
Roof replacement, various facilities	(622,000)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Total Appropriation, Department of Corrections	<u>\$3,921,000</u>
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DEPARTMENT OF DEFENSE
Public Safety and Criminal Justice
 14 *Military Services*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

DEPARTMENT OF EDUCATION
Educational, Cultural and Intellectual Development
 32 *Operation and Support of Educational Institutions*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

*37 Cultural and Intellectual Development Services**5070 Division of the State Library*

Capital Project:

Equipment—Records storage center/
 Library for the blind and handi-
 capped (\$1,000,000)

The unexpended balance as of June 30, 1980 in this
 account is hereby appropriated.

5080 Division of State Museum

The unexpended balance as of June 30, 1980 in this
 account is hereby appropriated.

Total Appropriation, Department of

Education \$1,000,000

DEPARTMENT OF ENERGY

*Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services**10 Public Broadcasting Services*

The unexpended balance as of June 30, 1980 in this
 account is hereby appropriated.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Community Development and Environmental Management**42 Natural Resource Management*

The unexpended balance as of June 30, 1980 in this
 account is hereby appropriated.

Proceeds derived from the sale or exchange of
 State-owned Delaware and Raritan Canal land,
 and/or buildings, heretofore acquired under RS
 13:13-1 et seq., are hereby appropriated for
 acquisition of and/or easement over adjacent
 lands for the purpose of protecting Delaware and
 Raritan Canal waterways, rehabilitation of exist-
 ing flood guard and towpath embankments and
 related appurtenances thereto and replacing
 Delaware and Raritan Canal maintenance service
 centers.

44 Recreational Resource Management

Capital Projects:

Multiple use historic sites (\$500,000)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Notwithstanding the provisions of C52:34-6 et seq., the Department of Environmental Protection may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures at Waterloo Village, or for the construction of new facilities at Waterloo Village.

Total Appropriation, Department of
Environmental Protection

\$500,000

DEPARTMENT OF HEALTH

*Physical and Mental Health**21 Health Services*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

DEPARTMENT OF HIGHER EDUCATION

*Educational, Cultural and Intellectual Development**36 Higher Educational Services**5400 Office of the Chancellor*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

State College Construction

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

5600, 5620 Rutgers, The State University

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

5630 College of Medicine and Dentistry of New Jersey

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

DEPARTMENT OF HUMAN SERVICES

*Physical and Mental Health**23 Mental Health Services**Division of Mental Health*

Capital Projects:

Repairs to transitional homes, Trenton Psychiatric Hospital (\$50,000)
Food service renovations, Marlboro Psychiatric Hospital (296,000)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

*Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**Division of Mental Retardation*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

*33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired*

Capital Projects:

Residential rehabilitation center ... (\$1,500,000)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

*Economic Planning, Development and Security**55 Related Social Services Programs**7570 Division of Youth and Family Services*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

*Government Direction, Management and Control**76 Management and Administration*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

*Special Government Services**83 Services to Veterans**Division of Veterans Services*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Total Appropriation, Department of Human Services	<u>\$1,846,000</u>
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DEPARTMENT OF LAW AND PUBLIC SAFETY

*Public Safety and Criminal Justice**11 Vehicular Safety*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

12 Law Enforcement

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

*19 Central Planning, Direction and Management***Capital Projects:**

Totowa troop headquarters/medical examiner facility	(\$500,000)
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The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

*Special Government Services**81 Consumer Protection*

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Total Appropriation, Department of Law and Public Safety	<u>\$500,000</u>
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DEPARTMENT OF TRANSPORTATION

*Transportation Services**61 State Highway Facilities*

10-6200 Federal Aid Interstate Highway Projects	\$3,000,000
71-6200 Transportation Construction Engineering	12,899,958

Total Appropriation, State Highway Facilities	<u>\$15,899,958</u>
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Personal Services:

Salaries and wages	(\$10,109,263)
Positions transferred from another account	(25,429)
Materials and Supplies	(472,341)
Services Other Than Personal	(2,162,325)
Maintenance and Fixed Charges	(40,600)

Capital Projects:

State matching funds interstate ...	(3,000,000)
Additions, Improvements and Equipment	(90,000)

The unexpended balance as of June 30, 1980 in this Statewide program is hereby appropriated.

The sums hereinabove for Construction shall be set forth in a construction program by the Commissioner of Transportation, with the approval of the Director of the Division of Budget and Accounting, and not be expended or contracted for without the approval of the Governor.

From the amount hereinabove for Construction there may be 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.

Funds hereinabove shall be available for construction of local highway facilities.

Funds hereinabove shall be available for public transportation capital purposes.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8-1 et seq. (Emergency Transportation Tax act), as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Fund established in such act.

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1980 of such receipts, are hereby appropriated for maintenance or improvement of transportation property, equipment and facilities.

There is hereby appropriated from the Transportation, Rehabilitation and Improvement Fund the sum of \$4,200,000 for planning, engineering design, right-of-way acquisition or other costs related to the construction of projects financed from the fund.

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62 Public Transportation

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Total Appropriation, Department of Transportation	<u>\$15,899,958</u>
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DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

74 General Government Services

Capital Projects:

Eliminate barriers to the handicapped, Capitol Complex	(\$ 300,000)
Balance HVAC system, Capitol Complex	(886,000)
Structural improvements, Capitol Complex	(1,000,000)
Energy conservation improvements, Capitol Complex	(200,000)
Freezer expansion, Distribution Center	(325,000)
Planning and maintenance improvement	(500,000)
Purchase Taxation building	(7,900,000)

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

The amount hereinabove for Purchase Taxation building is hereby excluded from the provisions of PL 1976, c. 67, as amended.

Total Appropriation, Department of the Treasury	<u>\$11,111,000</u>
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MISCELLANEOUS EXECUTIVE COMMISSIONS

Community Development and Environmental Management

43 Environmental Quality

9140 Delaware River Basin Commission

Capital Project:

Amortization of multipurpose dams(\$12,000)

44 Recreational Resource Management

9110 Palisades Interstate Park Commission

Capital Project:

Parkway improvements(\$100,000)

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, and the unexpended balances of such revenues, as of June 30, 1980, are hereby appropriated for capital projects and plans.

Funds hereinabove shall be provided as the State share for Federal aid highway projects.

The unexpended balance as of June 30, 1980 in this account is hereby appropriated.

Total Appropriation, Miscellaneous Executive Commissions	<u>\$112,000</u>
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Total Appropriation, Capital Construction ..	<u>\$36,389,958</u>
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Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are hereby 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.

The total appropriation which is subject to the provisions of PL 1976, c. 67 is authorized to exceed the limitation provided therein by an amount equal to any reduction in the funds received from Federal general revenue sharing.

DEBT SERVICE

DEPARTMENT OF COMMUNITY AFFAIRS

Government Direction, Management and Control

76 Management and Administration

99-8070	Interest on Bonds	\$1,324,790
99-8070	Redemption of Bonds	1,350,000
Total Appropriation, Department of Community Affairs		<u>\$2,674,790</u>

Special Purpose:

Interest on State Housing Assistance Bonds (PL 1968, c. 127) ... (	\$453,300)
Interest on State Mortgage Assistance Bonds (PL 1976, c. 94) .... (	871,490)
Redemption of State Housing Assistance Bonds (PL 1968, c. 127) . (	600,000)
Redemption of State Mortgage Assistance Bonds (PL 1976, c. 94) .. (	750,000)

DEPARTMENT OF CORRECTIONS

*Public Safety and Criminal Justice**19 Central Planning, Direction and Management*

99-7000	Interest on Bonds	\$2,562,436
99-7000	Redemption of Bonds	2,812,142
Total Appropriation, Department of Corrections		<u>\$5,374,578</u>

Special Purpose:

Interest on State Institution Con- struction Bonds (PL 1960, c. 156)(	\$139,537)
Interest on New Jersey Institutions Construction Bonds (PL 1964, c. 144)	(266,340)
Interest on Public Building Con- struction Bonds (PL 1968, c. 128)(	818,341)
Interest on Institution Construction Bonds (PL 1976, c. 93)	(1,005,218)
Interest on Institutional Construc- tion Bonds (PL 1978, c. 79)	(333,000)
Redemption of State Institution Construction Bonds (PL 1960, c. 156)	(675,000)
Redemption of New Jersey Institu- tions Construction Bonds (PL 1964, c. 144)	(900,000)
Redemption of Public Building Con- struction Bonds (PL 1968, c. 128)(	874,017)
Redemption of Institution Con- struction Bonds (PL 1976, c. 93) .	(363,125)

DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**35 Education Administration and Management*

99-5095	Interest on Bonds	\$1,573,676
99-5095	Redemption of Bonds	1,832,572
Total Appropriation, Department of Education		<u>\$3,406,248</u>

Special Purpose:

Interest on Public Building Construction Bonds (PL 1968, c. 128)(	\$1,060,426)
Interest on State Facilities for Handicapped Bonds (PL 1973, c. 149)	(441,100)
Interest on Institutional Construction Bonds (PL 1978, c. 79)	(72,150)
Redemption of Public Building Construction Bonds (PL 1968, c. 128)(	1,132,572)
Redemption of State Facilities for Handicapped Bonds (PL 1973, c. 149)	(700,000)

DEPARTMENT OF ENERGY

*Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

99-4050 Interest on Bonds	\$289,183
99-4050 Redemption of Bonds	308,858
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Total Appropriation, Department of Energy	\$598,041
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Special Purpose:

Interest on Public Building Construction Bonds (PL 1968, c. 128)(\$289,183)
Redemption of Public Building Construction Bonds (PL 1968, c. 128)(	308,858)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Community Development and Environmental Management**45 Environmental Planning and Administration*

99-4800 Interest on Bonds	\$24,583,809
99-4800 Redemption of Bonds	24,945,000
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Total Appropriation, Department of Environmental Protection	\$49,528,809
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Special Purpose:

Interest on Water Development Bonds (PL 1958, c. 35)	(\$449,000)
Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46)	(597,200)
Interest on Water Conservation Bonds (PL 1969, c. 127)	(9,513,934)
Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1971, c. 165)	(3,565,620)
Interest on State Recreation and Conservation Land Acquisition and Development Bonds (PL 1974, c. 102)	(5,114,300)
Interest on Clean Waters Bonds (PL 1976, c. 92)	(3,951,030)
Interest on Beaches and Harbors Bonds (PL 1977, c. 208)	(282,725)
Interest on Emergency Flood Control Bonds (PL 1978, c. 78)	(555,000)
Interest on State Land Acquisition and Development Bonds (PL 1978, c. 118)	(555,000)
Redemption of Water Development Bonds (PL 1958, c. 35)	(2,500,000)
Redemption of State Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46)	(2,600,000)
Redemption of Water Conservation Bonds (PL 1969, c. 127)	(10,255,000)
Redemption of State Recreation and Conservation Land Acquisition Bonds (PL 1971, c. 165)	(2,830,000)
Redemption of State Recreation and Conservation Land Acquisition and Development Bonds (PL 1974, c. 102)	(4,130,000)
Redemption of Clean Waters Bonds (PL 1976, c. 92)	(2,430,000)
Redemption of Beaches and Harbors Bonds (PL 1977, c. 208)	(200,000)

DEPARTMENT OF HEALTH

*Physical and Mental Health**25 Health Administration*

99-4210	Interest on Bonds	\$49,976
99-4210	Redemption of Bonds	53,376
Total Appropriation, Department of Health .		<u>\$103,352</u>

Special Purpose:

Interest on Public Building Construction Bonds (PL 1968, c. 128)(	\$49,976)
Redemption of Public Building Construction Bonds (PL 1968, c. 128)(	53,376)

DEPARTMENT OF HIGHER EDUCATION

*Educational, Cultural and Intellectual Development**36 Higher Educational Services*

99-5400	Interest on Bonds	\$21,506,405
99-5400	Redemption of Bonds	21,740,000
Total Appropriation, Department of Higher Education		<u>\$43,246,405</u>

Special Purpose:

Interest on State Higher Education Construction Bonds (PL 1964, c. 142)	(\$708,200)
Interest on Public Building Construction Bonds (PL 1968, c. 128)(	7,808,730)
Interest on Higher Education Construction Bonds (PL 1971, c. 164)(	6,966,375)
Interest on New Jersey Medical Education Facilities Bonds (PL 1977, c. 235)	(6,023,100)
Redemption of State Higher Education Construction Bonds (PL 1964, c. 142)	(2,800,000)

Redemption of Public Building Construction Bonds (PL 1968, c. 128)	(8,340,000)
Redemption of Higher Education Construction Bonds (PL 1971, c. 164)	(6,600,000)
Redemption of New Jersey Medical Education Facilities Bonds (PL 1977, c. 235)	(4,000,000)

DEPARTMENT OF HUMAN SERVICES

*Government Direction, Management and Control**76 Management and Administration*

99-7500 Interest on Bonds	\$5,429,369
99-7500 Redemption of Bonds	6,753,052

Total Appropriation, Department of Human Services	<u>\$12,182,421</u>
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Special Purpose:

Interest on State Institution Con- struction Bonds (PL 1960, c. 156)(\$232,563)
Interest on New Jersey Institutions Construction Bonds (PL 1964, c. 144)	(621,460)
Interest on Public Building Con- struction Bonds (PL 1968, c. 128)(	2,987,894)
Interest on Institution Construction Bonds (PL 1976, c. 93)	(932,552)
Interest on Institutional Construc- tion Bonds (PL 1978, c. 79)	(654,900)
Redemption of State Institution Construction Bonds (PL 1960, c. 156)	(1,125,000)
Redemption of New Jersey Institu- tions Construction Bonds (PL 1964, c. 144)	(2,100,000)
Redemption of Public Building Con- struction Bonds (PL 1968, c. 128)(	3,191,177)
Redemption of Institution Construc- tion Bonds (PL 1976, c. 93)	(336,875)

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Public Safety and Criminal Justice**10 Central Planning and Management*

99-1050	Interest on Bonds	\$49,950
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Total Appropriation, Department of Law and Public Safety		<u>\$49,950</u>
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Special Purpose:

Interest on Institutional Construc- tion Bonds (PL 1978, c. 79)	(\$49,950)
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DEPARTMENT OF TRANSPORTATION

*Transportation Services**64 Planning and General Management Support*

99-6000	Interest on Bonds	\$25,869,526
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99-6000	Redemption of Bonds	25,415,000
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Total Appropriation, Department of Transportation		<u>\$51,284,526</u>
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Special Purpose:

Interest on Highway Improvement and Grade Crossing Elimination Bonds (PL 1930, c. 228)	(\$74,835)
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Interest on State Transportation Bonds (PL 1968, c. 126)	(25,794,691)
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Redemption of Highway Improve- ment and Grade Crossing Elim- ination Bonds (PL 1930, c. 228) ..	(705,000)
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Redemption of State Transportation Bonds (PL 1968, c. 126)	(24,710,000)
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Total Appropriation, Debt Service		<u>\$168,449,120</u>
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Such sums as may be necessary for payment of interest and/or principal due from the issuance of any bonds authorized under the several bond acts of the State, are hereby appropriated and first shall be charged to the earnings from the investment of such bond proceeds.

Total Appropriation, General Fund	<u>\$3,957,401,452*</u>
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PROPERTY TAX RELIEF FUND

DIRECT STATE SERVICES

DEPARTMENT OF THE TREASURY

*Government Direction, Management and Control**73 Financial Administration*

15-2080 Processing and Administration	\$8,500,000
Total Appropriation, Financial Administration	\$8,500,000

Special Purpose:

Administrative costs of the collection of the Gross Income Tax (\$6,842,350)
Administrative costs of paying homestead exemptions (1,657,650)

The amount hereinabove is hereby appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are hereby appropriated additional sums as may be required for collection of the Gross Income Tax and the administration of the Homestead Exemptions Act, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury	\$8,500,000
Total Appropriation, Direct State Services	\$8,500,000

STATE AID

DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance*

01-5120 General Formula Aid	\$490,443,253
05-5120 Bilingual Education Programs	9,249,461
06-5030 Compensatory Education Programs	200,000
06-5120 Compensatory Education Programs	68,461,469
07-5120 Special Education Programs	27,100,000

Total Appropriation, Direct Educational Services and Assistance	\$595,454,183
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State Aid:

Current expense equalization aid ..	(\$490,443,253)
Bilingual education aid	(9,249,461)
Compensatory education research and development	(200,000)
Compensatory education aid	(68,461,469)
Special education	(27,100,000)

33 Supplemental Education and Training Programs

20-5120 General Vocational Education Programs ..	\$8,548,817
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Total Appropriation, Supplemental Educa- tion and Training Programs	\$8,548,817
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State Aid:

Local vocational aid	(\$8,548,817)
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34 Educational Support Services

36-5120 Pupil Transportation Services	\$57,500,000
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38-5120 Facilities Planning and School Building Aid	39,997,000
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Total Appropriation, Educational Support Services	\$97,497,000
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State Aid:

Transportation aid	(\$57,500,000)
School building aid	(39,997,000)

Total Appropriation, Department of Education	\$701,500,000
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The amount hereinabove is hereby appropriated
from the Property Tax Relief Fund.

The amount hereinabove for Transportation aid is
hereby authorized to reimburse school districts
for approved transportation expenses based
upon costs incurred in the 1978-79 school year.

DEPARTMENT OF THE TREASURY

*Government Direction, Management and Control**75 State Subsidies and Financial Aid*

32-2071	Revenue Sharing	\$50,000,000
33-2076	Homestead Exemptions	261,000,000
34-2078	Reimbursement—Senior Citizens' and Veterans' Tax Exemptions	52,000,000
Total Appropriation, State Subsidies and Financial Aid, Department of the Treasury		<u>\$363,000,000</u>

State Aid:

Distribution of revenue sharing
funds to qualifying municipalities (\$50,000,000)
Payments to homeowners for home-
stead exemptions (261,000,000)
State reimbursement to municipali-
ties for senior citizens' and vet-
erans' tax exemptions (52,000,000)

The amount hereinabove is hereby appropriated
from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are
hereby appropriated from the Property Tax
Relief Fund such additional sums as may be re-
quired for State reimbursement to municipa-
lities for the senior citizens' and veterans'
tax exemptions and for additional payments to
homeowners qualifying for homestead exemp-
tions.

Notwithstanding the provisions of C54:10-4, the
amount of revenue sharing paid by the State to
municipalities for the calendar year 1980 shall be
the same amount which was paid during calendar
year 1979.

Total Appropriation, Department of the Treasury	<u>\$363,000,000</u>
Total Appropriation, State Aid	<u>\$1,064,500,000</u>
Total Appropriation, Property Tax Relief Fund	<u>\$1,073,000,000</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, and with the approval of the Joint Appropriation Committee's Subcommittee on Transfers, 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

DEPARTMENT OF LAW AND PUBLIC SAFETY

*Public Safety and Criminal Justice**13 Special Law Enforcement Activities*

30-1460 Gaming Enforcement	\$14,000,000
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Total Appropriation, Special Law Enforcement Activities	\$14,000,000
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Personal Services:

Salaries and wages	(\$2,576,405)
Positions established from lump sum appropriation	(2,880,066)
New positions	(2,091,723)
Food in lieu of cash	(395,280)
Employee benefits	(1,704,670)
Materials and Supplies	(587,864)
Services Other Than Personal	(2,585,498)
Maintenance and Fixed Charges	(977,494)

Special Purpose:

Compensation awards	(1,000)
Additions, Improvements and Equipment	(200,000)

The amount hereinabove for Gaming Enforcement is hereby appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Gaming Enforcement, there are hereby appropriated from the General Fund, as a loan to the Casino Control Fund, such additional sums as may be required for the operation of the Division of Gaming Enforcement, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that such sums be reimbursed to the General Fund from resources available to the Casino Control Fund, along with interest at the discount rate of the New York Federal Reserve Bank at the close of the last business day of the month, not to be less than 8% per annum on any disbursement made from such appropriation.

Total Appropriation, Department of Law and Public Safety	\$14,000,000
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DEPARTMENT OF THE TREASURY

*Government Direction, Management and Control**73 Financial Administration*

25-2095 Administration of Casino Gambling	\$6,200,000
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Total Appropriation, Financial Administration	\$6,200,000
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Personal Services:

Chairman	(\$63,000)
Commission members (4 @ \$21,000)	(84,000)
Positions established from lump sum appropriation	(3,747,500)
New positions	(621,000)
Employee benefits	(870,000)
Materials and Supplies	(74,000)
Services Other Than Personal	(424,669)
Maintenance and Fixed Charges	(265,831)
Additions, Improvements and Equipment	(50,000)

The amount hereinabove for Administration of Casino Gambling is hereby appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Administration of Casino Gambling, there is hereby appropriated from the General Fund, as a loan to the Casino Control Fund, such additional sums as may be required for expenses of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that such sums be reimbursed to the General Fund from resources available to the Casino Control Fund along with interest at the discount rate of the New York Federal Reserve Bank at the close of the last business day of the month, not to be less than 8% per annum on any disbursement made from such appropriation.

Total Appropriation, Department of the Treasury	\$6,200,000
Total Appropriation, Casino Control Fund ..	\$20,200,000

CASINO REVENUE FUND

DIRECT STATE SERVICES

DEPARTMENT OF ENERGY

*Economic Planning, Development and Security**53 Economic Assistance and Security*

28-7540 Lifeline Credit Program	\$39,500,000
Total Appropriation, Economic Assistance and Security	\$39,500,000

Special Purpose:

Administration (\$2,000,000)

Grants:

Payment of utility credits (37,500,000)

The amount hereinabove is hereby appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are hereby appropriated from the Casino Revenue Fund such additional sums as may be required for payments to additional senior citizens or disabled persons qualifying for the Lifeline credit.

Of the amount appropriated for administration of the Lifeline Credit Program, the Director of the Division of Budget and Accounting shall make available to the Department of Human Services such funds as he may deem appropriate to meet the direct and indirect costs for determining eligibility for the program and such other funds as may be provided by agreement between the Board of Public Utilities and the Department of Human Services.

Total Appropriation, Department of Energy	\$39,500,000
Total Appropriation, Direct State Services	\$39,500,000

STATE AID

DEPARTMENT OF THE TREASURY

Government Direction, Management and Control

75 State Subsidies and Financial Aid

33-2076 Homestead Exemptions	\$17,000,000
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Total Appropriation, State Subsidies and Financial Aid	\$17,000,000
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State Aid:

Payments to senior citizens or disabled homeowners for the added exemption of \$50 permitted under the Homestead exemption program (\$17,000,000)

The amount hereinabove is hereby appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are hereby appropriated from the Casino Revenue Fund such additional sums as may be required for payments to additional senior citizens or disabled homeowners qualifying for the added exemption of \$50.

Total Appropriation, Department of the Treasury	\$17,000,000
Total Appropriation, State Aid	\$17,000,000
Total Appropriation, Casino Revenue Fund.	\$56,500,000
Grand Total Appropriation, All Funds	\$5,107,101,452*

2. In addition to the amounts hereinabove specifically appropriated, there are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget Officer, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; Federal, other non-State, revolving and dedicated funds received or receivable for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 1980 of such sums; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1980 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; private funds contributed to the State and the unexpended balance as of June 30, 1980 of such sums; sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

3. In order that there be flexibility in the handling of appropriations, any department or agency, except the Legislature, receiving an appropriation by any act of the Legislature may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item granted to such department or agency to any other item in such appropriation; providing that such transfer is not between a State Aid account and either a Direct State Services or a Capital Construction account, except as herein-

after provided. Such application shall be made only during the current year for which the appropriation was made, and if the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount so transferred to the credit of the item so designated and so notify the Legislative Budget Officer upon the effective date thereof; provided, however, that cumulative transfers in excess of \$200,000 in any account, other than transfers from lump sum accounts and of non-State funds, shall be transmitted to the Legislative Budget Officer, for his approval or disapproval and returned to the Director of the Division of Budget and Accounting within five working days; provided, further, however, that no sum appropriated for any capital improvement, except as otherwise provided, shall be used for maintenance or for any temporary purpose except extraordinary snow removal and extraordinary transportation maintenance; and provided further, that any item for capital improvement may be transferred to any other item of capital improvement. Transfers between State Aid accounts and either Direct State Services or Capital Construction accounts may be made only if approved by the Subcommittee on Transfers of the Joint Appropriations Committee. Regarding appropriations made to the Legislature, upon request of the spending authority, the Legislative Budget Officer, shall transfer part of any item to any other item within an appropriation and so notify the Director of the Division of Budget and Accounting upon the effective date thereof.

4. The Director of the Division of Budget and Accounting is hereby empowered and it shall be his duty in the disbursement of funds appropriated for the maintenance and operation of any department or branch thereof, except for the Legislature and any of its agencies, the duties or responsibilities of which are or may hereafter be transferred to any other department or branch, to transfer such appropriations to such department or branch as shall be charged with the responsibility of administering the functions of such department or branch so transferred. The Director of the Division of Budget and Accounting shall also have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget Officer, upon the effective date of such transfers. Where such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget 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.

5. The Director of the Division of Budget and Accounting is hereby empowered and it shall be his duty in the disbursement of funds for payment of pensions, contributions to pension funds, Social security tax, unemployment compensation contributions, employee benefits, debt service, charges for rent, telephone, insurance and postage 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. Any receipts in any non-State fund are hereby appropriated for the purpose of such transfer.

6. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate details the facts thereof, and the reasons therefor, attested by the signature of said Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursements and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget Officer, upon the effective date of such ruling.

7. 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 Officer, upon the effective date thereof.

8. The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center from any appropriation made to any department for data processing costs which had been appropriated or allocated to such departments for their share of costs of such data processing center.

9. 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.

10. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board a sum to establish a petty cash fund, for the payment of expenses under rules and regulations established by said director. The allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from said fund. Such receipts shall be forwarded monthly by such custodian to the Director of the Division of Budget and Accounting for audit, and said director shall likewise make regulations governing disbursement from petty cash funds.

11. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$25 due and owing to the State.

12. Notwithstanding the provisions of section 1 of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$250 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. Any claimant who has presented a claim not exceeding \$250 which has been denied or not recommended by the head of such department shall be precluded from presenting said claim to the Legislature for consideration. Notice and description of such claim payment as hereinabove described shall be transmitted to the Legislative Budget Officer, at the time such payment is made.

13. The unexpended balances as of June 30, 1980 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment, where such unexpended balances exceed \$300, are hereby appropriated.

14. Any unexpended balances, not exceeding \$100, in the several Federal, dedicated, other non-State and revolving funds shall

be transferred to a suspense account for a period not to exceed three years, provided there has been no activity in the account during the preceding 12 months; provided, however, that any unclaimed or unexpended balances remaining after three years be lapsed to the credit of the General Fund, as determined by the Director of the Division of Budget and Accounting.

15. The unexpended balances as of June 30, 1980 in the accounts of the several departments and agencies which represent the State share of State Law Enforcement Planning Agency projects for which Federal funds are approved and the State share of highway safety projects for which Federal funds are approved are hereby appropriated.

16. Out of the appropriations recommended herein, the Director of the Division of Budget and Accounting shall be empowered to approve payments to liquidate any unrecorded liabilities for materials delivered and/or services rendered in prior fiscal years upon the written recommendation of any department head, or their designated representative. The Director of the Division of Budget and Accounting shall reject any recommendation for payment which he deems improper.

17. There shall be constituted a Subcommittee on Transfers of the Joint Appropriations Committee, appointed by its chairman, which shall consist of two members of the Assembly Committee on Appropriations, one of each political party; two members of the Senate Committee on Revenue, Finance and Appropriations, one of each political party; and the Chairman of the Joint Committee. If pursuant to section 3 of this act, the Legislative Budget Officer, should withhold his approval from any transfer, the subcommittee herein established is empowered to review such transfer and may direct that said Legislative Budget Officer approve it.

18. 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 and the Subcommittee on Transfers of the Joint Appropriations Committee.

19. 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. 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.

20. Of the sums appropriated for new positions, the Director of the Division of Budget and Accounting shall hold such amounts in reserve until the candidates for these positions have been selected for the purpose which these funds were appropriated.

21. The Director of the Division of Budget and Accounting is hereby authorized to review the total complement of budgeted positions now maintained among the various Executive Departments and abolish not less than 100 positions, which have remained vacant for 8 months or more, as of June 30, 1980.

22. Notwithstanding the provision of C52:34-6, sums appropriated for data processing services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Education Computer Network (NJEEN) as if it were a State government agency (C52:34-10a.).

23. Unless otherwise provided, balances remaining as of June 30, 1980 in accounts of appropriations enacted subsequent to April 1, 1980 are hereby appropriated as the Director of the Division of Budget and Accounting shall determine, subject to the approval of the Legislative Budget Officer.

24. The Director of Budget and Accounting shall report to the Chairmen of the Senate and Assembly Education and Appropriations Committees on or before January 15, 1981, detailing the implementation of the State Facilities Education Act of 1979, including organizational tables, position complements and expenditure patterns for the first half of fiscal year 1981.

25. The Subcommittee on Revenues of the Joint Appropriations Committee shall report at least quarterly to the Legislature through the Joint Appropriations Committee on the status of revenues. The Department of the Treasury and the Office of Legislative Services shall provide such timely and detailed information and such staff services as may be requested by the Subcommittee.

26. This act shall take effect July 1, 1980.

Approved June 30, 1980.

STATEMENT ON SENATE BILL No. 1309

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1309 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

*"Direct State Services"**"Executive Branch"**"Department of Agriculture"*

On Page 11:

Line 3 "03-3330 Resource Development Services . . . 836,754"
This item is reduced to \$723,707.

On Page 11:

Lines 4-5 "Total Appropriation, Natural Resource
Management \$2,599,757"
This item is reduced to \$2,486,710.

On Page 11:

Line 7 "Salaries and wages (\$1,802,741)"
This item is reduced to \$1,757,011.

On Page 12:

Line 9A "New positions (18) (67,317)"
This item is deleted in its entirety.

On Page 12:

Lines 23-25 "No funds provided hereinabove for
Gypsy Moth Control shall be used for spraying
using the chemical SEVIN."
The quoted language is deleted in its entirety.

On Page 14:

Lines 18-19 "Total Appropriation, Department of
Agriculture \$5,068,647"
This item is reduced to \$4,955,600.

"Department of Civil Service"

On Pages 15-16:

Lines 37-48 "The Director of the Division of
Budget and Accounting shall establish a Resi-
dential Property Management Revolving Fund

in the Department of Civil Service to which the receipts for rent and other charges as determined by the Department of Civil Service shall be transferred or credited by the Director of Budget and Accounting. A sum not less than \$925,000 shall be transferred from the Residential Property Management Revolving Fund to the General State Fund. A sum not to exceed \$75,000 is appropriated from the fund for administrative costs."

The quoted language is deleted in its entirety.

"Department of Community Affairs"

On Page 16:

Line 3 "03-8040 State and Regional Planning ... 2,194,282"
This item is reduced to \$2,159,282.

On Page 16:

Lines 6-7 "Total Appropriation, Community Development Management \$8,414,517"
This item is reduced to \$8,379,517.

On Page 16:

Lines 24A-24B "Hackensack Meadowlands Municipal Committee (50,000)"
This item is reduced to \$15,000.

On Page 18:

Line 1 "05-8050 Human Resources \$706,439"
This item is reduced to \$691,439.

On Page 18:

Lines 3-4 "Total Appropriation, Related Social Services Programs \$1,766,639"
This item is reduced to \$1,751,639.

On Page 19:

Lines 13A-13-B "YMCA Youth and Government Program (15,000)"
This item is deleted in its entirety.

On Page 20:

Lines 19-20 "Total Appropriation, Department of Community Affairs \$11,602,092"
This item is reduced to \$11,552,092.

"Department of Corrections"

On Page 26:

Lines 21A-21D "Of the positions budgeted for Parole, not less than nine shall be used to place a bilingual (Spanish/English) parole officer in each of the Department's nine district offices."

The quoted language is deleted in its entirety.

"Department of Education"

On Page 32:

Line 1 "30-5030 Curriculum Process \$185,000"

This item is reduced to \$105,000.

On Page 32:

Lines 11-12 "Total Appropriation, Educational Support Services \$5,594,709"

This item is reduced to \$5,514,709.

On Page 32:

Line 20 "State plan and School for the Arts (60,000)"

This item is deleted in its entirety.

On Page 32:

Line 21 "Teen arts program (50,000)"

This item is reduced to \$30,000.

On Page 33:

Line 2 "52-5075 Development of Historical Resources 354,317"

This item is reduced to \$329,317.

On Page 33:

Lines 4-5 "Total Appropriation, Cultural and Intellectual Development Services \$3,971,780"

This item is reduced to \$3,946,780.

On Page 33:

Line 13A "Oral History Project (52,600)"

This item is reduced to \$42,600.

On Page 33:

Line 13B "William Livingston Papers (51,535)"

This item is reduced to \$36,535.

On Page 33:

Lines 21-22 "Total Appropriation, Department of Education \$24,047,605"

This item is reduced to \$23,942,605.

"Department of Energy"

On Page 34:

Line 1 "10-4050 Public Broadcasting Services . . . \$3,595,762"
 This item is reduced to \$3,520,762.

On Page 34:

Lines 3-4 "Total Appropriation, Cultural and Intellectual Development Services \$4,260,675"
 This item is reduced to \$4,185,675.

On Page 34:

Lines 18A-18B "Programming for legislative and similar State government news (75,000)"
 This item is deleted in its entirety.

On Page 35:

Line 24 "Total Appropriation, Department of Energy \$10,335,505"
 This item is reduced to \$10,260,505.

"Department of Environmental Protection"

On Page 36:

Line 7 "14-4885 Shellfish Resource Management 611,171"
 This item is reduced to \$586,171.

On Page 36:

Lines 11-12 "Total Appropriation, Natural Resource Management \$13,382,266"
 This item is reduced to \$13,357,266.

On Page 36:

Lines 24-25 "Storing, loading and planting of oyster shells (C50:3-20.17) (31,000)"
 This item is reduced to \$6,000.

On Page 42:

Lines 41-42 "Total Appropriation, Department of Environmental Protection \$37,107,358"
 This item is reduced to \$37,082,358.

"Department of Health"

On Page 42:

Line 1 "02-4220 Community Health Services \$7,868,050"
 This item is reduced to \$7,830,050.

On Page 42:

Line 3 "04-4240 Narcotics and Drug Abuse
Control 6,220,440"
This item is reduced to \$6,180,440.

On Page 42:

Line 4 "05-4250 Alcoholism Control 1,505,316"
This item is reduced to \$1,465,316.

On Page 42:

Line 7 "Total Appropriation, Health Services ... \$19,000,961"
This item is reduced to \$18,882,961.

On Page 43:

Line 27B "Compulsive gambling (40,000)"
This item is deleted in its entirety.

On Page 43:

Lines 42A-42C "Special grant to the city of New-
ark for non-medical alcohol detoxification pro-
gram (75,000)"
This item is reduced to \$35,000.

On Page 43:

Lines 42D-42E "Grant to Mercer County Chapter
of Diabetes Association (38,000)"
This item is deleted in its entirety.

On Page 45:

Line 28 "Total Appropriation, Department of
Health \$26,101,916"
This item is reduced to \$25,983,916.

"Department of Human Services"

On Page 70:

Line 3 "03-7600 Adult Activities 2,118,397"
This item is reduced to \$2,028,397.

On Page 70:

Lines 6-7 "Total Appropriation, Division of
Mental Retardation \$15,935,927"
This item is reduced to \$15,845,927.

On Page 70:

Line 16 "Adult activities (332,739)"
This item is reduced to \$242,739.

On Page 77:

Line 1 "99-7500 Management and Administrative
Services \$5,063,479"
This item is reduced to \$4,883,479.

On Page 77:

Lines 2-3 "Total Appropriation, Division of
Management and Budget \$5,063,479"
This item is reduced to \$4,883,479.

On Page 79:

Lines 16-17 "Total Appropriation, Department of
Human Services \$678,165,539"
This item is reduced to \$678,075,539.

"Department of Labor and Industry"

On Pages 82-83:

Lines 37A-37F "The amount hereinabove for travel
and tourism promotion shall not be available for
expenditure until a spending plan is submitted
to and approved by the Governor and by the
Subcommittee on Transfers of the Joint Approp-
riations Committee."

The quoted language is deleted in its entirety.

On Page 85:

Line 1 "07-4535 Vocational Rehabilitation
Services \$7,098,452"
This item is reduced to \$6,923,452.

On Page 85:

Lines 6-7 "Total Appropriation, Manpower and
Employment Services \$9,621,529"
This item is reduced to \$9,446,529.

On Page 85:

Line 19A "Expansion grants (State share) (175,000)"
This item is deleted in its entirety.

On Page 86:

Lines 49-50 "Total Appropriation, Department
of Labor and Industry \$27,933,942"
This item is reduced to \$27,758,942.

"Department of Law and Public Safety"

On Page 88:

Lines 65-68 "Of the amount hereinabove for the operation of the Division of Motor Vehicles no funds shall be utilized for the take-over of private motor vehicle agencies."

The quoted language is deleted in its entirety.

"Department of the Public Advocate"

On Page 94:

Line 1 "01-8310 Mental Health Advocacy \$1,225,284"

This item is reduced to \$1,127,284.

On Page 94:

Lines 8-9 "Total Appropriation, Protection of Citizens' Rights \$17,323,049"

This item is reduced to \$17,134,049.

On Page 94:

Lines 22A-22B "Establishment of Bergen and Passaic regional offices (98,000)"

This item is deleted in its entirety.

On Page 95:

Lines 37-38 "Total Appropriation, Department of the Public Advocate \$18,256,658"

This item is reduced to \$18,158,658.

"Department of State"

On Page 95:

Lines 18-20 "and a sum of \$30,000 shall be reserved for the Garden State Ballet Foundation."

The quoted language is deleted in its entirety.

On Pages 95-96:

Lines 21-30 "Of the amount hereinabove for cultural projects, \$1,250,000 shall be held in reserve until a spending plan for the reserved funds is submitted to and approved by the Joint Appropriations Committee, and ten days after such approval the amount so reserved shall be made available for expenditure; provided, however, that if no plan is submitted to the Joint

Appropriations Committee by December 1, 1980, the amount so reserved shall return to the General Fund."

The quoted language is deleted in its entirety.

On Page 97:

Line 30 "not to exceed \$1,244,874,"

The quoted language is deleted in its entirety.

On Page 97:

Lines 32-32A "Excess receipts shall be credited to the General Fund."

The quoted language is deleted in its entirety.

"Miscellaneous Executive Commissions"

On Page 107:

Line 1 "05-9110 Parks Management \$1,315,828"

This item is reduced to \$1,215,828.

On Page 107:

Lines 3-4 "Total Appropriation, Palisades Interstate Park Commission \$2,013,383"

This item is reduced to \$1,913,383.

On Page 107:

Lines 9B-9D "Compliance with the requirements of S-1164 or similar legislation when enacted (100,000)"

This item is deleted in its entirety.

On Page 108:

Line 1 "08-9150 New Jersey Commission on Capital Budgeting and Planning \$118,000"

This item is reduced to \$103,000.

On Page 108:

Line 6 "Expenses of commission (\$118,000)"

This item is reduced to \$103,000.

On Page 108:

Lines 7-8 "Total Appropriation, Miscellaneous Executive Commissions \$4,489,138"

This item is reduced to \$4,374,138.

"Inter-Departmental Accounts"

On Page 110:

Line 1 "03-9410 Employee benefits \$287,417,001"
This item is reduced to \$286,529,001.

On Page 110:

Lines 21A-21C "Pension adjustment increase to
66 $\frac{2}{3}$ %, subject to enactment of enabling legis-
lation (888,000)"
This item is deleted in its entirety.

On Page 115:

Lines 67-68 "meeting together"
The quoted language is deleted in its entirety.

On Page 115:

Lines 77-78 "at least one day before the meeting
at which such a proposal is considered"
The quoted language is deleted in its entirety.

On Page 116:

Lines 122-123 "Total Appropriation, Inter-De-
partmental Accounts \$370,112,482"
This item is reduced to \$369,224,487.

On Page 118:

Line 44 "Total Appropriation, Direct State
Services \$2,163,337,168"
This item is reduced to \$2,161,485,121.

*"State Aid"**"Department of Community Affairs"*

On Page 119:

Line 2 "04-8030 Local Government Services \$59,753,339"
This item is reduced to \$59,503,339.

On Page 119:

Lines 4-5 "Total Appropriation, Community
Development Management \$61,262,339"
This item is reduced to \$61,012,339.

On Page 119:

Lines 16A-16B "Revolving housing development
and demonstration grant fund (250,000)"
This item is deleted in its entirety.

On Page 121:

Line 1 "05-8050 Human Resources \$2,420,000"
This item is reduced to \$2,195,000.

On Page 121:

Lines 3-4 "Total Appropriation, Related Social
Services Programs \$3,741,544"
This item is reduced to \$3,516,544.

On Page 121:

Line 10 "Economic opportunity programs (850,000)"
This item is reduced to \$800,000.

On Page 121:

Line 12 "Special youth olympics (125,000)"
This item is reduced to \$100,000.

On Page 121:

Lines 13-14 "Cultural development for ethnic
groups (150,000)"
This item is deleted in its entirety.

On Page 121:

Lines 19-21 "Legal aid programs in the counties
of Hunterdon, Morris and Warren shall be
eligible for Economic opportunity programs
funding."

The quoted language is deleted in its entirety.

On Page 121:

Lines 22-24 "Of the amount hereinabove for pro-
gram development not less than \$25,000 shall
be made available for the Eastern European
Coalition."

The quoted language is deleted in its entirety.

On Page 121:

Lines 25-26 "Total Appropriation, Department of
Community Affairs \$65,003,883"
This item is reduced to \$64,528,883.

"Department of Education"

On Page 121:

Line 6 "07-5120 Special Education Programs ... 91,767,844"
This item is reduced to \$90,667,844.

On Page 121:

Lines 7-8 "Total Appropriation, Direct Educa-
tional Services and Assistance \$465,872,872"
This item is reduced to \$464,772,872.

On Page 122:

Lines 23-24 "Pilot projects for pre-school education for the handicapped (2,000,000)"
This item is reduced to \$900,000.

On Page 123:

Lines 6-7 "39-5095 Teachers' Pension and Annuity Assistance 355,615,334"
This item is reduced to \$352,703,334.

On Page 123:

Lines 8-9 "Total Appropriation, Educational Support Services \$441,512,197"
This item is reduced to \$438,600,197.

On Page 123:

Lines 21B-22 "Pension adjustment increase to 66 $\frac{2}{3}$ %, subject to enactment of enabling legislation (2,912,000)"
This item is deleted in its entirety.

On Page 124:

Line 2 "52-5075 Development of Historical Resources 78,000"
This item is deleted in its entirety.

On Page 124:

Lines 4-5 "Total Appropriation, Cultural and Intellectual Development Services \$9,665,195"
This item is reduced to \$9,587,195.

On Page 125:

Lines 16-18 "Senator James F. Murray, Jr. Historical Fund for New Jersey History (78,000)"
This item is deleted in its entirety.

On Page 125:

Lines 21-22 "Total Appropriation, Department of Education \$924,211,605"
This item is reduced to \$920,121,605.

"Department of Environmental Protection"

On Page 125:

Line 2 "17-4900 Solid Waste Resource Management 847,000"
This item is reduced to \$760,000.

On Page 125:

Lines 3-4 "Total Appropriation, Natural Resource Management \$1,247,000"
 This item is reduced to \$1,160,000.

On Page 126:

Lines 16A-16F "To the Camden County Industrial Pollution Control Finance Authority for start-up funds to implement a study of ground water surrounding various landfills in Camden County (87,000)"
 This item is deleted in its entirety.

On Page 126:

Line 1 "99-4800 Management and Administrative Services \$2,120,647"
 This item is reduced to \$1,940,647.

On Page 127:

Lines 18A-18B "Aid to environmental agencies for urban environmental concerns (100,000)"
 This item is deleted in its entirety.

On Page 127:

Lines 18C-18D "Grants for historic restorations in the Capital city (80,000)"
 This item is deleted in its entirety.

On Page 127:

Lines 45-46 "Total Appropriation, Department of Environmental Protection \$3,867,647"
 This item is reduced to \$3,600,647.

"Department of Human Services"

On Page 129:

Line 1 "08-7700 Community Services \$34,238,000"
 This item is reduced to \$34,038,000.

On Page 129:

Lines 10-11B "Establishment, development, improvement and expansion of community mental health services, including services to children. (1,900,000)"
 This item is reduced to \$1,700,000.

On Page 132:

Lines 39-40 "Total Appropriation, Department of
Human Services \$317,634,325"
This item is reduced to \$317,434,325.

On Page 136:

Line 64 "Total Appropriation, State Aid \$1,596,109,253"
This item is reduced to \$1,591,077,253.

"Capital Construction"

"Department of Transportation"

On Page 143:

Lines 56-60 "The Commissioner of Transportation may allocate from sums appropriated out of the Transportation Rehabilitation and Improvement Fund sufficient funds to construct a pedestrian overpass over Route 22 in Scotch Plains."

The quoted language is deleted in its entirety.

On Page 143:

Lines 61-66 "Of the amounts provided hereinabove for State Highway Construction, no funds shall be expended or allocated for planning, land acquisition, construction or related purposes for Route I-95 between Hopewell Township and the Raritan River."

The quoted language is deleted in its entirety.

On Page 143:

Lines 67-74 "In the absence of any other funding source, the sums hereinabove appropriated shall be used for the design, engineering, and construction of the dualization of Route 31 of the State Highway system from its intersection with State Route 12 and U. S. Route 202 in Flemington, in Hunterdon County, north to its intersection with U. S. Route 46 in Buttzville, in Warren County."

The quoted language is deleted in its entirety.

On Page 151:

Line 23 "Total Appropriation, General Fund \$3,964,285,499"
This item is reduced to \$3,957,401,452.

On Page 158:

Line 22 "Grand Total Appropriation, All Funds \$5,113,985,499"
This item is reduced to \$5,107,101,452.

"Revenue Certification"

I hereby certify that in lieu of the anticipated resources for the fiscal year ending June 30, 1981 listed in Senate Bill No. 1309, the following resources are available to support appropriations of \$3,957,401,452 from the General Fund.

GENERAL FUND

Estimated unrestricted fund balance July 1, 1980 . . . \$250,191,467

Major Taxes:

All major taxes same as S-1309 \$3,145,000,000

Miscellaneous Taxes, Fees, Revenues:

Assessments—Cable TV \$442,450

Assessments—Public Utility 6,892,368

Hunters' and Anglers' License Fund 4,144,215

Higher Education Tuition—Regular 40,595,708

Professional examining board fees 3,415,337

All other miscellaneous revenues
same as S-1309 292,527,877

Total Miscellaneous Taxes, Fees,
Revenues \$348,017,955

Interfund Transfers:

State Lottery Fund—Administration \$3,607,555

Unemployment Compensation

Auxiliary Fund 5,491,736

All other interfund transfers same
as S-1309 227,608,021

Total Interfund Transfers \$236,707,312

Total Revenue, General Fund \$3,729,725,267

Plus: Repayment from Casino Control Fund 9,268,707

Less: Reserve for Commuter Taxes:

Emergency Transportation Tax (N. Y.) —11,000,000

Net Revenue, General Fund \$3,727,993,974

Total Resources, General Fund \$3,978,185,441

I further certify that the resources listed in Senate Bill No. 1309 for the Property Tax Relief Fund, the Casino Control Fund and the Casino Revenue Fund will be available to support appropriations from those funds.

This bill, with my recommendations, provides for a balanced, prudent spending plan for fiscal year 1981. The increase in the General Fund is only 6.2 percent above the current year's appropriation and includes a one-time appropriation of \$40 million for accelerated Social Security payments to the federal government as well as a new \$27 million program of Municipal Tax Assistance to provide permanent State support for the loss of Federal anti-recession funds. Adjusting for these appropriations, the General Fund budget has increased by only 4.4 percent, almost four times below the rate of inflation and the smallest increase since 1976.

My original Budget recommended the enactment of a \$210 million new revenue program. We were able to reduce this by \$60 million by the passage of a package of bills relative to the public utility Gross Receipt and Franchise taxes. In addition, a favorable ruling by the Supreme Court concerning the Commuter Tax enabled us to release \$15 million from restricted surplus.

A delay in the economic turnaround in the State and continued strong consumer demand enabled us to revise upward our fiscal year 1980 revenues by \$68 million, thus permitting us to increase our opening surplus for fiscal year 1981. These same factors, together with the favorable mix of business in this State, further permitted us to increase our revenue estimates for fiscal year 1981 by \$61 million. These cumulative actions taken in cooperative spirit by the Executive and Legislative branches of government enable me to sign this bill today without any new tax increases, and in virtually the same spending format as I submitted to the Legislature in February.

This financial plan demonstrates the continuing commitment of this Administration to allocate a significant portion of the State's resources for the support of programs of local governments. Almost 53 percent of the State's current resources will be utilized for the purpose of reducing or holding down property taxes. Also, disbursement from bond funds for parks and recreational facilities, sewer construction, shore protection, housing assistance, and flood control will provide additional State support to local units of government.

Within five years, the State has doubled its contribution for local aid from \$1.3 billion to \$2.6 billion; yet property taxes, when homestead rebates are included, are still less than in 1976. If property taxes had continued their prior pattern of a 10 percent annual increase, they would be \$1.3 billion higher than they are now. This state-local taxation policy, together with tight budgeting practices, adherence to the expenditure limitation law (the 1981 Budget is \$11.0 million below the sum permitted by the cap law), and a policy of moderate expenditure growth for creative social programs has earned for us the highest credit rating possible—a true measure of our sound financial management.

My veto recommendations total \$6.9 million and will enable the General Fund to have a surplus on June 30, 1981 of approximately \$21 million. The surplus in the Property Tax Relief Fund will be \$9.9 million. I am making these reductions for the following reasons:

I am vetoing an amount of \$3.8 million, the largest single item, which would have increased the Pension Adjustment Act for retirees of both the Public Employees' Retirement System and Teachers' Pension and Annuity Fund from three-fifths to two-thirds of the percentage change in the consumer price index, effective January 1, 1981. During the past few years, I have appointed several groups to review the budgetary priorities of State government with an eye toward reducing costs. All of these groups have urged a comprehensive review of the pension plans for public employees; and I believe that before additional costs are incurred, we should evaluate the options available to us. The State Treasurer has begun to gather information and data on this matter, and a full report can be expected before the end of the year.

I am eliminating the additional \$113,047 for the Département of Agriculture which the Joint Appropriations Committee included to add 18 new positions and increase per diem payments to employees of soil conservation districts. In view of the other personnel reductions made in the Budget and the fact that these persons can remain as employees of the districts rather than added as new State employees, this addition is unwarranted.

A partial reduction of \$35,000 is made in the appropriation for the Hackensack Meadowlands Municipal Committee. The \$15,000 remaining together with balances available from prior years will provide the Committee with \$50,000 for fiscal year 1981.

New Jersey State Library

Two special-purpose appropriations in the Department of Education are being reduced by a total of \$25,000. A reduction of \$10,000 for the Oral History Project and \$15,000 for the continued preparation of the William Livingston Papers will still leave sufficient funds in the project accounts to enable the successful continuation of those activities.

Three special-purpose appropriations in the Departments of Education and Community Affairs are being vetoed or reduced in the amount of \$95,000. The YMCA Youth and Government Program (\$15,000) should be considered by the Department of Community Affairs in its normal review of grant applications for its Program Development Accounts. Also, \$20,000 of the \$50,000 for a Teen Arts Program in the Department of Education is not included because Federal and private funds have been available in the past and can be expected to continue. The \$60,000 deleted from the Department of Education's budget for "A State Plan and School for the Arts" is done so with the expectation that the Board of Trustees will call upon personnel from both the Department of Education and the colleges and universities within the State's higher education system for any necessary assistance.

Funds added to the Budget for special-purpose health programs totaling \$118,000 are deleted or reduced. If these special projects warrant funding, then it should come from the basic program appropriation. The line items deleted are: \$40,000 for aid to compulsive gamblers, \$38,000 for the Mercer County Chapter of the Diabetes Association, and \$40,000 for a "non-medical" alcohol detoxification program for the City of Newark.

The sum of \$90,000 is vetoed from the Adult Activities Program in the Division of Mental Retardation. The remaining amount of \$242,739 is sufficient for fiscal year 1981. The sum of \$25,000 is reduced from the Oyster Shell Storing and Planting Program. The current level of \$6,000 plus a new appropriation of \$77,330 for electronic surveying of oyster lease lots will significantly increase the State's commitment in this area of fishing management.

The sum of \$100,000 is vetoed from the appropriation of the Palisades Interstate Park Commission. It was added to perform a study related to Federal funding and to comply with the requirement of Senate Bill No. 1164. Such moneys, if necessary, should be considerably less and included in the enabling legislation.

Funds in the amount of \$175,000 for "Expansion Grants" for Vocational Rehabilitation, \$98,000 to expand the geographical operations of the Public Advocate, and \$75,000 to expand coverage of public affairs events by the Public Broadcasting Authority are vetoed either because of their low priority within the agency's responsibilities or because existing resources are sufficient to perform the function adequately.

I have vetoed \$1,100,000 in Educational State Aid for pilot projects for the pre-school handicapped. Considerable Federal funds are available for handicapped projects and any expansions of State funds should be the subject of enabling legislation.

I have vetoed \$250,000 from the Revolving Housing Demonstration and Grant Fund. Fund balances, expected to approximate \$2 million, are more than sufficient for demonstration programs in fiscal year 1981.

Other items in the State Aid section totaling \$490,000 are vetoed but none of the items impact upon local government budgets. They relate to non-profit agencies or other non-taxing jurisdictions. For example, \$50,000 is vetoed from the Economic Opportunity Program, leaving \$800,000 available; \$25,000 is vetoed from the Special Olympics, leaving a total of \$100,000; and \$150,000 for Cultural Development for Ethnic Groups.

I have deleted language which would require or prohibit the construction of certain portions of highways. The Department of Transportation is in a better position to determine the priority of its highway construction projects.

I have deleted language which bans the use of SEVIN to control Gypsy Moths. This is a complex, environmental health issue and should be resolved in a deliberative hearing process, not the appropriation process.

I have also deleted language which requires that certain grantees receive specific sums of money or special consideration. Such agencies should compete with others for available State resources.

Likewise, I have deleted language where I believe substantive legislation is preferred or where the issues should be dealt with in the context of the specific regulatory power of the executive agency.

Finally, I have deleted language imposing "legislative oversight" of the actions of an executive agency. The requirement of such approval infringes on my constitutional duty to exercise the execu-

tive power of State government (Article V, Section I, Paragraph 1).

I have left untouched a \$750,000 item of appropriation for a Capital Trade and Civil Center in Trenton. This is done, however, on the condition that other elements of the financing plan be obtained from other sources before the funds are disbursed. The Mayor has acted vigorously for this project which could be an interesting concept and further contribute to the continued revitalization of Trenton; but the State should only be one participant in the financing of the Center, and financing from municipal, county, and other sources must also be obtained.

I have let stand the \$1.5 million appropriation added by the Joint Appropriations Committee for space planning, historical restoration, and renovations to the State House and State House Annex; however, more detailed planning must precede the expenditure of the funds.

I have determined to let stand the language concerning the appropriation to the Jersey City Medical Center as a one time payment without regard to the provisions of the Public General Hospital Assistance Act, P. L. 1977, c. 289 the same to be applied for prior debts due to the State of New Jersey but not as a substantive amendment or repealer of any provision of the said Hospital Assistance Act. I request the terms of that legislation be considered in a fuller deliberative process.

Respectfully,

[SEAL]

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary

/s/ BRENDAN BYRNE,
Governor

CHAPTER 57

AN ACT concerning cemeteries and amending N. J. S. 8A:3-13.

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

1. N. J. S. 8A:3-13 is amended to read as follows:

Charter of cemetery company; purposes; certificate of authority for cemetery company organized prior to effective date of act; fee.

8A:3-13 (1) The charter of a cemetery company organized under Title 15 of the Revised Statutes, as provided for herein, shall state in that section of the charter devoted to the purposes for which the cemetery company is organized one or more of the following purposes:

- a. The procuring and holding of lands to be used exclusively for a cemetery or a place for the burial of the dead.
- b. The interment or inurnment of human remains.
- c. The procurement and operation of a crematory.
- d. The procurement and operation of a mausoleum.
- e. The procurement and operation of a columbarium.
- f. The care and preservation of any of the lands or structures specified in the foregoing stated purposes. The stated purposes of the cemetery company shall be considered by the cemetery board and may be used by them as a basis for their determination as to whether a certificate of authority shall issue.

(2) Any cemetery company organized prior to the effective date of this act shall, within 90 days from the effective date of this act, apply to the New Jersey Cemetery Board for the issuance to it of a certificate of authority, along with a fee of \$100.00 payable to the New Jersey Cemetery Board. However, no such fee shall be required from any company which can demonstrate to the satisfaction of the New Jersey Cemetery Board that it no longer has cemetery land to sell and that it exists solely for the maintenance and preservation of the cemetery.

2. This act shall take effect immediately.

Approved July 1, 1980.

CHAPTER 58

AN ACT concerning fees and costs to be charged and collected by county clerks or deputy clerks of the Superior Court and registers of deeds and mortgages and amending sections 22A:2-25 and 22A:2-29 of the New Jersey Statutes and section 2 of P. L. 1965, c. 123.

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

1. N. J. S. 22A:2-25 is amended to read as follows:

Fees.

22A:2-25. Upon the filing, entering or docketing with the deputy clerk of the Superior Court in the various counties of the herein-mentioned papers or documents by either party to any action or proceeding in the law division of the Superior Court, other than a civil action in which a summons or writ must be issued, he shall pay the deputy clerk of the court the following fees:

Entering of complaint or first paper of any action or proceeding, \$6.00.

Filing complaint, \$2.00.

Filing answer or appearance, \$4.00.

Filing any other pleading, any amended pleading or any amendment to a pleading, \$2.00.

Filing and entering each order or judgment of court, including order to show cause, \$4.00.

Filing and entering a voluntary dismissal, either by stipulation or order of court, \$5.00.

Filing notice of appeal, \$10.00.

Filing proceedings or papers on appeal, \$4.00.

Filing first paper on petition for expungement, \$15.00.

Filing any other paper or document not herein stated, \$3.00.

Signing and sealing habeas corpus, \$5.00.

Signing and issuing subpoenas, \$1.00.

2. N. J. S. 22A:2-29 is amended to read as follows:

Fees.

22A:2-29. Upon the filing, indexing, entering or recording of the following documents or papers in the office of the county clerk or deputy clerk of the Superior Court, such parties, filing or having

the same recorded or indexed in the county clerk's office or with the deputy clerk of the Superior Court in the various counties in this State shall pay the following fees in lieu of the fees heretofore provided for the filing, recording or entering of such documents or papers.

In general—

Issuing county clerk's certificate, any instrument	\$2.00
Comparing and making copies, per sheet	\$2.00
Copies of all papers, typing and comparing of photostat, per page	\$1.00
Marking as a true copy, any instrument	\$1.00
Exemplification, any instrument	\$5.00
Plus \$1.00 per page of instrument.	
Recording or filing all instruments not herein stated	\$5.00

Bonds, bail, recognizances—

Recording all official bonds with acknowledgment and proof of the execution thereof	\$6.00
Filing and entering recognizances or civil bail	\$6.00
Filing discharge, attachment bond	\$6.00
Filing satisfaction or order discharging recognizance or civil bail	\$6.00
Filing and recording filiation bond	\$6.00
Filing satisfaction of or order discharging filiation bond	\$6.00
Recording or discharging sheriff's bonds	\$6.00

Nonbusiness corporation, recording:

Certificates of incorporation of corporations and associations not for profit, and of societies, clubs, credit unions, churches, religious societies and congregations	\$10.00
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Amendments to certificates of incorporation, all corporations, recording	\$10.00
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All other corporate certificates, recording	\$6.00
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Bank merger agreements, recording:

Three sheets or less	\$10.00
Each sheet over 3	\$2.00
Certificates, each	\$2.00

Trade-names, firms, partnerships:

Certificate of name, filing (see R. S. 56:1-1 et seq.)	\$20.00
Certificate of dissolution of trade-name (see R. S. 56:1-6 et seq.)	\$6.00

Bottles, et cetera, description (see R. S. 56:3-14 et seq.)	\$3.00
Building and Loan or Savings and Loan Associations:	
Change of name	\$10.00
Dissolution	\$6.00
Certificates for limited-dividend housing associations, recording	\$10.00
Certificates for urban renewal associations, recording	\$10.00
Judgments, et cetera—	
Recording judgments	\$6.00
Filing, entering and recording judgment on bond and warrant by attorney	\$25.00
Certificate for docketing Superior Court transcript	\$6.00
Recording assignments of judgments	\$10.00
Issuing transcript of judgments	\$5.00
Filing or entering on the record of discharge, cancellation, release or satisfaction of a judgment by satisfaction piece, execution returned satisfied or otherwise	\$5.00
For recording and indexing postponement of the lien of judgments	\$10.00
Execution on judgment:	
Drawing execution	\$6.00
Recording execution	\$6.00
Warrant for satisfaction	\$4.00
Writ of possession	\$6.00
Writ of sequestration	\$6.00
Discharge of writ	\$6.00
Mandate	\$10.00
Liens—	
Filing, indexing and recording mechanic's lien claim	\$6.00
Recording, filing and noting on the record the discharge, release or satisfaction of a mechanic's lien claim	\$6.00
Extension of lien claim	\$2.00

Filing statement of county district court judgment in mechanic's lien proceeding	\$6.00
Filing, recording and indexing mechanic's notice of intention	\$3.00
Filing a certificate discharging a mechanic's notice of intention and noting the discharge on the record thereof	\$3.00
Filing certificate from court of commencement of suit	\$3.00
Filing a court order amending a mechanic's notice of intention	\$6.00
Filing, recording and indexing stop notices	\$3.00
Filing a certificate discharging a stop notice and noting the discharge on the record thereof	\$3.00
Filing a court order discharging a stop notice and noting the discharge on the record thereof	\$6.00
Filing building contract	\$10.00
Filing building specifications	\$5.00
Filing building plans	\$5.00
Filing each notice of physician's lien	\$3.00
Entering upon the record the discharge of a physician's lien	\$3.00
Filing each hospital lien claim	\$3.00
Discharge of hospital lien	\$3.00
Filing satisfaction or order for discharge of attachment	\$6.00
Recording collateral inheritance waiver or receipt	\$6.00
Recording inheritance tax waiver	\$6.00
Subordination, release, partial release or postponement of a lien to lien of mortgage	\$5.00
Commissions and oaths—	
Administering oaths to notaries public and commissioners of deeds	\$5.00
For issuing certificate of authority of notary to take proof, acknowledgment of affidavit	\$2.00
For issuing each certificate of the commission and qualification of notary public for filing with other county clerks	\$4.00
For filing each certificate of the commission and qualification of notary public, in office of county clerk of county other than where such notary has qualified	\$4.00

Miscellaneous—

Filing and recording proceedings for laying out, vacating or dedicating roads	\$10.00
Change of name (recording and filing all pro- ceedings)	\$30.00
Recording firemen's certificates	No charge
Registering physician	\$10.00
Issuing alcoholic beverage identification card	\$4.00

3. Section 2 of P. L. 1965, c. 123 (C. 22A:4-4.1) is amended to read as follows:

C. 22A:4-4.1 Fees.

2. County clerks and registers of deeds and mortgages, in counties having such office, shall charge for the services herein enumerated the following fees:

	Fee
For recording veteran's discharge papers	No fee
For recording any instrument:	
First page	\$10.00
Each additional page or part thereof	\$1.00
Each rider, insertion, addition, or any map, plat or sketch filed or recorded pursuant to paragraph (c) of section 2 of P. L. 1957, chapter 130	\$1.00
For entering the marginal notation of an order, judgment, statement or warrant discharging, annulling a notice of lis pendens and for filing such order, judgment or state- ment	\$2.00
For preparing and transmitting to the assessor, collector, or other custodian of the assessment map of any taxing district, the abstract of an instrument evidencing title to realty	\$2.00
For entering the marginal notation of a discharge or release of a New Jersey building and loan or savings and loan mortgage and forwarding abstract	\$2.00
For entering the marginal notation of a discharge, assign- ment, postponement or release of a mortgage, other than building and loan and savings and loan mortgages	\$2.00
For the cancellation of any mortgage	\$5.00
For a marginal notation of the discharge of a mortgage in counties where mortgages are indexed under a system requiring a duplication of indices and description	\$2.00

For filing and recording notices of Federal tax liens or certificates discharging such liens	\$5.00
For filing each map, plat, plan or chart (except when presented by the State or its agencies or filed pursuant to paragraph (c) of section 2 of P. L. 1957, c. 130 (C. 48:3-17.3))	\$12.00
For recording tax sale certificate or a redemption or assignment of tax sale certificate, first page	\$10.00
Each additional page or part thereof	\$1.00
Certified copy of veteran's discharge	\$0.50
For indexing any recorded instrument in excess of 10 parties, per each name in excess of 10	\$0.20
4. This act shall take effect July 1, 1980.	
Approved July 1, 1980.	

CHAPTER 59

AN ACT concerning provident loan associations and repealing sections 17:11-1 through 17:11-12 of the Revised Statutes and P. L. 1953, c. 353.

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

Repealer.

1. Sections 17:11-1 through 17:11-12 of the Revised Statutes are repealed.

Repealer.

2. P. L. 1953, c. 353 (C. 17:11-13 through C. 17:11-18) is repealed but the repeal thereof shall in no manner affect any conversion effected or right acquired thereunder.

3. This act shall take effect immediately.

Approved July 1, 1980.

CHAPTER 60

A SUPPLEMENT to the "Sales and Use Tax Act," approved April 27, 1966 (P. L. 1966, c. 30, C. 54:32B-1 et seq.).

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

C. 54:32B-24.1 Collection and administration of tax; certification to treasurer of revenues; payment and distribution; copies of tax reports; distribution.

1. a. The director shall collect and administer any tax imposed pursuant to the provisions of P. L. 1947, c. 71 (C. 40:48-8.15 et seq.), amended and supplemented by P. L. 1979, c. 273, notwithstanding the provisions of any other law or ordinance to the contrary. In carrying out the provisions of this supplementary act the director shall have all the powers granted in P. L. 1966, c. 30 (C. 54:32B-1 et seq.).

b. The director shall determine and certify to the State Treasurer on a monthly basis the amount of revenues payable to any municipality which has enacted a tax pursuant to P. L. 1947, c. 71 (C. 40:48-8.15 et seq.) and collected by the director pursuant to this supplementary act. The State Treasurer upon the certification of the director and upon the warrant of the State Comptroller, shall pay and distribute on a monthly basis to each municipality the amount so determined and certified.

c. The director may furnish to a municipality, at his discretion, copies of tax reports or returns relating to taxes imposed under any municipal ordinance heretofore adopted by that municipality pursuant to P. L. 1947, c. 71 (C. 40:48-8.15 et seq.).

2. This act shall take effect July 1, 1980.

Approved July 1, 1980.

CHAPTER 61

AN ACT to amend the "Sales and Use Tax Act," approved April 27, 1966 (P. L. 1966, c. 30).

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

1. Section 2 of P. L. 1966, c. 30 (C. 54:32B-2) is amended to read as follows:

C. 54:32B-2 Definitions.

2. Definitions. Unless the context in which they occur requires otherwise, the following terms when used in this act shall mean:

(a) Person. Person includes an individual, partnership, society, association, joint stock company, corporation, public corporation or public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b) Purchase at retail. A purchase by any person at a retail sale.

(c) Purchaser. A person who purchases property or who receives services.

(d) Receipt. The amount of the sales price of any property and the charge for any service taxable under this act, valued in money, whether received in money or otherwise, including any amount for which credit is allowed by the vendor to the purchaser, without any deduction for expenses or early payment discounts, but excluding any credit for property of the same kind accepted in part payment and intended for resale and excluding the cost of transportation where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser.

(e) Retail sale. (1) A sale of tangible personal property to any person for any purpose, other than (A) for resale either as such or as converted into or as a component part of a product produced for sale by the purchaser, or (B) for use by that person in performing the services subject to tax under subsection (b) of section 3 where the property so sold becomes a physical component part of the property upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax.

(2) For the purposes of this act, the term retail sales includes:

Sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others.

(3) The term retail sales does not include:

(A) Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(B) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction.

(C) The distribution of property by a corporation to its stockholders as a liquidating dividend.

(D) The distribution of property by a partnership to its partners in whole or partial liquidation.

(E) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock.

(F) The contribution of property to a partnership in consideration for a partnership interest therein.

(G) The sale of tangible personal property where the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the vendor.

(f) Sale, selling or purchase. Any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor, including the rendering of any service, taxable under this act, for a consideration or any agreement therefor.

(g) Tangible personal property. Corporeal personal property of any nature.

(h) Use. The exercise of any right or power over tangible personal property by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for any length of time, withdrawal from storage, any installation, any affixation to real or personal property, or any consumption of such property.

(i) Vendor. (1) The term "vendor" includes:

(A) A person making sales of tangible personal property or services, the receipts from which are taxed by this act;

(B) A person maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the State of tangible personal property or services, the use of which is taxed by this act;

(C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within the State of tangible personal property or services, the use of which is taxed by this act; and

(D) Any other person making sales to persons within the State of tangible personal property or services, the use of which is taxed by this act, who may be authorized by the director to collect the tax imposed by this act;

(E) The State of New Jersey, any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another state) or political subdivisions when such entity sells services or property of a kind ordinarily sold by private persons.

(2) In addition, when in the opinion of the director it is necessary for the efficient administration of this act to treat any salesman, representative, peddler or canvasser as the agent of the vendor, distributor, supervisor or employer under whom he operates or from whom he obtains tangible personal property sold by him or for whom he solicits business, the director may, in his discretion, treat such agent as the vendor jointly responsible with his principal, distributor, supervisor or employer for the collection and payment over of the tax.

(j) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" includes an apartment hotel, a motel, boarding house or club, whether or not meals are served.

(k) Occupancy. The use or possession or the right to the use or possession, of any room in a hotel.

(l) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(m) Permanent resident. Any occupant of any room or rooms in a hotel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(n) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(o) Admission charge. The amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.

(p) Amusement charge. Any admission charge, dues or charge of roof garden, cabaret or other similar place.

(q) Charge of a roof garden, cabaret or other similar place. Any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place.

(r) Dramatic or musical arts admission charge. Any admission charge paid for admission to a theatre, opera house, concert hall or other hall or place of assembly for a live, dramatic, choreographic or musical performance.

(s) Lessor. Any person who is the owner, licensee, or lessee of any premises or tangible personal property which he leases, subleases, or grants a license to use to other persons.

(t) Place of amusement. Any place where any facilities for entertainment, amusement, or sports are provided.

(u) Casual sale. Casual sale means an isolated or occasional sale of an item of tangible personal property by a person who is not regularly engaged in the business of making sales at retail where such property was obtained by the person making the sale, through purchase or otherwise, for his own use in this State.

(v) Motor vehicle. Motor vehicle shall include all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks), trailers, semitrailers, house-trailers, or any other type of vehicle drawn by a motor-driven vehicle, and motorcycles, designed for operation on the public highways.

(w) "Persons required to collect tax" or "persons required to collect any tax imposed by this act" shall include: every vendor of tangible personal property or services; every recipient of amusement charges; and every operator of a hotel. Said terms shall also include any officer or employee of a corporation or of a dissolved corporation who as such officer or employee is under a duty to act for such corporation in complying with any requirement of this act and any member of a partnership. Provided, however, the vendor of tangible personal property to all contractors, subcontractors or repairmen, consisting of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others, shall not be deemed a person required to collect tax, and the tax

imposed by any section of this act shall be paid directly to the director by such contractors, subcontractors or repairmen.

(x) "Customer" shall include: every purchaser of tangible personal property or services; every patron paying or liable for the payment of any amusement charge; and every occupant of a room or rooms in a hotel.

(y) "Property and services the use of which is subject to tax" shall include: (a) all property sold to a person within the State, whether or not the sale is made within the State, the use of which property is subject to tax under section 6 or will become subject to tax when such property is received by or comes into the possession or control of such person within the State; and (b) all services rendered to a person within the State, whether or not such services are performed within the State, upon tangible personal property the use of which is subject to tax under section 6 or will become subject to tax when such property is received by or comes into possession or control of such person within the State.

(z) Director. Director means the Director of the Division of Taxation of the State Department of the Treasury, or any officer, employee or agency of the Division of Taxation in the Department of the Treasury duly authorized by the director (directly, or indirectly by one or more redelegations of authority) to perform the functions mentioned or described in this act.

2. Section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is amended to read as follows:

C. 54:32B-3 Imposition of sales tax.

3. Imposition of sales tax. On and after July 1, 1966 and continuing through February 28, 1970 there is hereby imposed and there shall be paid a tax of 3%, and on and after March 1, 1970 there is hereby imposed and there shall be paid a tax of 5% upon:

(a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in

the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to subsection (a) of section 8, (iii) services rendered with respect to trucks, tractors, trailers or semitrailers by a person who is not engaged, directly or indirectly through subsidiaries, parents, affiliates or otherwise, in a regular trade or business offering such services to the public, (iv) any receipts from laundering, dry cleaning, tailoring, weaving, pressing, shoe repairing and shoeshining, and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land.

(3) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property, by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding interior cleaning and maintenance services, garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days, other than window cleaning, and rodent and pest control.

(5) Advertising services except advertising services for use directly and primarily for publication in newspapers and magazines.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this

subsection where the tangible personal property upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) Receipts from the sale of food and drink in or by restaurants, taverns, vending machines or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

(1) In all instances where the sale is for consumption on the premises where sold;

(2) In those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(3) In those instances where the sale is for consumption off the premises of the vendor, and consists of a meal, or food prepared and ready to be eaten, of a kind obtainable in restaurants as the main course of a meal, including a sandwich, except where food other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores other than those which are principally engaged in selling prepared foods.

(4) Sales of food and beverage sold through coin-operated vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by subsection (i) of section 8.

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of \$2.00 per day.

(e) (1) Any admission charge where such admission charge is in excess of \$0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theatres, except charges for admission to boxing, sparring, or wrestling matches or exhibitions which charges are taxed under any other law of this State or under R. S. 5:2-12, and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or a lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

3. Section 8 of P. L. 1966, c. 30 (C. 54:32B-8) is amended to read as follows:

C. 54:32B-8 Exempt sales.

8. Exempt sales. Receipts from the following shall be exempt from the tax on retail sales imposed under subsection (a) of section 3 and the use tax imposed under section 6:

(a) Sales of medicines and drugs sold pursuant to a doctor's prescription for human use; crutches, artificial limbs, artificial eyes, artificial hearing devices, corrective eyeglasses, prosthetic aids, artificial teeth or dentures, braces, tampons or like products, orthopedic appliances and artificial devices designed to correct or alleviate physical incapacity, medical oxygen, human blood and its derivative when sold for human use, wheelchairs, and replacement parts for any of the foregoing;

(b) Sales of food, food products, beverages, dietary foods and health supplements, sold for human consumption off the premises where sold but not including (i) candy and confectionery, and (ii)

carbonated soft drinks and beverages all of which shall be subject to the retail sales and compensating use taxes, whether or not the item is sold in liquid form. Nothing herein shall be construed as exempting food or drink from the tax imposed under subsection (c) of section 3;

(c) Sales of food sold in an elementary or secondary school cafeteria, sales of food sold in an institution of higher education or in a fraternity, sorority or eating club operated in connection therewith, to students of such an institution;

(d) Sales of articles of clothing and footwear for human use except articles made of fur on the hide or pelt of an animal or animals where such fur is the component material of chief value of the article. "Clothing" as used herein, shall also mean and include sales to noncommercial purchasers of common wearing apparel materials intended to be incorporated into wearing apparel as a constituent part thereof, such as fabrics, thread, knitting yarn, buttons and zippers. The director shall prescribe regulations to carry out the provisions of this subsection;

(e) Sales of newspapers, magazines and periodicals;

(f) Casual sales except as to sales of motor vehicles, whether for use on the highways or otherwise, and except as to sales of boats or vessels registered or subject to registration under the New Jersey Boat Act of 1962 (P. L. 1962, c. 73, and all amendments thereto);

(g) Sales of gas, water, steam, fuel, electricity, telephone or telegraph services delivered to consumers through mains, lines, pipe, or in containers or bulk;

(h) Sales of motor fuels as motor fuels are defined for purposes of the New Jersey Motor Fuel Tax Law; and sale of fuel to an airline for use in its airplanes or to a railroad for use in its locomotives;

(i) Tangible personal property sold through coin-operated vending machines at \$0.10 or less, provided the retailer is primarily engaged in making such sales and maintains records satisfactory to the director;

(j) Sales not within the taxing power of this State under the Constitution of the United States;

(k) The transportation of persons or property;

(l) Sales, repairs, alterations or conversion of commercial ships or any component thereof including cargo containers of any type

whatsoever, barges and other vessels of 50-ton burden or over, primarily engaged in interstate or foreign commerce, and of governmentally-owned ships, barges and other vessels and property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance and repairs (other than articles purchased for the original equipping of a new ship);

(m) (1) Sales of machinery, apparatus or equipment for use or consumption directly and primarily in the production of tangible personal property by manufacturing, processing, assembling or refining;

(2) Sales of machinery, apparatus or equipment for use or consumption directly and primarily in the production, generation, transmission or distribution of gas, electricity, refrigeration, steam or water for sale or in the operation of sewerage systems;

(3) Sales of telephone lines, cables, central office equipment or station apparatus, or other machinery, equipment or apparatus, or comparable telegraph equipment, for use directly and primarily in receiving at destination or initiating, transmitting and switching telephone or telegraph communication;

(4) The exemptions granted under this subsection shall not be construed to apply to sales, otherwise taxable, of machinery, equipment or apparatus whose use is incidental to the activities described in paragraphs (1), (2) and (3) of this subsection;

(5) The exemptions granted in this subsection (m) shall not apply to motor vehicles or to parts with a useful life of 1 year or less or tools or supplies used in connection with the machinery, equipment or apparatus described in this subsection;

(n) Sales of tangible personal property purchased for use or consumption directly and exclusively in research and development in the experimental or laboratory sense. Such research and development shall not be deemed to include the ordinary testing or inspection of materials or products for quality control, efficiency surveys, management studies, consumer surveys, advertising, promotions or research in connection with literary, historical or similar projects;

(o) Sales or use of wrapping paper, wrapping twine, bags, cartons, tape, rope, labels, nonreturnable containers, reusable milk containers and all other wrapping supplies when such use is incidental to the delivery of any personal property;

(p) Sales of tangible personal property (except automobiles, and except property incorporated in a building or structure) for use and consumption directly and exclusively in the production for sale of tangible personal property on farms, including stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, ranches, nurseries, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards;

(q) Sales of tangible personal property sold by a mortician, undertaker or funeral director. However, all tangible personal property sold to a mortician, undertaker or funeral director for use in the conducting of funerals shall not be deemed a sale for resale and shall not be exempt from the tax imposed by this act;

(r) Sales of films, records, tapes or any type of visual or sound transcriptions to, or produced for exhibition in or use through the medium of, theaters and radio and television broadcasting stations or networks, and not used for advertising purposes;

(s) Sales of tangible personal property and services taxable under any municipal ordinance heretofore adopted pursuant to P. L. 1947, c. 71, which is in effect on April 27, 1966, but only to the extent such sales are taxable under said ordinance and subject to the following:

(1) To the extent that the tax that is or would be imposed under section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is greater than the tax imposed by such ordinance, such sales shall not be exempt under this subsection; and

(2) To the extent permitted in the following schedule, irrespective of the rate of tax imposed by such ordinance: (i) Through June 30, 1980, such sales shall be exempt only to the extent that they are subject to taxation under such ordinance at a rate not exceeding 5%;

(ii) From July 1, 1980 through June 30, 1981, such sales shall be exempt only to the extent that they are subject to taxation under such ordinance at a rate not exceeding 4%;

(iii) On and after July 1, 1981, such sales shall not be exempt under this subsection;

(t) Sales of materials, such as chemicals and catalysts, used to induce or cause a refining or chemical process, where such materials are an integral or essential part of the processing operation, but do not become a component part of the finished product;

(u) Sales of school textbooks for use by students in a school, college, university or other educational institution, approved as such by the Department of Education or by the Department of Higher Education, when the educational institution, upon forms and pursuant to regulations prescribed by the director, has declared the books are required for school purposes and the purchaser has supplied the vendor with the form at the time of the sale;

(v) (Deleted by amendment. P. L. 1970, c. 7, s. 5.)

(w) Sales made to contractors, subcontractors or repairmen of materials, supplies or services for exclusive use in erecting structures or building on, or otherwise improving, altering or repairing real property of organizations described in subsections (a) and (b) of section 9 of this act, provided any person seeking to qualify for this exemption shall do so pursuant to such rules and regulations and upon such forms as shall be prescribed by the director;

(x) The renting, leasing, licensing or interchanging of trucks, tractors, trailers or semitrailers by persons not engaged in a regular trade or business offering such renting, leasing, licensing or interchanging to the public, provided, that such renting, leasing, licensing or interchanging is carried on with persons engaged in a regular trade or business involving carriage of freight by such vehicles;

(y) Sales of cigarettes subject to tax under the Cigarette Tax Act;

(z) Sales of the Bible or similar sacred scripture of a bona fide church or religious denomination;

(aa) Sales of the flag of the United States of America and of the flag of the State of New Jersey;

(bb) Sales of locomotives, railroad cars and other railroad rolling stock, including repair and replacement parts therefor, track materials, and communication, signal and power transmission equipment, to a railroad whose rates are regulated by the Interstate Commerce Commission or by the Board of Public Utilities;

(cc) Sales of buses for public passenger transportation, including repair and replacement parts therefor, to bus companies whose rates are regulated by the Interstate Commerce Commission or the Board of Public Utilities or to an affiliate of said bus companies or to common or contract carriers for their use in the transportation of children to and from school. For the purposes of this subsection "affiliate" shall mean a corporation whose stock is wholly owned by the regulated bus company or whose stock is wholly owned by the same persons who own all the stock of the regulated bus company.

(dd) Sales of newspaper production machinery, apparatus and equipment for use and consumption directly and primarily in the publication of newspapers in the production departments of a newspaper plant, including, but not limited to: engraving, enlarging and development equipment, internal process cameras and news transmission equipment, composing and pressroom apparatus and equipment, type fonts, lead, mats, ink, plates, conveyors, stackers, sorting, bundling, stuffing, labeling and wrapping equipment and supplies for any of the foregoing except that sales of motor vehicles, typewriters, and other equipment and supplies otherwise taxable under this act are not exempt.

(ee) The sale of advertising to be published in a newspaper.

(ff) Sales, renting or leasing of: commercial motor vehicles, and vehicles used in combination therewith, as defined in R. S. 39:1-1 and registered in New Jersey for more than 18,000 pounds; or which are registered in New Jersey and operated pursuant to a certificate or permit issued by the Interstate Commerce Commission; and repair and replacement parts therefor.

(gg) The sale of gold or silver and storage thereof, in the form traded on any contract market or other board of trade or exchange licensed by the Federal Commodity Futures Trading Commission as defined in the Commodity Exchange Act, as amended; provided that the sale shall have been in fulfillment of the obligations of a contract for future delivery of gold or silver, or an option to purchase or sell such commodity, entered into on and in accordance with the rules of such licensed contract or options market; provided, further that this exemption shall not apply with respect to any gold or silver subsequently converted to use by a purchaser and in such event such purchaser shall be liable for the sales and use tax imposed hereunder.

(hh) Sales of solar energy devices or systems designed to provide heating or cooling, or electrical or mechanical power by collecting and transferring solar-generated energy and including mechanical or chemical devices for storing solar-generated energy. The Director of the Division of Energy Planning and Conservation in the Department of Energy shall establish standards with respect to the technical sufficiency of solar energy systems for purposes of qualification for exemption.

(ii) Sales at retail of alcoholic beverages as defined in the Alcoholic Beverage Tax Law.

4. This act shall take effect August 1, 1980.

Approved July 7, 1980.

CHAPTER 62

AN ACT establishing a tax on wholesale sales of alcoholic beverages.

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

C. 54:32C-1 Short title.

1. This act shall be known and may be cited as the "Alcoholic Beverage Wholesale Sales Tax Act."

C. 54:32C-2 Definitions.

2. As used in this act:

a. "Alcoholic beverage" means liquors, beer, wines, sparkling wine or vermouth.

b. "Beer" means beer, lager beer, ale, stout, porter, and all similar fermented malt beverages having an alcoholic content of $\frac{1}{2}$ of 1% or more by volume.

c. "Director" means the Director of the Division of Taxation in the Department of the Treasury or his duly authorized agent.

d. "Liquors" means all distilled or rectified spirits, alcohol, brandy, whiskey, rum, gin and all similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing, such as liqueurs, cordials, and similar compounds, having an alcoholic content of $\frac{1}{2}$ of 1% or more by volume.

e. "Receipts" means the amount of the sales price of alcoholic beverages valued in money, whether received in money or otherwise, without any deduction for expenses or early payment discounts, and excluding the cost of transportation where such cost is separately stated on the invoice rendered to the retail licensee.

f. "Retail licensee" means any person holding a valid and unrevoked plenary retail consumption, plenary retail distribution, limited retail distribution, seasonal retail consumption or club license issued by a municipality or the Director of the Division of Alcoholic Beverage Control or special permit to sell at retail.

g. "Sparkling wine" means champagne and other effervescent wine charged with carbon dioxide, whether artificially or as the result of secondary fermentation of the wine within the container.

h. "Vermouth" means any compound made by the mixture of extracts from macerated aromatic flavoring materials with wines and manufactured in such manner that the product possesses

the taste, aroma, and characteristics generally attributed to vermouth.

i. "Wines" means all wines whether known as "dry wines," "sweet wines," "still wines," or "fortified wines" and any artificial or imitation wine or compound sold as wine, and any fruit juice containing $\frac{1}{2}$ of 1% or more of alcohol by volume, and any other beverage containing alcohol produced by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar, which beverage contains $\frac{1}{2}$ of 1% or more of alcohol by volume, but shall not mean or include vermouth, or cider containing less than $3\frac{2}{10}\%$ of alcohol by volume.

j. "Wholesaler" means any person who sells alcoholic beverages to retail licensees.

C. 54:32C-3 Imposition of tax.

3. There is imposed a tax of 6.5% upon the receipts from every sale of alcoholic beverages, except draught beer sold by the barrel, by any wholesaler to any retail licensee.

C. 54:32C-4 Collection of tax from retail licensee.

4. Every wholesaler required to collect the tax shall collect the tax from the retail licensee when collecting the receipts to which it applies. The retail licensee shall be given an invoice, receipt or other statement or memorandum of the service charge and the tax shall be stated, charged and shown separately on the document first given to the retail licensee. The tax shall be paid to the wholesaler required to collect it as trustee for and on account of the State.

The director may provide by regulation that the tax upon receipts paid in installments may be paid and the return filed on the amount of each installment.

C. 54:32C-5 Liability for tax; rights in respect to tax collection; failure to pay tax; regulations.

5. a. Every wholesaler required to collect the tax imposed by this act shall be personally liable for the tax imposed, collected or required to be collected under this act. A wholesaler shall have the same right in respect to collecting the tax from the retail licensee or in respect to non-payment of the tax by the retail licensee as if the tax were a part of the sales price for the alcoholic beverages and payable at the same time; except the director shall be joined as a party in any action or proceeding brought to collect the tax.

b. Where any retail licensee has failed to pay a tax imposed by this act to the wholesaler required to collect the same, then in

addition to all other rights, obligations and remedies provided, the tax shall be payable by the retail licensee directly to the director, and it shall be the duty of the retail licensee to file a return with the director and to pay the tax to him within 20 days of the date the tax was required to be paid.

c. The director may, whenever he deems it necessary for the proper enforcement of this act, provide by regulation that retail licensees shall file returns and pay directly to the director any tax herein imposed, at such times as returns are required to be filed and payment over made by wholesalers required to collect the tax.

C. 54:32C-6 Certificate of registration; certificate of authority; issuance.

6. Within 15 days from the effective date of this act, or in the case of wholesalers commencing business or opening new places of business after such date, within 3 days after such commencement or opening, every wholesaler required to collect any tax imposed by this act shall file with the director a certificate of registration in a form prescribed by him unless a certificate of authority has been previously issued to any wholesaler. The director shall within 5 days after registration issue, without charge, to each registrant a certificate of authority empowering him to collect the tax and a duplicate thereof for each additional place of business of the registrant. Each certificate or duplicate shall state the place of business to which it is applicable. The certificate of authority shall be prominently displayed in the place of business of the registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered to the director immediately upon the registrant's ceasing to do business at the place named.

C. 54:32C-7 Records.

7. Every wholesaler required to collect any tax imposed by this act shall keep records of every charge and of all amounts paid, charged or due thereon and of the tax payable thereon, in such form as the director may by regulation require. Records shall include a true copy of each invoice, receipt, statement or memorandum upon which section 4 requires that the tax be stated separately. 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 3 years, except that the director may consent to their destruction within that period or may require that they be kept longer.

C. 54:32C-8 Filing of return; other periods to be covered by return or intervals; form of returns.

8. a. Every wholesaler required to collect or pay tax under this act shall on or before September 20, 1980, and on or before the twentieth day of each month thereafter, make and file a return for the preceding month with the director. The return shall show his receipts and the amount of taxes required to be collected with respect to such receipts.

b. The director may permit or require returns to be made covering other periods and upon such dates as he may specify. In addition, the director may require payments of tax liability at such intervals and based upon such classifications as he may designate. In prescribing other periods to be covered by the return or intervals or classifications for payment of tax liability, the director may take into account the dollar volume of tax involved as well as the need for insuring the prompt and orderly collection of the taxes imposed.

c. The form of returns shall be prescribed by the director and shall contain such information as he may deem necessary for the proper administration of this act. The director may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

C. 54:32C-9 Payment of taxes; bond; filing by wholesaler.

9. Every wholesaler required to file a return under this act shall, at the time of filing the return, pay to the director the taxes imposed by this act. Taxes for the period for which a return is required to be filed or for a lesser interval as shall have been designated by the director, shall be due and payable to the director on the date limited for the filing of the return for the period, or on the date limited for such lesser interval as the director has designated, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of receipts or the taxes due thereon. Where the director deems it necessary to protect the revenues to be obtained under this act, he may require a wholesaler required to collect the tax imposed by this act to file with him a bond, issued by a surety company authorized to transact business in this State and approved by the Commissioner of Insurance of this State as to solvency and responsibility, in an amount as the director may fix, to secure the payment of any tax or penalties or interest due or which may become due from the wholesaler under this act. In the event that the director determines that a wholesaler is to file a bond, he shall give notice to him to that effect, specifying

the amount of the bond required. The wholesaler shall file the bond within 5 days after the giving of notice unless within the 5 days he shall request in writing a hearing before the director at which the necessity, propriety and amount of the bond shall be determined by the director. The determination shall be final and shall be complied with within 15 days after the giving of notice thereof. In lieu of bond, securities approved by the director or cash in an amount as he may prescribe, may be deposited, which shall be kept in the custody of the director who may at any time without notice to the depositor apply them to any tax or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

C. 54:32C-10 Return not filed; determination of amount of tax.

10. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the director from such information as may be available. If necessary, the tax may be estimated on the basis of external indices, such as purchases, location, scale of charges, comparable charges, number of employees or other factors. Notice of the determination shall be given to the wholesaler or retail licensee liable for the collection or payment of the tax. The determination shall finally and irrevocably fix the tax unless the wholesaler or retail licensee against whom it is assessed, within 30 days after giving of 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 wholesaler or retail licensee against whom the tax is assessed.

C. 54:32C-11 Applicability of State Tax Uniform Procedure Law.

11. The taxes imposed by this act shall be governed in all respects by the provisions of the State Tax Uniform Procedure Law (subtitle 9 of Title 54 of the Revised Statutes) except only to the extent that a specific provision of this act may be in conflict therewith.

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 exceed-

ing 3 months on such terms and conditions as he may require; and for cause shown, to remit penalties but not interest computed at the rate of 9% per annum;

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 power 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.

C. 54:32C-13 Failure to file return; penalties; disorderly persons.

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, subtitle 9 of Title 54 of the Revised Statutes. Unpaid penalties and interest may be determined, assessed, collected and enforced in the same manner as the tax imposed by this act.

b. Any person failing to file a return or failing to pay or pay over any tax required by this act, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this act, which is willfully false, or willfully failing to file a bond required by this act, or failing to file a registration certificate and such data in connection therewith as the director by regulation or otherwise may require, or to display or surrender a certificate of authority as required by this act, or assigning or transferring such certificate of authority, or willfully failing to charge separately the tax herein imposed or

to state such tax separately on any bill, statement, memorandum or receipt issued or employed by him upon which the tax is required to be stated separately as provided in section 4, or willfully failing to collect the tax from a customer, or referring or causing reference to be made to this tax in a form or manner other than that required by this act, or failing to keep any records required by this act, shall, in addition to any other penalties herein or elsewhere prescribed, be a disorderly person.

c. The certificate of the director to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this act shall be presumptive evidence thereof.

C. 54:32C-14 Appeals; deficiency; assessment.

14. a. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the Tax Court, by filing a complaint with the Tax Court in the manner and form prescribed by the Tax Court and on giving security, approved by the director, conditioned to pay the tax heretofore levied, if the same remains unpaid, with interest and costs, as set forth in subsection c. hereof.

b. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a decision of the director in respect of the determination of the liability of the taxpayer for the taxes imposed by this act.

c. Irrespective of any restrictions on the assessment and collection of deficiencies, the director may assess a deficiency after the expiration of the period specified in subsection a., notwithstanding that a complaint in respect of the deficiency has been duly made by the taxpayer, unless the taxpayer, at or before the time his complaint is made, has paid the deficiency, has deposited with the director the amount of the deficiency, or has filed with the director a bond, which may be a jeopardy bond, in the amount of that portion of the deficiency, including interest and other amounts, in respect of which the complaint is made and all costs and charges which may accrue against him in the prosecution of the proceeding, including costs of all appeals, and with surety approved by the Tax Court, conditioned upon the payment of the deficiency, including interest and other amounts, as finally determined and such costs and charges. If as a result of a waiver of the restrictions on the assessment and collection of a deficiency any part of the amount determined by the director is paid after the filing of the appeal

bond; the bond shall, at the request of the taxpayer, be proportionately reduced.

15. This act shall take effect immediately, but shall apply to alcoholic beverages delivered to retail licensees after July 31, 1980 even though rendered under a contract entered into prior to that date.

Approved July 7, 1980.

CHAPTER 63

AN ACT authorizing the sale of surplus real property owned by the Department of Corrections.

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

1. The Department of Corrections is authorized to sell and convey all of the State's interest in 13.6 acres of surplus real property in the township of Woodbridge, Middlesex county. The property is designated as Block 869, Lot 1, on the township of Woodbridge tax map.

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

3. This act shall take effect immediately.

Approved July 7, 1980.

CHAPTER 64

AN ACT authorizing the sale of surplus real property owned by the Department of Corrections.

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

1. The Department of Corrections is authorized to sell and convey all of the State's interest in 12.35 acres of surplus real property in the township of Clinton, Hunterdon county. The property is

designated as Block 46A, Lot 1, on the township of Clinton tax map.

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

3. This act shall take effect immediately.

Approved July 7, 1980.

CHAPTER 65

AN ACT to amend the "Pinelands Protection Act," approved June 28, 1979 (P. L. 1979, c. 111).

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

1. Section 5 of P. L. 1979, c. 111 (C. 13:18A-5) is amended to read as follows:

C. 13:18A-5 Commission membership; terms; removal; oath; powers; minutes of meetings; veto.

5. a. The commission shall consist of 15 members to be appointed and qualified as follows:

(1) Seven residents of the State, appointed by the Governor, with the advice and consent of the Senate, except as otherwise provided herein;

(2) Seven residents of the State, one resident each of the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Ocean, appointed by the board of chosen freeholders of each such county; provided, however, that in any county operating under the county executive plan or county supervisor plan pursuant to the provisions of the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.), such appointment shall be made by the county executive or the county supervisor, as the case may be;

(3) One member to be appointed by the Secretary of the United States Department of the Interior.

Any appointments made prior to the effective date of this act by the Governor or by any of the respective counties to the planning entity established pursuant to the Federal Act shall be considered

appointments made to the commission, and no such gubernatorial appointment shall be subject to the advice and consent of the Senate.

b. Commission members shall serve for terms of 3 years; provided, however, that of the first members appointed by the Governor, two shall serve 3 year terms, two shall serve 2 year terms and three shall serve 1 year terms; and provided further, however, that of the first members appointed by the respective counties, such members appointed from Atlantic and Burlington counties shall serve 1 year terms, such members appointed from Camden and Cape May counties shall serve 2 year terms, and such members appointed from Cumberland, Gloucester and Ocean counties shall serve 3 year terms. Each member shall serve for the term of his appointment and until his successor shall have been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only. The membership of the entire commission shall include residents of the pinelands area who represent economic activities, such as agriculture, in the area, as well as residents of the State who represent conservation interests.

c. Any member of the commission may be removed by the appointing authority, for cause, after a public hearing.

d. Each member of the commission, before entering upon his duties, shall take and subscribe an oath to perform the duties of his office faithfully, impartially, and justly to the best of his ability. A record of such oaths shall be filed in the Office of the Secretary of State.

e. The members of the commission shall serve without compensation, but the commission may, within the limits of funds appropriated or otherwise made available for such purposes, reimburse its members for necessary expenses incurred in the discharge of their official duties.

f. The powers of the commission shall be vested in the members thereof in office, and a majority of the total authorized membership of the commission shall be required to exercise its powers at any meeting thereof. No alternate or designee of any commission member shall exercise any power to vote on any matter pending before the commission.

g. The Governor shall designate one of the members of the commission as chairman. The commission shall appoint an executive director, who shall be the chief administrative officer thereof.

The executive director shall serve at the pleasure of the commission, and shall be a person qualified by training and experience to perform the duties of his office.

h. A true copy of the minutes of every meeting of the commission shall be prepared and forthwith delivered to the Governor. No action taken at such meeting by the commission shall have force or effect until 10 days, exclusive of Saturdays, Sundays and public holidays, after such copy of the minutes shall have been so delivered; provided, however, that no action taken with respect to the adoption of the comprehensive management plan, or any portion thereof, shall have force or effect until 30 days, exclusive of Saturdays, Sundays and public holidays, after such copy of the minutes shall have been so delivered. If, in said 10-day period, or 30-day period, as the case may be, the Governor returns such copy of the minutes with a veto of any action taken by the commission at such meeting, such action shall be null and void and of no force and effect.

2. Section 7 of P. L. 1979, c. 111 (C. 13:18A-8) is amended to read as follows:

C. 13:18A-8 Comprehensive management plan; adoption; contents of plan.

7. The commission shall, on or before August 8, 1980, and after public hearings held in the pinelands area and in other areas of the State at places of its choosing, prepare and adopt a comprehensive management plan for the pinelands area. The portion or portions of the comprehensive management plan applicable to the preservation area shall be adopted on or before August 8, 1980. The portion or portions of the comprehensive management plan applicable to the protection area shall be adopted on or after November 14, 1980, but in no case later than December 15, 1980, and shall take effect on the thirty-first day following adoption, except as otherwise expressly provided in subsection h. of section 5 of P. L. 1979, c. 111 (C. 13:18A-5). Such plan shall be periodically revised and updated, after public hearings, and shall include, but need not necessarily be limited to:

a. A resource assessment which:

(1) Determines the amount and type of human development and activity which the ecosystem of the pinelands area can sustain while still maintaining the overall ecological values thereof, with special reference to ground and surface water supply and quality; natural hazards, including fire; endangered, unique, and unusual plants and animals and biotic communities; ecological factors relating to the protection and enhancement of blueberry, cranberry

and other agricultural production or activity; air quality; and other appropriate considerations affecting the ecological integrity of the pinelands area;

(2) Includes an assessment of scenic, aesthetic, cultural, open space, and outdoor recreation resources of the area, together with a determination of overall policies required to maintain and enhance such resources; and

(3) Utilizes soil resources information from the National Cooperative Soil Survey and the soil conservation districts in the pinelands area.

b. A map showing the detailed boundary of the Pinelands National Reserve, such map to delineate:

(1) Major areas within the boundary which are of critical ecological importance;

(2) Major areas and resources adjacent to the boundary that have significance to the ecological integrity of the Pinelands National Reserve; and

(3) Areas of scenic, open space, cultural, and recreational significance.

c. The map prepared pursuant to subsection c. of section 10 of this act.

d. A land use capability map and a comprehensive statement of policies for planning and managing the development and use of land in the pinelands area, which policies shall:

(1) Consider and detail the application of a variety of land and water protection and management techniques, including but not limited to, zoning and regulation derived from State and local police powers, development and use standards, permit systems, acquisition of conservation easements and other interest in land, public access agreements with private landowners, purchase of land for resale or lease-back, fee acquisition of public recreation sites and ecologically sensitive areas, transfer of development rights, dedication of private lands for recreation or conservation purposes and any other appropriate method of land and water protection and management which will help meet the goals and carry out the policies of the management plan;

(2) Include a policy for the use of State and local police power responsibilities to the greatest extent practicable to regulate the use of land and water resources in a manner consistent with the purposes and provisions of this act and the Federal Act; and

(3) Recognize existing economic activities within the area and provide for the protection and enhancement of such activities as farming, forestry, proprietary recreational facilities, and those indigenous industries and commercial and residential developments which are consistent with such purposes and provisions.

e. A coordination and consistency component which details the ways in which local, State, and Federal programs and policies may best be coordinated to promote the goals and policies of the management plan, and which details how land, water, and structures managed by governmental or nongovernmental entities in the public interest within the pinelands area may be integrated into the management plan.

f. A public use component including, but not limited to, a detailed program to inform the public of appropriate uses of the pinelands area.

g. A financial component, together with a cash flow timetable which:

(1) Details the cost of implementing the management plan, including, but not limited to, payments in lieu-of-taxes, acquisition, within 5 years of the effective date of this act, of fee simple or other interests in lands for preservation or recreation purposes, compensation guarantees, general administrative costs, and any anticipated extraordinary or continuing costs; and

(2) Details the sources of revenue for covering such costs, including, but not limited to, grants, donations, and loans from local, State, and Federal departments and agencies, and from the private sector.

h. A program to provide for the maximum feasible local government and public participation in the management of the pinelands area.

i. A program for State and local governmental implementation of the comprehensive management plan and the various elements thereof in a manner that will insure the continued, uniform, and consistent protection of the pinelands area in accord with the purposes and provisions of this act and the Federal Act, including:

(1) Minimum standards for the adoption, as required in section 11 of this act, of municipal and county plans and ordinances concerning the development and use of land in the pinelands area, including, but not limited to, standards for minimum lot sizes and stream setbacks, maximum appropriate population densities, and

regulated or prohibited uses for specific portions of the pinelands area; and

(2) Such guidelines for any State or local agencies as may be prepared by the commission pursuant to section 12 hereof.

j. In conjunction with existing State programs and planning processes, a plan to implement the provisions of the "Clean Water Act" (P. L. 95-217) and the "Safe Drinking Water Act" (P. L. 93-523) which pertain to the surface and ground water of the Pinelands National Reserve;

k. The report transmitted to the commission by the Department of Environmental Protection pursuant to section 22 of this act.

3. This act shall take effect immediately.

Approved July 10, 1980.

CHAPTER 66

AN ACT to amend "An act to place limits on expenditures by counties and municipalities and supplementing Title 40A of the New Jersey Statutes," approved August 18, 1976 (P. L. 1976, c. 68).

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

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

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

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

a. The amount of revenue generated by the increase in its valuations based solely on applying the preceding year's general tax rate of the municipality to the assessed value of new construction or improvements;

b. Capital expenditures funded by any source other than the local property tax, and programs funded wholly or in part by Federal or State funds in which the financial share of the municipality is not required to increase the final appropriations by more than 5%;

c. An increase based upon an ordinance declaring an emergency situation according to the definition provided in N. J. S. 40A:4-46

approved by at least two-thirds of the governing body and approved by the Local Finance Board; provided, however, that all such emergency authorizations shall not exceed, in the aggregate, 3% of current and utility operating appropriations made in the budget adopted for that year, and provided further that nothing herein provided shall be applicable to any emergency appropriation resolution adopted pursuant to N. J. S. 40A:4-46 for a purpose referred to in d. or j. below;

- d. All debt service, including that of a Type I school district;
- e. 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 service fees imposed by ordinance, or derived from the sale of municipal assets;
- i. When approved by referendum;
- j. Amounts required to be paid pursuant to any contract with respect to use, services or provision of any project, facility or public improvement for water, sewer, solid waste, 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. With respect to the amounts required to be paid for senior citizen housing in the above cited political subdivisions or bodies, the exceptions shall be subject to the review and approval of the Local Finance Board; or,
- k. Amounts required to be paid by any constituent municipality of the Hackensack Meadowlands District established pursuant to article 2 of the "Hackensack Meadowlands Reclamation and Development Act" (P. L. 1968, c. 404; C. 13:17-4) to the intermunicipal account established pursuant to article 9 of said act (C. 13:17-60 through 13:17-76).

2. This act shall take effect immediately.

Approved July 10, 1980.

CHAPTER 67

AN Act requiring the preparation and furnishing of fiscal notes to legislative bills, supplementing Title 52 of the Revised Statutes and repealing P. L. 1962, c. 27.

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

C. 52:13B-6 Review of bills by Legislative Budget Officer.

1. Whenever any bill is introduced in either the Senate or General Assembly, and that bill receives first reading pursuant to the rules of the House in which it is introduced, the bill shall be immediately reviewed by the Legislative Budget Officer in the Office of Legislative Services. If, upon his review, the Legislative Budget Officer determines that the bill will not increase or decrease expenditures or increase or decrease revenues of the State or any political subdivision thereof, he shall certify that fact, on a statement signed by him and filed in his office. If he determines that the bill may increase or decrease expenditures or increase or decrease revenues of the State or any political subdivision thereof, he shall immediately forward a statement to the sponsor and the chairman of the committee, if any, to which the bill was referred, or to the presiding officer of the House in which the bill originated if no such reference was made, that, in his judgment, a fiscal note is required. If the sponsor, or the committee chairman, or the presiding officer request it, the Legislative Budget Officer shall immediately forward a request for a fiscal note to the Director of the Division of Budget and Accounting in the Department of the Treasury.

C. 52:13B-7 Fiscal note; forwarding to agency; preparation and return to director; statement to fiscal note.

2. a. It shall be the duty of the director, upon receipt of a request for a fiscal note, to forward the request within 5 business days to the State department, commission or agency which would be authorized or required to carry out the purposes of the bill or, if the bill would affect the expenditures or revenues of any political subdivision of the State, to the State department, commission or agency having the most adequate information pertaining thereto.

b. Within 20 business days after receiving a request for a fiscal note from the director, the State department, commission or agency

shall prepare and return to him a fiscal note containing the most accurate estimate possible, in dollars, concerning the amount by which expenditures or revenues will be increased or decreased for the State or any of its political subdivisions. The fiscal note shall contain information relating to as many fiscal years as can reasonably be foreseen.

c. Within 5 business days after receiving a fiscal note from a State department, commission or agency, the director shall return the fiscal note to the Legislative Budget Officer. The director shall include with the fiscal note a statement (1) concurring with the fiscal note, (2) suggesting alternative dollar amounts, or (3) indicating any other information which he deems relevant.

C. 52:13B-8 Statement appended to note.

3. When he receives a fiscal note from the director, the Legislative Budget Officer shall, within 10 business days, append thereto a statement (1) concurring with the fiscal note, (2) suggesting alternative dollar amounts, or (3) indicating any other information which he deems relevant.

C. 52:13B-9 Legislative fiscal estimate; contents.

4. If the Legislative Budget Officer has not received a fiscal note from the director after 30 business days, he shall cause a legislative fiscal estimate to be produced by the Division of Budget and Program Review in the Office of Legislative Services. The legislative fiscal estimate shall contain the same information as would be included in a fiscal note. In addition, it shall contain the following statement: "This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note." The legislative fiscal estimate shall be transmitted to the Legislative Budget Officer within 10 business days.

C. 52:13B-10 Copy to introducer; objection.

5. When the Legislative Budget Officer has a complete fiscal note or legislative fiscal estimate, he shall mail a copy of the fiscal note or legislative fiscal estimate to the introducer whose name first appears on the bill with a notice that the introducer may object to the fiscal note or legislative fiscal estimate within 10 business days after receiving it.

C. 52:13B-11 Printing of legislative estimate or fiscal note; objection by introducer; review; statement.

6. If, after 10 business days, the Legislative Budget Officer has received no objections from the introducer, he shall cause the fiscal

note or legislative fiscal estimate to be printed. If, however, the introducer objects to the fiscal note or legislative fiscal estimate, the Legislative Budget Officer shall promptly review it and make any changes therein which he might deem as reasonable, in the interest of accuracy and objectivity. Any fiscal note or legislative fiscal estimate with which a sponsor does not concur after being reviewed by the Legislative Budget Officer shall contain the following statement: "The sponsor does not concur with the information presented herein."

C. 52:13B-12 Copy to committee chairman; forwarding to Assembly clerk or Senate secretary.

7. When a fiscal note or legislative fiscal estimate is in final form, the Legislative Budget Officer shall forward a copy to the chairman of the committee to which the bill has been referred. If the bill has not been referred to committee, it shall be forwarded to the Clerk of the General Assembly or the Secretary of the Senate, as appropriate.

C. 52:13B-13 Emergency request for fiscal information.

8. Whenever the Legislative Budget Officer has reason to believe that a fiscal note on any bill will be required more quickly than provided for in this act, he shall submit to the director an emergency request for fiscal information, which the director shall cause to be completed as quickly as possible, but in no case later than 10 business days. This emergency request shall be in addition to a request for a fiscal note and shall represent the director's best judgment as to the fiscal implications of pending legislation.

C. 52:13B-14 Request for fiscal note.

9. a. In any case in which the Legislative Budget Officer has certified, pursuant to this act, that a bill contains no fiscal implications, the introducer of the bill, the chairman of the committee to which the bill was referred, or the presiding officer of the House, may direct the Legislative Budget Officer to request a fiscal note, if, in the opinion of any of them, one is warranted.

b. In any case in which a bill is amended and those amendments affect the fiscal implications of the bill, the committee chairman or presiding officer shall direct the Legislative Budget Officer to request a fiscal note.

Repealer.

10. P. L. 1962, c. 27 (C. 52:13B-1 et seq.) is repealed.

11. This act shall take effect immediately and shall be applicable to bills introduced 90 days after enactment and thereafter.

Approved July 14, 1980.

CHAPTER 68

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$50,000,000.00 for the energy audit and renovation of public buildings, institutions and educational facilities for the purpose of accomplishing a net reduction in energy consumption; providing the ways and means to pay the interest of the debt and also to pay and discharge the principal thereof; providing for the submission of this act to the people at a general election; and providing an appropriation therefor.

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 "Energy Conservation Bond Act of 1980."

2. The Legislature finds that:

a. This State supervises and controls a great number of buildings for education, institutions for the mentally handicapped, correctional facilities, State office buildings and other structures and facilities.

b. While some of these facilities are modern, many are antiquated, turn-of-the-century facilities designed in an era when the supply of energy was thought to be inexhaustible and its price was minimal.

c. The skyrocketing cost of energy today, coupled with the uncertainty of its supply, make it highly desirable for the State, as well as every other public and private entity and for individuals, to make every reasonable effort to conserve energy resources.

d. For this State, this will require a substantial capital investment aimed at modernizing and upgrading its facilities and this can be most economically financed through a bond issue.

3. As used in this act:

a. "Commission" means the New Jersey Commission on Capital Budgeting and Planning.

b. "Commissioner" means the Commissioner of Energy.

c. "Renovation" means the planning, improvement, reconstruction, rehabilitation and equipment of public buildings,

institutions and educational facilities for the purpose of accomplishing a net reduction in the amount of energy consumed.

d. "Educational facilities" means buildings, structures, and facilities under the supervision and control of the Department of Education or the Department of Higher Education, including, but not limited to, Rutgers, The State University, The College of Medicine and Dentistry of New Jersey, the New Jersey Institute of Technology, the State colleges, the Marie H. Katzenbach School for the Deaf, the Millburn Avenue School for the Hearing Handicapped, the State Library, and the State Museum.

e. "Institutions" means buildings, structures and facilities under the supervision and control of the Department of Corrections or the Department of Human Services.

f. "Public buildings" means buildings, structures and facilities under the supervision and control of any executive department of the State.

g. "Supervision and control" means the holding of any fee simple estate, or any leasehold estate for a duration of more than 10 years.

4. The commissioner, after consultation with the State Treasurer shall adopt, pursuant to law, such rules and regulations as are necessary and appropriate to carry out the provisions of this act. The commissioner shall review and consider the findings and recommendations of the commission in the administration of the provisions of this act.

5. Bonds of the State of New Jersey in the sum of \$50,000,000.00 are authorized for the energy audit and renovation of public buildings, institutions and educational facilities, as defined herein. Of such total, the proceeds from the sale of bonds shall be allocated as follows:

a. A sum not to exceed \$3,000,000.00 to conduct energy audits of educational facilities, institutions and public buildings for the purpose of determining the necessary renovations thereto.

b. A sum not less than \$47,000,000.00 to conduct the renovation of educational facilities, institutions and public buildings.

6. Said bonds shall be serial bonds and known as "Energy Conservation Bonds" and as to each series, the last annual installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance but may be issued in whole or in part for a shorter term.

Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

7. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

10. a. Such bonds shall recite that they are issued for the purposes set forth in section 5 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1980 and that it received the approval of the majority of votes cast for and against it at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in

conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

13. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund and be deposited in such depositories as may be selected by him to the

credit of the fund, which fund shall be known as the "Energy Conservation Fund."

15. a. The moneys in said "Energy Conservation Fund" are hereby specifically dedicated and shall be applied to the cost of the purposes set forth in section 5 of this act, and all such moneys are hereby appropriated for such purposes, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys. Moneys in the "Energy Conservation Fund" may be appropriated or expended for the purpose of providing the non-Federal share of any Federal program which finances the energy conservation renovation of public buildings, institutions and educational facilities supervised and controlled by the State.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of the "Energy Conservation Fund" such sum as he may deem necessary. Said sum so transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purpose provided in this act, moneys in the "Energy Conservation Fund" may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund shall be paid into the General State Fund.

16. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

17. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for

advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

19. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

20. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the collection of taxes as provided by the "Sales and Use Tax Act" (P. L. 1966, c. 30) as amended and supplemented, or so much thereof as may be required; and

b. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon

outstanding bonds issued under this act, be insufficient or not available then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in the event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection a. of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

21. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein

set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

22. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1980 be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (X), plus (+), or check (V) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (X), plus (+), or check (V) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	<p>ENERGY CONSERVATION BOND ISSUE</p> <p>Should the "Energy Conservation Bond Act of 1980" which authorizes the State to issue bonds in the amount of \$50,000,000.00 for the energy audits and renovation of public buildings, institutions, and educational facilities to produce a net reduction in energy consumption therein; and to provide a means to pay the principal and interest on these bonds, be approved?</p>
	No.	<p>INTERPRETIVE STATEMENT</p> <p>Approval of this act will provide \$3,000,000.00 for energy audits and \$47,000,000.00 for energy saving renovations to public buildings, institutions, and educational facilities supervised and controlled by the State, for a total of \$50,000,000.00 in State bonds. These funds are essential to make necessary energy conservation improvements to State buildings, which will result in a net reduction in the amount of energy consumed and reduce the State's annual energy bill.</p>

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such election in favor

of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

23. There is hereby appropriated the sum of \$5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 22.

24. 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 "Energy Conservation Fund" 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 "Energy Conservation Fund"; an estimate of the amount of money saved by the program to date; and an estimate of expenditures for the upcoming fiscal year. The commission shall not approve any project submitted by the commissioner unless such renovations are in conformance with the long-range facilities plans of the agencies and said facilities are not to undergo major renovations, be vacated, condemned, or demolished prior to the payback period of the energy conservation improvement.

25. 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 special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature, as reconstituted and continued by the Legislature from time to time, a copy of the plan called for under section 24 of this act, together with such changes therein as may have been required by the Governor's budget message.

26. Not less than 30 days prior to entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act, the commissioner shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

27. This section and sections 22 and 23 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 22.

Approved July 14, 1980.

CHAPTER 69

AN ACT to amend and supplement the "Casino Control Act,"
approved June 2, 1977 (P. L. 1977, c. 110).

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

1. Section 55 of P. L. 1977, c. 110 (C. 5:12-55) is amended to read as follows:

C. 5:12-55 Division of Gaming Enforcement.

55. Division of Gaming Enforcement. There is hereby established in the Department of Law and Public Safety the Division of Gaming Enforcement. The division shall be under the immediate supervision of a director who shall also be sworn as an Assistant Attorney General and who shall administer the work of the division under the direction and supervision of the Attorney General. The director shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor, except that the first director shall be appointed for a term of 2 years. The director may be removed from office by the Attorney General for cause upon notice and opportunity to be heard.

The director and any employee or agent of the division shall be subject to the duty to appear and testify and to removal from his office, position or employment in accordance with the provisions of P. L. 1970, c. 72 (C. 2A:81-17.2a et seq.). The Attorney General shall be responsible for the exercise of the duties and powers assigned to the division.

2. Section 59 of P. L. 1977, c. 110 (C. 5:12-59) is amended to read as follows:

C. 5:12-59 Employment Restrictions on Commissioners, Commission Employees and Division Employees.

59. Employment Restrictions on Commissioners, Commission Employees and Division Employees. a. The "New Jersey Conflicts of Interest Law" (P. L. 1971, c. 182; C. 52:13D-12 et seq.) shall apply to members of the commission and to all employees of the commission and the division, except as herein specifically provided.

b. The commission shall, no later than January 1, 1981, promulgate a Code of Ethics that is modeled upon the Code of Judicial Conduct of the American Bar Association, as amended and adopted

by the Supreme Court of New Jersey. This Code of Ethics shall include, but not be limited to, provisions that address the propriety of relationships and dealings between the commission and its staff, and licensees and applicants for licensure under this act.

c. The division shall promulgate a Code of Ethics governing its specific needs.

d. The Codes of Ethics promulgated by the commission and the division shall not be in conflict with the laws of this State, except, however, that said Codes of Ethics may be more restrictive than any law of this State.

e. The Codes of Ethics promulgated by the commission and the division shall be submitted to the Executive Commission on Ethical Standards for approval. The Codes of Ethics shall include, but not be limited to provisions that:

(1) No commission member or employee or division employee or agent shall be permitted to gamble in any establishment licensed by the commission except in the course of his duties.

(2) No commission member or employee or division employee or agent shall solicit or accept employment from any person licensed by or registered with the commission or from any applicant for a period of 4 years after termination of service with the commission, or division, unless subject to section 60 of this act.

(3) No commission member or employee or any division employee or agent shall act in his official capacity in any matter wherein he or his spouse, child, parent or sibling has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment.

(4) No commission employee or any division employee or agent shall act in his official capacity in a matter concerning an applicant for licensure or a licensee who is the employer of a spouse, child, parent or sibling of said commission or division employee or agent when the fact of the employment of such spouse, child, parent or sibling might reasonably be expected to impair the objectivity and independence of judgment of said commission employee or division employee or agent.

(5) No spouse, child, parent or sibling of a commission member shall be employed in any capacity by an applicant for a casino license or a casino licensee nor by any holding, intermediary or subsidiary company thereof.

(6) No commission member shall meet with any person, except for any other member of the commission or employee of the com-

mission, or discuss with him any issues involving any pending or proposed application or any matter whatsoever which may reasonably be expected to come before the commission, or any member thereof, for determination unless the meeting or discussion takes place on the business premises of the commission, provided, however, that commission members may meet to consider matters requiring the physical inspection of equipment or premises at the location of the equipment or premises. All meetings or discussions subject to this paragraph shall be noted in a log maintained for this purpose and available for inspection pursuant to the provisions of P. L. 1963, c. 73 (C. 47:1A-1 et seq.).

f. No commission member or employee or division employee or agent shall have any interest, direct or indirect, in any applicant or in any person licensed by or registered with the commission during his term of office or employment.

g. Each commission member and employee of the commission, including legal counsel, and each employee and agent of the division shall devote his entire time and attention to his duties and shall not pursue any other business or occupation or other gainful employment; provided, however, that secretarial and clerical personnel may engage in such other gainful employment as shall not interfere with their duties to the commission or division, unless otherwise directed.

h. No member of the commission, employee of the commission, or employee or agent of the division shall:

(1) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command or advise any person to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

(3) Take any active part in political campaigns or the management thereof; provided, however, that nothing herein shall prohibit a person from voting as he chooses or from expressing his personal opinions on political subjects and candidates.

i. For the purpose of applying the provisions of the "New Jersey Conflicts of Interest Law," any consultant or other person under contract for services to the commission shall be deemed to be a special State employee. Such person and any corporation, firm or partnership in which he has an interest or by which he is employed

shall not represent any person or party other than the commission before the commission.

3. Section 99 of P. L. 1977, c. 110 (C. 5:12-99) is amended to read as follows:

C. 5:12-99 Internal Controls.

99. Internal Controls. a. Each casino licensee shall submit to the commission a description of its system of internal procedures and administrative and accounting controls. Such submission shall be made at least 90 days before gaming operations are to commence or before changes in previously submitted control plans are to become effective, unless otherwise directed by the commission. Each such submission shall contain both narrative and diagrammatic representations of the internal control system to be utilized by the casino, including, but not limited to:

(1) Accounting controls, including the standardization of forms and definition of terms to be utilized in the gaming operations;

(2) Procedures, forms, and, where appropriate, formulas covering the calculation of hold percentages, revenue drop, expense and overhead schedules, complimentary services, junkets, cash equivalent transactions, salary structure and personnel practices;

(3) Job descriptions and the system of personnel and chain-of-command, establishing a diversity of responsibility among employees engaged in casino operations and identifying primary and secondary supervisory positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to monitor;

(4) Procedures within the cashier's cage for the receipt, storage and disbursal of chips, cash, and other cash equivalents used in gaming; the cashing of checks; the redemption of chips and other cash equivalents used in gaming; the pay-off of jackpots; and the recording of transactions pertaining to gaming operations;

(5) Procedures for the collection and security of moneys at the gaming tables;

(6) Procedures for the transfer and recordation of chips between the gaming tables and the cashier's cage;

(7) Procedures for the transfer of moneys from the gaming tables to the counting process;

(8) Procedures and security for the counting and recordation of revenue;

(9) Procedures for the security, storage and recordation of chips and other cash equivalents utilized in the gaming operation;

(10) Procedures for the transfer of moneys or chips from and to the slot machines;

(11) Procedures and standards for the opening and security of slot machines;

(12) Procedures for the payment and recordation of slot machine jackpots;

(13) Procedures for the cashing and recordation of checks exchanged by casino patrons;

(14) Procedures governing the utilization of the private security force within the casino;

(15) Procedures and security standards for the handling and storage of gaming apparatus including cards, dice, machines, wheels and all other gaming equipment;

(16) Procedures and rules governing the conduct of particular games and the responsibility of casino personnel in respect thereto; and

(17) Procedures for separately recording all transactions pursuant to section 101 of this act involving the Governor, any State officer or employee, or any special State officer or employee, any member of the Judiciary, any member of the Legislature, or any officer of a municipality or county in which casino gaming is authorized, and for the quarterly filing with the Attorney General of a list reporting all such transactions.

b. The commission shall review each submission required by subsection a. hereof, and shall determine whether it conforms to the requirements of this act and to the regulations promulgated thereunder and whether the system submitted provides adequate and effective controls for the operations of the particular casino submitting it. If the commission finds any insufficiencies, it shall specify same in writing to the casino licensee, who shall make appropriate alterations. When the commission determines a submission to be adequate in all respects, it shall notify the casino licensee of same. No casino licensee shall commence gaming operations, or alter in fact its internal controls, unless and until such system of controls is approved by the commission.

4. Section 102 of P. L. 1977, c. 110 (C. 5:12-102) is amended to read as follows:

C. 5:12-102 Junkets and Complimentary Services.

102. Junkets and Complimentary Services. a. No junkets may be organized or permitted except in accordance with the provisions of this act. No person may act as a junket representative except in accordance with this section. For purposes of this section, the term "junket representative" shall mean any person who is responsible for or directly engaged in the creation, organization, or operation of a junket, regardless of whether or not such junket is engaged in or organized within the State of New Jersey.

b. A junket representative shall be licensed as a casino key employee in accordance with the provisions of this act; provided, however, that said licensee need not be a resident of this State. No casino licensee may employ or otherwise engage a junket representative who is not so licensed.

c. A casino licensee shall be responsible for the conduct of any junket representative associated with it and for the terms and conditions of any junket engaged in on its premises, regardless of the employment status of any junket representative associated therewith.

d. Each casino licensee shall either:

(1) Submit to the commission, in accordance with its rules, a report in advance of any junket which shall include the names of the participants, the terms of the junket, the origin and dates of the junket, and such other information as may be required by the commission, including, without limitation, acknowledgments by the participants that they understand the terms of the particular junket; or

(2) Submit to the commission, in accordance with its rules, proposals for junkets, which proposals may be approved by the commission for continued use upon the condition that no material aspect of any proposal will be changed except as to participants and that quarterly reports regarding such junkets shall be submitted to the commission, including such information as it may require.

e. A casino licensee shall be responsible for any violation or deviation from the terms of a junket. Notwithstanding any other provisions of this act, the commission may, after hearings in accordance with this act, order restitution to junket participants, assess penalties for such violations or deviations, prohibit future junkets by the casino licensee or junket representatives, and order such further relief as it deems appropriate.

f. Each casino licensee shall maintain a regulated complimentary service account and shall submit a quarterly report to the commission based upon such account and covering all complimentary services offered or engaged in by the licensee during the immediately preceding quarter. Such reports shall include identification of the regulated complimentary services and their respective costs, the number of persons by category of service who received same, and such other information as the commission may require.

g. (1) For the purpose of this subsection "person" means State officers or employees subject to disclosure by law or executive order; special State officers and employees; the Governor; any member of the Legislature or Judiciary; any member of the governing body, or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional planner regularly employed by such planning board or zoning board of adjustment.

(2) No casino licensee shall provide directly or indirectly to any person as defined in this subsection, any complimentary service or discount which is other than such service or discount that is offered to the general public.

C. 5:12-117.1 Persons prohibited from accepting employment; employment; violation of act; penalty.

5. (New section) a. No applicant or person or organization licensed by or registered with the commission shall employ or offer to employ any person who is prohibited from accepting employment from a licensee or applicant or any holding or intermediary company under subsection b. of section 5 of P. L. 1971, c. 182 (C. 52:13D-16) or section 2 of P. L. 1980, c. 79 (C. 52:13D-17.1).

b. An applicant or person or organization who violates the provisions of this section is subject to a penalty of not less than \$5,000.00 nor more than \$10,000.00 to be collected in a summary proceeding under the "penalty enforcement law" (N. J. S. 2A:58-1 et seq.).

6. This act shall take effect immediately.

Approved July 14, 1980.

CHAPTER 70

AN Act authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the aggregate principal amount of \$145,000,000.00 for the purposes of State or local projects to plan, test, design, acquire and construct resource recovery facilities, sewage treatment facilities, water supply facilities, dam restoration projects and harbor clean up projects; providing the ways and means to pay the interest of such debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election; and providing an appropriation therefor.

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 "Natural Resources Bond Act of 1980."

2. The Legislature finds and determines that:

a. The health, safety, welfare, recreation, commerce and prosperity of the people of the State depend upon the conservation, development and maintenance of our natural resources.

b. The land disposal of waste is wasteful of materials which have been shown to be susceptible to reclamation and recovery and which, when disposed on the land, pose known environmental threats to New Jersey's ground and surface water, now and for years to come.

c. The disposal of waste on the land makes land unusable which would be capable of development, were it not used for landfilling purposes.

d. If the State is to have a meaningful and responsible role in the solution of solid waste problems in New Jersey and if the goals of recently completed Statewide solid waste planning are to be realized, the State must be ready and able to lend all needed assistance through issuance of grants or loans, technical assistance and the actual development of needed resource recovery facilities.

e. The construction of sewage treatment facilities will help solve existing water quality problems and will promote proper land use planning procedures and priority should be given to investment in developed areas with existing problems.

f. The restoration of New Jersey dams will help assure a continuous water supply service, flood control, and recreation and will protect the life and property of the State's citizens by repairing high hazard dams.

g. The clean up of our harbors will be a significant aid to navigation and commerce and will benefit the economy, general safety and welfare of our citizens and will help revitalize the urban waterfront.

h. The purveyance of water throughout the State between varying systems will help assure the supply of water to all the State's citizens through such interconnections or other projects as may be necessary.

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 Environmental Protection;

d. "Construct" and "construction" mean, in addition to the usual meaning thereof, acts of construction, reconstruction, replacement, extension, improvement and betterment;

e. "Cost" means the cost of acquisition or construction of all or any part of a project and of all or any real or personal property, agreements and franchises deemed by the department to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, cost of geological and hydrological services, administrative costs, interconnection testing, engineering and inspection costs and legal expenses, costs of financial, professional and other estimates and advice, organization, operating and other expenses prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of such project or part thereof and the placing of the same in operation, and also such provision for a reserve fund, or reserves for working capital, operating, maintenance or replacement expenses and for payment or security of principal of or interest on bonds during or after such acquisition or construction as the State Comptroller may determine;

f. "Dam restoration" means the demolition, reconstruction, rehabilitation, or restoration of structures that impound water for supply purposes, flood control or recreation;

g. "Department" means the Department of Environmental Protection;

h. "Harbor clean up" means the removal of piers, bulkheads, sunken vessels and other derelict structures adjacent to the waterfront that contribute to the source of drift;

i. "Project" means any work relating to resource recovery facilities, sewage treatment facilities, water supply facilities, dam restoration projects and harbor clean up projects;

j. "Real property" means lands, within or without the State, and improvements thereof or thereon, any and all rights-of-way, water, riparian and other rights, and any and all easements, and privileges in real property, and any right or interest of any kind or description in, relating to or connected with real property;

k. "Resource recovery facilities" means the plants, structures, machinery, equipment, real and personal property acquired, constructed or operated or to be acquired, constructed or operated in whole or in part by or on behalf of a political subdivision or subdivisions of the State or any agency thereof or the Hackensack Meadowlands Development Commission and other personal property, and appurtenances necessary or useful and convenient for the collection, separation, removal and reuse of materials in the stream of wastes presently going to landfills, including those materials which are capable of recycling and direct delivery to manufacturers for use as raw materials as well as the conversion of waste for energy production;

l. "Water supply facilities" 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 the State, or 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, and any and all appurtenances necessary, useful or convenient for the collecting, storing, improving, treating, filtering 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, and facilitating incidental recreational uses thereof;

m. "Sewage treatment facilities" means the plants, structures, real and personal property 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 including pumping and ventilating stations, sewage treatment systems, plants and works, connections, outfalls, interceptors, trunk lines, and other personal property, and appurtenances necessary or useful and convenient for the treatment, purification, disposal or recycling and recovery in a sanitary manner of any sewage, liquid or solid wastes, night soil, or industrial wastes to preserve and protect natural water resources and facilities.

4. Bonds of the State of New Jersey are authorized to be issued in the aggregate principal amount of \$145,000,000.00 to meet the cost of providing State or local projects for resource recovery facilities, sewage treatment facilities, water supply facilities, dam restoration projects and harbor clean up projects.

a. Of the total moneys available under this act, \$50,000,000.00 is allocated for grants or loans to county governments or the Hackensack Meadowlands Development Commission for designing, acquiring, and constructing resource recovery facilities. Such grants shall provide not less than 20% and not more than 33 $\frac{1}{3}$ % of the cost of resource recovery facilities. Such facilities shall be consistent with the plans of the department and of the respective solid waste management districts prepared pursuant to the "Solid Waste Management Act," P. L. 1970, c. 39 (C. 13:15-1 et seq.).

b. Of the total moneys available under this act, \$60,000,000.00 is allocated for matching grants to local governments for planning, designing, acquiring and constructing sewage treatment facilities.

c. Of the total moneys available under this act, \$35,000,000.00 is allocated for the following projects:

(1) \$12,000,000.00 to match Federal funds or for State projects for harbor clean up;

(2) \$15,000,000.00 for dam restoration for State projects, for matching grants to local governments or for emergency repairs to local or private dams, subject to repayment by the local government or private owner;

(3) \$8,000,000.00 for State projects and matching grants to local governments for planning, testing, designing, acquiring, and constructing water supply interconnection facilities and for the design of the Manasquan Reservoir project.

5. The commissioner shall issue and promulgate, pursuant to law, such rules and regulations as are necessary and appropriate to carry out the provisions of this act. The commissioner shall review and consider the findings and recommendations of the commission in the administration of the provisions of this act.

6. The bonds shall be serial bonds and known as "Natural Resources Bonds" and as to each series, the last annual installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance but may be issued in whole or in part for a shorter term. Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

7. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. The bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

10. a. The bonds shall recite that they are issued for the purposes set forth in section 4 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1980 and that it received the approval of the majority of votes cast for and against it at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue

necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

19. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

20. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the collection of taxes as provided by the "Sales and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B-1 et seq.) as amended and supplemented, or so much thereof as may be required; and

b. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in the event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection a. of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

21. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the

Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

22. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1980 be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (✓) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (✓) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	<p>NATURAL RESOURCES BOND ISSUE</p> <p>Should the "Natural Resources Bond Act of 1980" which authorizes the State to issue bonds in the amount of \$145,000,000.00 for the purposes of testing, designing, acquiring, planning, and constructing resource recovery facilities, sewage treatment facilities, water supply facilities, dam restoration projects, and harbor clean up projects, providing the ways and means to pay the interest of such debt and also to pay and discharge the principal thereof, be approved?</p>
	No.	<p>INTERPRETIVE STATEMENT</p> <p>Approval of this act would authorize the sale of \$145,000,000.00 in bonds to be used for the development and construction of resource recovery facilities, sewage treatment facilities, water supply facilities, dam restoration projects, and harbor clean up projects. Several of these items are intended to convert waste products into useful materials, including metals, glass, paper, water, steam, and other energy resources or raw materials.</p>

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of

all the votes cast for and against it at such election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

23. 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 22.

24. 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 "Natural Resources Fund" 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 whole, by funds from the "Natural Resources Fund"; and an estimate of expenditures for the upcoming fiscal year.

25. 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 special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature, as reconstituted and continued by the Legislature from time to time, a copy of the plan called for under section 24 of this act, together with such changes therein as may have been required by the Governor's budget message.

26. Not less than 30 days prior to the commissioner entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act, the commissioner shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

27. This section and sections 22 and 23 shall take effect immediately and the remainder of the act shall take effect as and when provided in section 22.

Approved July 14, 1980.

CHAPTER 71

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

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

1. Section 15 of P. L. 1945, c. 169 (C. 10:5-16) is amended to read as follows:

C. 10:5-16 Practice and procedure.

15. The case in support of the complaint shall be presented before the director by the attorney for the division and evidence concerning attempted conciliation shall not be received. The respondent shall file a written verified answer to the complaint and appear at such hearing in person or by representative, with or without counsel, and submit testimony. In the discretion of the director, the complainant may be allowed to intervene and present testimony in person and may be represented by counsel. The director or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The director shall not be bound by the strict rules of evidence prevailing in civil actions in courts of competent jurisdiction of this State. The testimony taken at the hearing shall be under oath and a verbatim record shall be made.

2. This act shall take effect immediately.

Approved July 16, 1980.

CHAPTER 72

AN ACT to secure the payment of the principal of and interest on bonds issued for school purposes by counties, municipalities or school districts by pledging a portion of the fund for the support of free public schools for that payment in the event of the inability of the issuer to meet payments due, amending N. J. S. 18A:56-5 and 18A:56-16 and supplementing chapter 56 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:56-17 Short title.

1. This act shall be known and may be cited as the "New Jersey School Bond Reserve Act."

C. 18A:56-18 Legislature's findings.

2. The Legislature finds and declares that:

a. It has the authority pursuant to Article VIII, Section IV, paragraph 2 of the State Constitution to secure the payment of principal of and interest on bonds issued for school purposes by counties, municipalities or school districts by means of a pledge of a portion of the assets of the fund for the support of free public schools created by that paragraph of the Constitution;

b. It wishes to exercise its authority under that paragraph in the manner specified in this act to provide a source of funds to act as a reserve for the prompt payment of principal of and interest on bonds issued for school purposes, in the event of the inability of the issuer to make payment, out of that portion of the resources of the fund for the support of free public schools hereinafter pledged for that purpose.

3. N. J. S. 18A:56-5 is amended to read as follows:

State lands lying under water; revenue from sales; disposition of moneys.

18A:56-5. All lands belonging to this State now or formerly lying under water are dedicated to the support of public schools. All moneys hereafter received from the sales of such lands shall be paid to the board of trustees, and shall constitute a part of the permanent school fund of the State. To the extent that moneys received from the sales of these lands may, by law, be made payable to any purposes other than the school fund, these moneys shall not be paid to other purposes so long as there is a deficiency in the school bond reserve.

4. N. J. S. 18A:56-16 is amended to read as follows:

Anticipated default; certification to commissioner; purchase of bonds and payment of interest by trustees.

18A:56-16. In the event that a school district or a county or municipality anticipates that it will be unable to meet the payment of principal or interest on any of its bonds issued for school purposes after December 4, 1958, it shall certify such inability to the commissioner and the Director of the Division of Local Finance at least 10 days prior to the date any such payment is due. If the commissioner and director shall approve said certification, they shall immediately certify the same to the trustees of the fund for the support of public schools. Upon the receipt thereof, or in the

event any such district, county or municipality fails to certify its anticipated inability to meet any such payments, upon notice and verification of such inability, the trustees shall, within the limits of the school bond guaranty reserve established within the fund purchase any such bonds at a price equivalent to the face amount thereof or pay to the holder of any such bond the interest due or to become due thereon, as the case may be, and such purchases and payments of interest may continue so long as the district, county or municipality remains unable to make such payments. Upon making any such payment of interest, the trustees of the fund shall be subrogated to all rights of the bondholder against the issuer in respect to the collection of such interest and if such interest is represented by a coupon such coupon shall be delivered to the trustees of the fund.

The State Treasurer shall act as agent of the trustees of the fund in making any such payments or purchases, and he shall prescribe, in consultation with the commissioner, such rules and regulations as may be necessary and proper to effectuate the purposes of this section.

C. 18A:56-19 School bond reserve established; amount; securities; maturity; duties of trustees.

5. (New section) There is established within the fund for the support of free public schools a school bond reserve in an amount equal to at least 1½% of the aggregate issued and outstanding bonded indebtedness of counties, municipalities or school districts for school purposes, exclusive of bonds the debt service for which is provided by State appropriations but not to exceed the moneys available in the fund. The school bond reserve shall be composed entirely of direct obligations of the United States Government or obligations guaranteed by the full faith and credit of the United States Government.

Securities representing at least one-third of the minimum market value to be held in the school bond reserve shall be due to mature within 1 year of the date of issuance or purchase. It shall be the duty of the trustees of the fund to determine that the school bond reserve is established at the proper level, based on the market value of the obligations on the effective date of this act, to ascertain annually on or before September 15 the aggregate amount of bonds issued and outstanding and to maintain the school bond reserve at the appropriate level for the ensuing year based on annual market valuations of the obligations. The trustees are authorized to retain so much of the income earned by the fund

in the preceding year as they may determine to be required to maintain the reserve at the level herein specified. The amount of the reserve so established is pledged as security for prompt payment, in accordance with the provisions of N. J. S. 18A:56-16, to holders of bonds issued for school purposes by counties, municipalities or school districts of principal of and interest on the bonds in the event of the inability of the issuer to make payment.

C. 18A:56-20 Bonds issued for school purposes; legend.

6. (New section) Bonds issued for school purposes by counties, municipalities or school districts subsequent to the effective date of this act shall bear the following legend: "Payment of this obligation is secured under the provisions of the 'New Jersey School Bond Reserve Act' in accordance with which an amount equal to $1\frac{1}{2}\%$ of the aggregate outstanding bonded indebtedness (but not to exceed the moneys available in the fund), of New Jersey counties, municipalities and school districts for school purposes as of September 15 of each year, is held within the State Fund for the Support of Free Public Schools as a school bond reserve pledged by law to secure payments of principal and interest due on such bonds in the event of the inability of the issuer to make payment."

7. This act shall take effect immediately.

Approved July 16, 1980.

CHAPTER 73

AN ACT to amend the "Spill Compensation and Control Act," approved January 6, 1977 (P. L. 1976, c. 141).

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

1. Section 3 of P. L. 1976, c. 141 (C. 58:10-23.11b) is amended to read as follows:

C. 58:10-23.11b Definitions.

3. Unless the context clearly indicates otherwise, the following terms shall have the following meanings:

a. "Administrator" means the chief executive of the New Jersey Spill Compensation Fund;

b. "Barrel" means 42 United States gallons or 159.09 liters or an appropriate equivalent measure set by the director for hazardous substances which are other than fluid or which are not commonly measured by the barrel;

c. "Board" means a board of arbitration convened by the administrator to settle disputed disbursements from the fund;

d. "Cleanup and removal costs" means all costs associated with a discharge incurred by the State or its political subdivisions or their agents or any person with written approval from the department in the (1) removal or attempted removal of hazardous substances or, (2) taking of reasonable measures to prevent or mitigate damages to the public health, safety, or welfare, including but not limited to, public and private property, shorelines, beaches, surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources;

e. "Commissioner" means the Commissioner of Environmental Protection;

f. "Department" means the Department of Environmental Protection;

g. "Director" means the Director of the Division of Taxation in the Department of the Treasury;

h. "Discharge" means any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous substance into the waters of the State or onto lands from which it might flow or drain into said waters, or into waters outside the jurisdiction of the State when damage may result to the lands, waters or natural resources within the jurisdiction of the State;

i. "Fair market value" means the invoice price of the hazardous substances transferred including transportation charges; but where no price is so fixed, "fair market value" shall mean the market price as of the close of the nearest day to the transfer paid for similar hazardous substances as shall be determined by the taxpayer pursuant to rules of the director.

j. "Fund" means the New Jersey Spill Compensation Fund;

k. "Hazardous substances" means such elements and compounds, including petroleum products, which are defined as such by the department, 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 as amended by the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.) and the list of toxic pollutants designated by Congress or the EPA pursuant to Section 307 of that act; provided, however that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of this act;

l. "Major facility" includes but is not limited to any refinery, storage or transfer terminal, pipeline, deep water port, drilling platform or any appurtenance related to any of the preceding that is used or is capable of being used to refine, produce, store, handle, transfer, process or transport hazardous substances. A vessel shall be considered a major facility only when hazardous substances are transferred between vessels.

A facility shall not be considered a major facility for the purpose of this act unless it has total combined above-ground or buried storage capacity of—

(1) 50,000 gallons or more for hazardous substances which are other than petroleum or petroleum products, or

(2) 400,000 gallons or more for hazardous substances of all kinds.

For the purposes of this definition, "storage capacity" shall mean only that capacity which is dedicated to, used for or intended to be used for storage of hazardous substances. Where appropriate to the nature of the facility, storage capacity may be determined by the intended or actual use of open land or unenclosed space as well as by the capacities of tanks or other enclosed storage spaces.

m. "Natural resources" means all land, fish, shellfish, wildlife, biota, air, waters and other such resources owned, managed, held in trust or otherwise controlled by the State;

n. "Owner" or "operator" means with respect to a vessel, any person owning, operating or chartering by demise such vessel; with respect to any major facility, any person owning such facility, or operating it by lease, contract or other form of agreement; with respect to abandoned or derelict major facilities, the person who owned or operated such facility immediately prior to such abandonment, or the owner at the time of discharge;

o. "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;

p. "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 pursuant to subsection 3 k. 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;

q. "Taxpayer" means the owner or operator of a major facility subject to the tax provisions of this act;

r. "Tax period" means every calendar month on the basis of which the taxpayer is required to report under this act;

s. "Transfer" means onloading or offloading between major facilities and vessels, or vessels and major facilities, and from vessel to vessel or major facility to major facility, except for fueling or refueling operations and except that with regard to the movement of hazardous substances other than petroleum, it shall also include any onloading of or offloading from a major facility;

t. "Vessel" means every description of water craft or other contrivance that is practically capable of being used as a means of commercial transportation of hazardous substances upon the water, whether or not self-propelled;

u. "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;

v. "Act of God" means an act exclusively occasioned by an unanticipated grave natural disaster without the interference of any human agency.

2. Section 5 of P. L. 1976, c. 141 (C. 58:10-23.11d) is amended to read as follows:

C. 58:10-23.11d Information submitted to department; rules and regulations.

5. Each owner or operator of a major facility shall submit to the department the following information:

a. The number of barrels or another measurement of the storage capacity of the facility;

b. Average daily throughput of the facility;

c. A primary and contingency cleanup and removal plan which includes, but is not limited to, an inventory of:

- (1) The storage and transfer capacity of the facility;
- (2) The containment and removal equipment, including, but not limited to, vehicles, vessels, pumps, skimmers, booms, chemicals, and communication devices, to which the facility has access through direct ownership or by contract or membership in a discharge cleanup organization recognized by the department, as well as the time lapse following a discharge which precedes such access;
- (3) The trained personnel which are required and available to operate such containment and removal equipment and the time lapse following a discharge which precedes such availability;
- (4) All equipment and trained personnel used or employed in any capacity at the facility to prevent discharges of hazardous substances;
- (5) The terms of agreement and operation plan of any discharge cleanup organization to which the owner or operator of the facility belongs;
- (6) The type and amount of hazardous substances transferred, refined, processed or stored at the facility;
 - d. The steps taken to insure prevention of a discharge;
 - e. The source, nature of, and conditions of financial responsibility;
 - f. The department shall promulgate rules and regulations, as provided in section 21 of this act, establishing standards for the availability of preventative, cleanup and removal procedures, personnel and equipment at any major facility with a total combined above-ground or buried storage capacity of 400,000 gallons or more of hazardous substances, as well as requiring the formulation of cleanup and removal plans for each such major facility, where such plans are not required by existing Federal statute, rule or regulation. Compliance with such standards and plans shall not be deemed a defense in addition to the defenses enumerated in subsection d. of section 8 of this act.

3. Section 9 of P. L. 1976, c. 141 (C. 58:10-23.11h) is amended to read as follows:

C. 58:10-23.11h Imposition of tax; measurement; amount; return; filing; failure to file; penalty; presumptive evidence; powers of director.

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 \$0.01 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 \$0.01 per barrel or 0.4% of the fair market value of the product, until the balance in the fund equals or exceeds \$50,000,000.00; 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 \$0.01 per barrel of the hazardous substance. For the purposes of this section, "precious metals" means gold, silver, osmium, platinum, palladium, iridium,

rhodium, ruthenium and copper. In each fiscal year following any year in which the balance of the fund equals or exceeds \$50,000,000.00, no tax shall be levied unless (1) the current balance in the fund is less than \$40,000,000.00 or (2) pending claims against the fund exceed 50% of the existing balance of the fund. The provisions of the foregoing notwithstanding, should claims paid from or pending against the fund not exceed \$5,000,000.00 within 3 years after the tax is first levied, the tax shall be \$0.01 per barrel transferred or 0.4% of the fair market value of the product, as the case may be, until the balance in the fund equals or exceeds \$36,000,000.00, and thereafter shall not be levied unless: (1) the current balance in the fund is less than \$30,000,000.00 or (2) pending claims against the fund exceed 50% of the existing balance of the fund. In the event of either such occurrence and upon certification thereof by the State Treasurer, the director shall within 10 days of the date of such certification relevy the excise tax, which shall take effect on the first day of the month following such relevy. With respect to the tax imposed upon the transfer of hazardous substances which are other than petroleum or petroleum products, if the revenues from such tax exceed \$7,000,000.00 during any calendar year, such excess shall be refunded or credited to the taxpayers who paid such tax during the calendar year. The refund or credit shall be based upon the amount of taxes paid by each taxpayer on transfers of hazardous substances which are other than petroleum or petroleum products for the calendar year in proportion to all taxes paid by all taxpayers on such transfers during said year; provided, however, that if at the end of the calendar year the increased tax rate as authorized by this subsection or subsection i. is in effect, no refund or credit shall be allowed for such calendar year; and further, provided that no refund or credit shall be allowed for a calendar year if by reason of such refund or credit a condition would occur which would authorize the imposition of the tax at the higher rate authorized in this subsection or subsection i. However, a partial refund or credit shall be allowed to the extent that such a condition would not occur. In the event of a major discharge or series of discharges resulting in reasonable claims against the fund exceeding the existing balance of the fund, the tax shall be levied as follows:

- (1) On petroleum or petroleum products, at the rate of \$0.04 per barrel 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 1 year of such levy; and

(2) On hazardous substances other than petroleum or petroleum products, at the rate of the greater of \$0.04 per barrel transferred or 0.8% of the fair market value of such hazardous substance, 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 hazardous substances other than petroleum or petroleum products; 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 \$0.04 per barrel of the hazardous substances; and provided further, however, that any such increased tax rate on hazardous substances other than petroleum or petroleum products may be set at less than \$0.04 per barrel transferred, or 0.8% of the fair market value of the hazardous substance, as the case may be, if the administrator determines that the revenue produced by such lower rate shall be sufficient to pay outstanding reasonable claims against the fund within 1 year of such levy.

Interest received on moneys in the fund shall be credited to the fund. Should the fund exceed \$36,000,000.00 or \$50,000,000.00, as herein provided, as a result of such interest, the administrator and the commissioner shall report to the Legislature and the Governor concerning the options for the use of such interest.

c. (1) Every taxpayer and owner or operator of a public storage terminal for hazardous substances shall on or before the twentieth 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," Subtitle 9 of Title 54 of the Revised Statutes. If the Division of Taxation determines that the failure to comply with any provision of this 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) Any person failing to file a return, failing to pay the tax, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this act, or rules or regulations adopted hereunder which is willfully false, or failing to keep any records required by this act or rules and regulations adopted hereunder, shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a misdemeanor.

(2) The certificate of the director to the effect that a tax has not been paid, that a return has not been filed, that information has not been supplied or that inaccurate information has been supplied pursuant to the provisions of this act or rules or regulations adopted hereunder shall be presumptive evidence thereof.

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," Subtitle 9 of Title 54 of the Revised Statutes, except only to the extent that a specific provision of this act may be in conflict therewith.

i. Notwithstanding any other provisions of this section, the Treasurer may order the director to levy the tax on all hazardous substances other than petroleum or petroleum products at a specified rate greater than \$0.01 per barrel or 0.4% of the fair market value of the product, as the case may be, but in no event to exceed \$0.04 per barrel 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, or the greater of \$0.04 per barrel or 0.6% of the fair market value of the product with respect to transfers of any other hazardous substances other than petroleum or petroleum products, if and as long as the administrator determines the following:

(1) That pending, reasonable claims against the fund for hazardous substances other than petroleum or petroleum products exceed 70% of the existing balance of the fund, and

(2) That the sum of the claims paid by the fund on behalf of discharges or removals of hazardous substances other than petroleum or petroleum products plus pending, reasonable claims against the fund on behalf of discharges of hazardous substances other than petroleum is equal to or greater than 70% of all claims paid by the fund plus all pending, reasonable claims against the fund.

The provisions of this subsection shall not preclude the imposition of the tax at the higher rate authorized under subsection b. of this section.

4. This act shall take effect immediately, and shall apply to transfers undertaken on or after April 1, 1980.

Approved July 21, 1980.

CHAPTER 74

AN ACT concerning public financing of gubernatorial election campaigns, amending and supplementing P. L. 1973, c. 83, amending N. J. S. 54A:9-25.1 and P. L. 1974, c. 26, and repealing section 6 of P. L. 1974, c. 26.

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

1. Section 3 of P. L. 1973, c. 83 (C. 19:44A-3) is amended to read as follows:

C. 19:44A-3 Definitions.

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

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

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

c. The term "candidate" means an individual seeking or having sought election to a public office of the State, or of a county, municipality or school district at a primary, general, municipal, school or special election; except that the term shall not include the office of county committeeman or committeewoman.

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

or political information organization, and all pledges or other commitments or assumptions of liability to make any such transfer; and for purposes of reports required under the provisions of this act shall be deemed to have been made upon the date when such commitment is made or liability assumed.

e. The term "election" means any election described in section 4 of this act.

f. The term "paid personal services" means personal, clerical, administrative or professional services of every kind and nature including, without limitation, public relations, research, legal, canvassing, telephone, speech writing or other such services, performed other than on a voluntary basis, the salary, cost or consideration for which is paid, borne or provided by someone other than the committee, candidate or organization for whom such services are rendered. In determining the value, for the purpose of reports required under this act, of contributions made in the form of paid personal services, the person contributing such services shall furnish to the campaign treasurer through whom such contribution is made a statement setting forth the actual amount of compensation paid by said contributor to the individuals actually performing said services for the performance thereof. But if any individual or individuals actually performing such services also performed for the contributor other services during the same period, and the manner of payment was such that payment for the services contributed cannot readily be segregated from contemporary payment for the other services, the contributor shall in his statement to the campaign treasurer so state and shall either (1) set forth his best estimate of the dollar amount of payment to each such individual which is attributable to the contribution of his paid personal services, and shall certify the substantial accuracy of the same, or (2) if unable to determine such amount with sufficient accuracy, set forth the total compensation paid by him to each such individual for the period of time during which the services contributed by him were performed. If any candidate is a holder of public office to whom there is attached or assigned, by virtue of said office, any aide or aides whose services are of a personal or confidential nature in assisting him to carry out the duties of said office, and whose salary or other compensation is paid in whole or in part out of public funds, the services of such aide or aides which are paid for out of public funds shall be for public purposes only; but they may contribute their personal services, on a voluntary basis, to such candidate for election campaign purposes.

g. The term "political information organization" means any two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, whether or not it is required to be registered pursuant to the "Legislative Activities Disclosure Act of 1971" (P. L. 1971, c. 183), which is organized for the purpose of, or which provides political information concerning any candidate or candidates for public office or with respect to any public question, or which seeks to influence the content, introduction, passage or defeat of legislation.

The term shall not apply to any bona fide newspaper, magazine, radio or television station or other bona fide news medium disseminating political information, advertising and comment in the normal course of its business; nor to any recognized school or institution of higher education, public or private, in conducting, sponsoring or subsidizing any classes, seminars, forums, discussions or other events in which political information or discussion thereof or comment thereon is an integral part.

h. The term "political information" means any statement including but not limited to, press releases, pamphlets, newsletters, advertisements, flyers, form letters, or radio or television programs or advertisements which reflect the opinion of the members of the organization on any candidate or candidates for public office, on any public question, or on any legislation, or which contains facts on any such candidate, public question or legislation whether or not such facts are within the personal knowledge of members of the organization.

i. The term "political committee" means any two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does, aid or promote the passage or defeat of a public question in any election.

j. The term "public solicitation" means any activity by or on behalf of any candidate, State, county or municipal party committee, political committee or political information organization whereby either (1) members of the general public are personally solicited for cash contributions not exceeding \$10.00 from each person so solicited and contributed on the spot by the person so solicited to a person so soliciting or through a receptacle provided for the purpose of depositing contributions, or (2) members of the general public are personally solicited for the purchase of items

having some tangible value as merchandise, at a price not exceeding \$10.00 per item, which price is paid on the spot in cash by the person so solicited to the person so soliciting, when the net proceeds of such solicitation are to be used by or on behalf of such candidate, party committee, or political committee or political information organization.

k. The term “testimonial affair” means an affair of any kind or nature including, without limitation, cocktail parties, breakfasts, luncheons, dinners, dances, picnics or similar affairs directly or indirectly intended to raise campaign funds in behalf of a person who holds, or who is or was a candidate for nomination or election to a public office in this State, or directly or indirectly intended to raise funds in behalf of any State, county or municipal committee of a political party or in behalf of a political committee, or directly or indirectly intended to raise funds for any political information organization.

l. The term “other thing of value” means any item of real or personal property, tangible or intangible, but shall not be deemed to include personal services other than paid personal services.

m. The term “qualified candidate” means:

(1) Any candidate for election to the office of Governor whose name appears on the general election ballot and who has deposited and expended \$50,000.00 pursuant to section 7 of P. L. 1974, c. 26 (C. 19:44A-32); or

(2) Any candidate for election to the office of Governor whose name does not appear on the general election ballot but who has deposited and expended \$50,000.00 pursuant to section 7 of P. L. 1974, c. 26 (C. 19:44A-32); or

(3) Any candidate for nomination for election to the office of Governor whose name appears on the primary election ballot and who has deposited and expended \$50,000.00 pursuant to section 7 of P. L. 1974, c. 26 (C. 19:44A-32); or

(4) Any candidate for nomination for election to the office of Governor whose name does not appear on the primary election ballot but who has deposited and expended \$50,000.00 pursuant to section 7 of P. L. 1974, c. 26 (C. 19:44A-32).

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

C. 19:44A-7 Limitation of expenditures in aid of candidacy.

7. The amount which may be spent in aid of the candidacy of any qualified candidate for Governor at any election shall not exceed

in a primary election \$0.35, and in a general election \$0.70, for each voter who voted in the last preceding general election in a presidential year in New Jersey; but such sums shall not include the traveling expenses of the candidate or of any person other than the candidate if such traveling expenses are voluntarily paid by such person without any understanding or agreement with the candidate that they shall be, directly or indirectly, repaid to him by the candidate.

3. Section 2 of P. L. 1974, c. 26 (C. 19:44A-27) is amended to read as follows:

C. 19:44A-27 Declaration of policy.

2. It is hereby declared to be a compelling public interest and to be the policy of this State that primary and general election campaigns for the office of Governor shall be financed with public support pursuant to the provisions of this act. It is the intention of this act that such financing be adequate in amount so that candidates for election to the office of Governor may conduct their campaigns free from improper influence and so that persons of limited financial means may seek election to the State's highest office.

4. Section 3 of P. L. 1974, c. 26 (C. 19:44A-28) is amended to read as follows:

C. 19:44A-28 Applicability of act.

3. The provisions of this act shall apply to the general election campaign for the office of Governor to be held in November, 1977 and to all subsequent primary and general election campaigns for election to the office of Governor, except that the provisions of this act shall not apply to any primary or general election campaign for the office of Governor for which the Legislature fails to make an appropriation.

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

C. 19:44A-29 Limitation on political contributions in aid of candidacy to the office of Governor.

4. a. Except in the case of a candidate, as provided in subsection g. of this section, no person or political committee, otherwise eligible to make political contributions, shall make any contribution or contributions to a candidate, his campaign treasurer or deputy campaign treasurer, a State committee, county committee or municipal committee of any political party, or to any other person or

committee, in aid of the candidacy of or in behalf of a candidate for nomination for election or for election to the office of Governor in any primary or general election in the aggregate in excess of \$800.00. No candidate for nomination for election or for election to the office of Governor in any primary or general election and no campaign treasurer or deputy campaign treasurer of such candidate shall knowingly accept from any person, candidate or political committee any contribution or contributions in aid of the candidacy of or in behalf of such candidate in the aggregate in excess of \$800.00 in any primary or general election. No provision of this act shall be construed to prohibit a contribution or contributions in the aggregate not in excess of \$800.00 in aid of the candidacy of or in behalf of any candidate for nomination for election to the office of Governor in a primary election and another contribution or contributions in the aggregate not in excess of \$800.00 in the aid of the candidacy of or in behalf of any candidate for election to the office of Governor in a general election.

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

c. The spouse of any contributor may make a contribution or contributions of up to \$800.00 in the aggregate in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election.

d. No State committee of any political party shall knowingly accept from any person or political committee, any contribution or contributions in the aggregate in excess of \$800.00 in aid of the candidacy of or in behalf of a candidate for election to the office of Governor in a general election. A State committee may allocate a contribution of up to \$800.00, and up to \$800.00 of a contribution in excess of \$800.00 in aid of the candidacy of or in behalf of such candidate. A State committee shall create an account in a National or State bank in behalf of any candidate the committee intends to or does assist for election to the office of Governor in a general election, shall deposit in such account and report to the Election Law Enforcement Commission the name of the contributor of all moneys accepted or allocated in aid of the candidacy of or in behalf of such candidate, and may make a contribution or contributions from such account in any amount in aid of the candidacy of or in behalf of such candidate. No State committee may make any contribution or contributions in aid of the candidacy of or in behalf of such candidate of moneys not deposited in a bank account pursuant to this subsection, and no State committee may make a contribution or contributions in aid of the candidacy

of or in behalf of such candidate of moneys or other thing of value pledged or received in a calendar year in which no gubernatorial election was held.

e. The county committees and municipal committees of any political party may make an expenditure or expenditures in the aggregate of \$100,000.00 in aid of the candidacy of or in behalf of any candidate for election to the office of Governor in a general election; except the county committee and municipal committees in the same county may not make an expenditure or expenditures in the aggregate in excess of \$10,000.00 in aid of the candidacy or in behalf of any such candidate. No county committee or municipal committee may transfer or contribute any funds to any such candidate or to such candidate's campaign treasurer or deputy campaign treasurer, or to any political committee supporting such candidate. A candidate or his campaign treasurer or deputy campaign treasurer shall determine the exact amount that individual county committees or municipal committees may contribute in aid of the candidacy of or in behalf of such candidate, and shall file a report of such determination with the Election Law Enforcement Commission no later than the seventh day prior to the general election being funded.

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

g. No candidate receiving public funds may make expenditures from his own funds, including any contributions from his own funds, in aid of his candidacy for nomination or election to the office of Governor in excess of \$25,000.00 for the primary election and \$25,000.00 for the general election.

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

6. Section 5 of P. L. 1974, c. 26 (C. 19:44A-30) is amended to read as follows:

C. 19:44A-30 Appropriation.

5. The Legislature shall appropriate to the New Jersey Election Law Enforcement Commission out of the Gubernatorial Elections Fund established pursuant to N. J. S. 54A:9-25.1 and available for appropriation from the fund, and, if necessary, out of the General Treasury of the State such sums as are necessary to carry out the purposes of this act, which sums shall constitute a fund for campaign expenses for the primary election and the general election to the office of Governor, in such amounts or proportions as the Legislature shall direct the appropriation to be distributed between each of the two elections, to be regulated and distributed by the commission pursuant to this act. Upon notice by the commission, the Legislature shall appropriate to the commission out of the General Treasury such additional sums as may be required to carry out the purposes of this act if the sums first appropriated become inadequate.

7. Section 7 of P. L. 1974, c. 26 (C. 19:44A-32) is amended to read as follows:

C. 19:44A-32 Bank account for candidates; transfer; expenditure.

7. a. Each candidate in the primary election to the office of Governor, shall, with the approval of the Election Law Enforcement Commission, create a bank account in a National or State bank. The candidate, his campaign treasurer or deputy campaign treasurer shall deposit promptly into the account all moneys received pursuant to section 4 of P. L. 1974, c. 26 (C. 19:44A-29) and sections 11 and 12 of P. L. 1973, c. 83 (C. 19:44A-11 and 19:44A-12).

b. Each candidate in the general election to the office of Governor shall, with the approval of the Election Law Enforcement Commission, create an account in a National or State bank. The candidate, his campaign treasurer or deputy campaign treasurer shall deposit promptly into the account all moneys received for the purpose of the election, provided that the moneys are received pursuant to section 4 of P. L. 1974, c. 26 (C. 19:44A-29) and sections 11 and 12 of P. L. 1973, c. 83 (C. 19:44A-11 and 19:44A-12).

c. Immediately after deposit in the bank account the candidate or his campaign treasurer or deputy campaign treasurer may transfer or expend the moneys, except that no moneys deposited in a candidate's bank account for the primary election may be expended for any candidate's general election expenses, and except that no moneys deposited in a candidate's bank account for the general election may be transferred or expended until the day

following the primary election or may be expended for primary election expenses.

d. No State or National bank which acts as a depository for election funds as provided in this act shall be held accountable for the proper application of funds withdrawn, transferred or expended from such accounts by the person or persons in whose name or names the accounts are opened or maintained, nor shall the State or National bank be under any duty to determine whether the funds deposited in the account are withdrawn, transferred or expended for the purposes and at the time or times prescribed by law, or are received from sources and in amounts prescribed or limited by law.

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

C. 19:44A-33 Receiving moneys from fund.

8. a. The campaign treasurer or deputy campaign treasurer of any qualified candidate for nomination for election to the office of Governor in a primary election upon application to the commission shall promptly receive in behalf of the qualified candidate from the fund for election campaign expenses, but not prior to January 1 of the year of the election, moneys in an amount equal to twice the amount of no more than \$800.00 of each contribution deposited in the qualified candidate's primary election bank account described in section 7 of P. L. 1974, c. 26 (C. 19:44A-32), except that no payment shall be made from the fund to any candidate for the first \$50,000.00 deposited in the qualified candidate's bank account. The maximum amount which any qualified candidate for nomination for election to the office of Governor in a primary election may receive from the fund for election campaign expenses shall not exceed \$0.20 for each voter who voted in New Jersey in the last preceding general election in a presidential year.

b. The campaign treasurer or deputy campaign treasurer of any qualified candidate for election to the office of Governor in a general election upon application to the commission shall promptly receive in behalf of such qualified candidate from the fund for election campaign expenses, but not prior to the primary election, moneys in an amount equal to twice the amount of no more than \$800.00 for each contribution deposited in such qualified candidate's bank account described in section 7 of P. L. 1974, c. 26 (C. 19:44A-32), except that no payment shall be made from the fund to any candidate for the first \$50,000.00 deposited in such qualified candidate's bank account.

The maximum amount which any qualified candidate for election to the office of Governor in a general election may receive from the fund for election campaign expenses shall not exceed \$0.40 for each voter who voted in New Jersey in the last preceding general election in a presidential year.

9. Section 9 of P. L. 1974, c. 26 (C. 19:44A-34) is amended to read as follows:

C. 19:44A-34 Forwarding of contributions to commission; bank deposits.

9. a. No contribution which must be or is intended by the contributor or the recipient to be refunded or repaid at any time, no loan obtained pursuant to section 19 of P. L. 1974, c. 26 (C. 19:44A-44), no amount of the candidate's own funds in the aggregate in excess of \$800.00, and no other moneys received by the candidate, his campaign treasurer or deputy campaign treasurer, except those contributions described in subsections a. and b. of section 4 of P. L. 1974, c. 26 (C. 19:44A-29), shall be deposited into any candidate's primary election and general election bank accounts described in section 7 of P. L. 1974, c. 26 (C. 19:44A-32), but shall be deposited in separate bank accounts from which expenditures for the respective campaigns may be made.

b. No contribution by any county committee or municipal committee of any political party shall be deposited into any candidate's bank accounts. A State committee may forward to a candidate and have deposited into the candidate's general election bank account described in section 7 of P. L. 1974, c. 26 (C. 19:44A-32) money in aid of the candidacy of or in behalf of such candidate received pursuant to section 4 of P. L. 1974, c. 26 (C. 19:44A-29) and sections 11 and 12 of P. L. 1973, c. 83 (C. 19:44A-11 and 19:44A-12).

10. Section 10 of P. L. 1974, c. 26 (C. 19:44A-35) is amended to read as follows:

C. 19:44A-35 Rules and regulations for expenditures; purposes.

10. a. All expenditures from the fund for election campaign expenses shall be made pursuant to rules and regulations of the Election Law Enforcement Commission and shall be strictly limited to the following purposes:

- (1) Purchase of time on radio and television stations;
- (2) Purchase of rental space on outdoor signs or billboards;
- (3) Purchase of advertising space in newspapers and regularly published magazines and periodicals;

(4) Payment of the cost of producing the material aired or displayed on radio, television, outdoor signs or billboards, and in newspapers, regularly published magazines and periodicals;

(5) Payment of the cost of printing and mailing campaign literature and brochures distributed under the name of any qualified candidate;

(6) Payment of the cost of legal and accounting expenses incurred in complying with the public financing regulations of the Election Law Enforcement Commission and with the public financing provisions of P. L. 1974, c. 26 (C. 19:44A-27 et seq.);

(7) Payment of the cost of telephone deposits, and installation charges and monthly billings in excess of deposits. Within 6 months after the primary and general elections, respectively, a candidate shall return to the fund the amount of any public funds used to pay such telephone deposits which are later returned.

b. The limitations in subsection a. of this section upon expenditures from the fund for election campaign expenses shall not apply to expenditures of private contributions, whether or not such private contributions were deposited in a candidate's bank accounts pursuant to section 7 of P. L. 1974, c. 26 (C. 19:44A-32).

c. Moneys received by a qualified candidate from the fund for election campaign expenses may be retained for a period not exceeding 6 months after the election for which such moneys were received in order to liquidate all obligations to pay expenses for the purposes permitted by this section which were incurred during the election campaign. All obligations having been liquidated, all moneys remaining available to any qualified candidate, shall be paid into the fund, except that no candidate shall pay into the fund moneys in excess of moneys received from the fund.

11. Section 11 of P. L. 1974, c. 26 (C. 19:44A-36) is amended to read as follows:

C. 19:44A-36 Moneys spent in aid of candidacy; withdrawal not to exceed limitations.

11. Moneys received by any qualified candidate from the fund for election campaign expenses are to be considered "spent in aid of the candidacy of any candidate" for election to the office of Governor for the purpose of section 7 of P. L. 1973, c. 83 (C. 19:44A-7). The Election Law Enforcement Commission shall not withdraw from the fund for election campaign expenses any sum, which results in a candidate's exceeding the limitations of that section.

12. Section 12 of P. L. 1974, c. 26 (C. 19:44A-37) is amended to read as follows:

C. 19:44A-37 Statements by candidates; printing and mailing.

12. The Election Law Enforcement Commission shall, on or before the forty-fifth day prior to the date on which the general election is to be held, supply each county clerk with the text of statements from each candidate for election to the office of Governor. Each candidate for the office of Governor who wishes a statement mailed on his behalf shall submit to the commission, on forms provided by it, his proposed statement which shall not exceed 500 words in length. Each county clerk shall cause the statements submitted by all such candidates to be printed and mailed with the sample ballot for the general election to each registered voter in the county with a short explanation prepared by the commission that such statements are provided pursuant to this law to assist the voters of this State in making their determination among the candidates for the office of Governor. The cost of printing and mailing such statements shall be paid for by the counties; except that any cost to the counties resulting from the printing and mailing of such statements shall be reimbursed from State funds appropriated to the commission for that purpose on claim therefor made by the county clerk to the commission.

13. Section 14 of P. L. 1974, c. 26 (C. 19:44A-39) is amended to read as follows:

C. 19:44A-39 New Jersey Public Broadcasting Authority to promote discussion.

14. a. The New Jersey Public Broadcasting Authority established under P. L. 1968, c. 405 (C. 48:23-1 et seq.) shall promote full discussions of public issues by the candidates for nomination for election to the office of Governor on the ballot in any primary election, free of charge to the candidate. The authority shall make available at least 2 hours of time on its stations for joint appearances by the candidates, and at least 15 minutes of time on its stations for individual appearances by each of the candidates. The authority may promulgate such rules and regulations as may be necessary to effectuate the purpose of this subsection.

b. The authority shall promote full discussions of public issues by the candidates for the office of Governor on the ballot in any general election, free of charge to any such candidate. The authority shall make available at least 1 hour of time on its stations for joint appearances by such candidates, and at least 1 additional hour of time on its stations for individual appearances by each of such candidates. The authority may promulgate such rules and regulations as may be necessary to effectuate the purposes of this subsection.

14. Section 15 of P. L. 1974, c. 26 (C. 19:44A-40) is amended to read as follows:

C. 19:44A-40 Violation of act.

15. a. Any person who willfully and knowingly violates section 4, 6, 9 or 10 of P. L. 1974, c. 26 or section 19 of this amendatory and supplementary act is guilty of a crime of the fourth degree.

b. The election to office of any candidate who is guilty of any violation within the description of subsection a. of this section shall be void, and the office shall be filled as required by law in the case of a vacancy; provided, however, that nothing herein contained shall be construed in derogation of the constitutional authority of either House of the Legislature to be the judge of the election and qualification of its own members.

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

C. 19:44A-44 Borrowing funds; repayment; failure.

19. Notwithstanding any provision of this act any candidate in a primary election for the office of Governor, or his campaign treasurer or deputy campaign treasurer, or any candidate in a general election for the office of Governor, or his campaign treasurer or deputy treasurer may borrow funds from any National or State bank. No person or political committee, other than the candidate himself or the State committee of any political party in a general election, may in any way endorse or guarantee such loan in an amount in the aggregate in excess of \$800.00. The endorsement shall constitute a contribution for so long as the loan is outstanding. The amount borrowed by any such candidate or his campaign treasurer or deputy campaign treasurer shall in the aggregate not exceed \$50,000.00 and must be repaid in full by such candidate or his campaign treasurer or deputy campaign treasurer from moneys accepted or allocated pursuant to section 4 of P. L. 1974, c. 26 (C. 19:44A-29) 20 days prior to the date of the primary or general election for which the loan was made, and certification of such repayment shall be made by the borrower to the Election Law Enforcement Commission in accordance with commission regulations.

Upon the failure of the borrower to repay the full amount borrowed on or before the twentieth day prior to the date of the primary or general election for the office of Governor, or to certify such repayment to the Election Law Enforcement Commission as required herein, all payments of moneys to such candidate

from the fund for election campaign expenses pursuant to section 8 of P. L. 1974, c. 26 (C. 19:44A-33) shall promptly cease; and the Election Law Enforcement Commission shall forthwith seek and may obtain in a summary action in the Superior Court an injunction prohibiting the expenditure by any such candidate of any moneys received by him at any time from the fund for election campaign expenses pursuant to said section 8 of P. L. 1974, c. 26 (C. 19:44A-33), and any other moneys received by him in aid of or in behalf of his candidacy in said election.

16. N. J. S. 54A:9-25.1 is amended to read as follows:

Gubernatorial Elections Fund; establishment; form of return.

54A:9-25.1. There is hereby established within the General Treasury a special fund to be known as the "Gubernatorial Elections Fund." Where a taxpayer has indicated on a return filed pursuant to this act that \$1.00 of his taxes is to be reserved for such fund, the Treasurer shall credit such fund from the taxes collected under the provisions of this act. The fund shall be available for appropriation pursuant to section 5 of P. L. 1974, c. 26 (C. 19:44A-30), provided however that establishment of the "Gubernatorial Elections Fund" shall in no way affect the operation of said section.

Blank forms of return provided by the director for use in reporting under this act shall include, in a conspicuous place, the opportunity for a taxpayer to indicate his preference under this section in substantially the following manner:

Yes No

"Gubernatorial Elections Fund"	Do you wish to designate \$1 of your taxes for this fund?		
NOTE: If you check the "Yes" box(es) it will not increase your tax or reduce your refund.	If joint return, does your spouse wish to designate \$1?		

C. 19:44A-18.1 Fund-raising events; limitation on contributions; report by sponsors.

17. (New section) a. No person, candidate or political committee, otherwise eligible to make political contributions, shall

make any contribution or contributions for the purpose of any gubernatorial inaugural fund-raising event or events in the aggregate in excess of \$250.00.

b. For the purposes of the limitation in subsection a. of this section the term "gubernatorial inaugural fund-raising event" means any event or events held between the date of the general election for the office of Governor and a date 30 days after the date of the inauguration of the Governor, whether the event is sponsored by the inaugural committee, the State political party committee representing the party of the Governor-elect, or any other person or persons, and at which the Governor-elect is a prominent participant or for which solicitations of contributions include the name of the Governor-elect in prominent display.

c. The person or committee sponsoring the event shall make a full report of all contributions and expenditures with respect to the event within 45 days following the event in accordance with the provisions of this act.

18. (New section) a. Contributions to a political committee associated with a person who becomes a candidate for Governor in a primary election campaign which have been deposited in a campaign bank account pursuant to section 12 of P. L. 1973, c. 83 (C. 19:44A-12) prior to December 1, 1979 may be transferred from such account to a separate campaign bank account established pursuant to section 7 of P. L. 1974, c. 26 (C. 19:44A-32) on behalf of the candidate for Governor in a primary election. Up to and including the limit specified in section 4 of P. L. 1974, c. 26 (C. 19:44A-29) of each contribution may be so transferred. The committee shall file at the time of transfer a statement with the Election Law Enforcement Commission certifying the names and addresses of contributors and the amount contributed by each and the dates of the contributions.

b. The transferred funds may be used and be eligible for matching with public funds upon submission to the commission of documentation relative to identification of the contributor and contribution in accordance with P. L. 1974, c. 26 as amended and supplemented and regulations of the Election Law Enforcement Commission. The funds of the political committee remaining in the bank account established pursuant to section 12 of P. L. 1973, c. 83 (C. 19:44A-12) shall not be used directly or indirectly in aid of or in opposition to a candidate for Governor in a primary or general election.

c. Nothing in this act shall require the declaration of candidacy by the person with whom the political committee is associated as a

condition for depositing the contributions raised prior to the effective date of this act into the bank account established pursuant to section 7 of P. L. 1974, c. 26 (C. 19:44A-32). If, however, there is no declaration of candidacy, or if the candidate on behalf of whom the funds have been collected files a written document with the commission requesting a return of any or all of the funds to the political committee, then the funds may be returned, in whole or part to the committee and be used for such purposes as are permitted by that committee and are not inconsistent with P. L. 1973, c. 83 and P. L. 1974, c. 26 as supplemented.

C. 19:44A-7.1 Monitoring adequacy of limits set on contributions and expenditures; alterations.

19. (New section) For the purpose of determining the continuing adequacy of the limits set by law upon contributions and expenditures in aid of the candidacy or in behalf of any candidate for nomination or election to the office of Governor, the Election Law Enforcement Commission shall monitor the general level of prices, with particular reference to those directly affecting the costs of election campaigning in this State. In the year next preceding any year in which a primary election and general election for the office of Governor are to be held, and not later than 12 months before the date of the primary election, the commission shall report to the Legislature its recommendations, if any, for altering those limits in accordance with its findings pursuant to this section.

Repealer.

20. Section 6 of P. L. 1974, c. 26 (C. 19:44A-31) is repealed.

21. This act shall take effect immediately.

Approved July 23, 1980.

CHAPTER 75

AN ACT to amend the "Optional Municipal Charter Law," approved June 8, 1950 (P. L. 1950, c. 210), and repealing section 2 of P. L. 1956, c. 24.

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

1. Section 17-11 of P. L. 1950, c. 210 (C. 40:69A-160) is amended to read as follows:

C. 40:69A-160 Election of candidates in municipalities adopting articles 3 through 6, or 9 through 12.

17-11. a. At the regular municipal election in any municipality which has adopted articles 3 through 6, inclusive, or 9 through 12, inclusive, of this act, the candidates receiving the greatest number of votes cast shall be elected to the respective offices.

b. Notwithstanding the provisions of subsection a. of this section, the charter of any municipality adopting, on or after the effective date of this amendatory act, articles 3 through 6, inclusive, or 9 through 12, inclusive, may provide that at the regular municipal election the candidates receiving the greatest number and a majority of votes cast shall be elected to the respective offices; provided, however, that if:

(1) Nine councilmen-at-large are to be elected and four or more candidates for said office receive a majority of the votes cast, the nine candidates receiving the greatest number of votes shall be elected; or

(2) Seven councilmen-at-large are to be elected and three or more candidates for said office receive a majority of the votes cast, the seven candidates receiving the greatest number of votes shall be elected; or

(3) Five councilmen-at-large are to be elected and two or more candidates for said office receive a majority of the votes cast, the five candidates receiving the greatest number of votes shall be elected; or

(4) Four councilmen-at-large are to be elected and two or more candidates for said office receive a majority of the votes cast, the four candidates receiving the greatest number of votes shall be elected; or

(5) Three councilmen-at-large are to be elected and one or more candidates for said office receive a majority of the votes cast, the three candidates receiving the greatest number of votes shall be elected; or

(6) Two councilmen-at-large are to be elected and one or more candidates for said office receive a majority of the votes cast, the two candidates receiving the greatest number of votes shall be elected.

As used in this subsection, the number constituting a majority of the votes cast shall be computed by dividing by two the number of

voters who cast a vote for at least one candidate for councilman-at-large, and then adding one. Voting machines to be used in such election shall be equipped, as soon as practicable, with one or more counters so connected as to keep a tally of the number of voters who cast votes for one or more of the candidates for councilman-at-large. Until such time as suitable counters have been so provided, or whenever the tally of the number of voters cannot be determined for any reason, then the number constituting said majority of the votes cast shall be computed by adding all the votes cast for each candidate for said office, dividing that total by twice the number of councilmen-at-large to be elected and then adding one.

c. Any municipality which was governed by the provisions of this section prior to the effective date of this amendatory act shall be governed by the provisions of subsection b. of this section on and after the effective date of this amendatory act for so long as it continues to be governed by articles 3 through 6, inclusive, or 9 through 12, inclusive, except as provided in subsection d. of this section.

d. On and after the effective date of this amendatory act, any municipality in which runoff elections are held pursuant to the provisions of subsection b. or c. above may adopt by referendum the provisions of subsection a. above; and any municipality governed by articles 3 through 6, inclusive, or 9 through 12, inclusive, in which runoff elections are not held, may adopt by referendum the provisions of subsection b. above. In either case, the question of adoption may be initiated by the voters pursuant to, and subject to the pertinent provisions of, sections 17-35 through 17-47 (C. 40:69A-184 through 40:69A-196) of the act of which this act is amendatory; or the question of adoption may be submitted to the voters by ordinance adopted by the governing body, in which case the question and ordinance shall be subject to the pertinent provisions of sections 17-42 through 17-47 of the act of which this act is amendatory (C. 40:69A-191 through 40:69A-196), except that no petition of the voters shall be necessary in order to submit the question.

2. Section 17-12 of P. L. 1950, c. 210 (C. 40:69A-161) is amended to read as follows:

C. 40:69A-161 Runoff election.

17-12. In any regular municipal election referred to in subsection b. of section 17-11, if a sufficient number of candidates do not receive a majority of the votes cast to elect the required number of council-

men-at-large, or no candidate for mayor or no candidate for ward councilman receives a majority of the votes cast for his respective office, a runoff election in the municipality or ward, as the case may be, shall be held on the fifth Tuesday next following such municipal election. The candidates for councilmen-at-large not elected at such municipal election, equal in number to twice the number of councilmen-at-large remaining to be elected, who received the greatest number of votes at such municipal election and the two candidates for mayor or for ward councilmen who received the greatest number of votes at such election, shall be the candidates for the office for which they were nominated, at such runoff election. Military service ballots shall forthwith be printed and distributed for the runoff election in the same manner, so far as possible, as for other municipal elections.

The candidate or candidates who receive the greatest number of votes at such runoff election shall be elected to the office or offices to be filled. If two or more candidates shall be equal and greatest in votes, for any of the purposes of this section, they shall draw lots to determine which one shall enter the runoff election or be elected therein, as the case may be.

If any candidate to be voted for at the runoff election dies 7 or more days prior to the runoff election, the candidate for said office not theretofore included in the runoff election but next in highest number of votes for that purpose, shall be substituted at such election in the place and stead of the deceased candidate and his name shall be substituted on the ballots for that of the deceased candidate.

Repealer.

3. Section 2 of P. L. 1956, c. 24 (C. 40:69A-161.1) is repealed.

4. This act shall take effect immediately.

Approved July 24, 1980.

CHAPTER 76

AN ACT concerning the development of educational programs for autistic children and making an appropriation therefor.

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 Autistic Child Development Act."

2. As used in this act:

a. "Commissioner" means the Commissioner of Education;

b. "Department" means the State Department of Education;

c. "Autistic student" means a child who has severe disorders of communication and behavior, whose symptoms become manifest during his early developmental stages and the consequences of which may be manifested by childhood psychosis, childhood schizophrenia or other conditions characterized by severe defects in language behavior, such as profound aphasia, and by the inability to relate with others.

3. The Department of Education shall conduct a study of the effectiveness of existing programs that provide appropriate special education for autistic students.

4. Within 6 months of the effective date this act, the department shall report to the Governor and the Legislature its findings and recommendations, accompanying the same with any legislative bills which may be necessary in order to effectuate full implementation of appropriate special educational programs for autistic students in the State.

5. The commissioner is authorized to adopt, amend or repeal rules and regulations to effectuate the purposes of this act.

6. This act shall take effect immediately.

Approved July 24, 1980.

CHAPTER 77

AN ACT to amend the "Sewerage Authorities Law," approved April 23, 1946 (P. L. 1946, c. 138) and the "Municipal Utilities Authorities Law," approved August 22, 1957 (P. L. 1957, c. 183).

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

1. Section 3 of P. L. 1946, c. 138 (C. 40:14A-3) is amended to read as follows:

C. 40:14A-3 Definitions.

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

(1) "Municipality" shall mean any city of any class, any borough, village, town, township, or any other municipality other than a county or a school district, and except when used in section 4 or 21 of this act, any agency thereof or any two or more thereof acting jointly or any joint meeting or other agency of any two or more thereof;

(2) "County" shall mean any county of any class;

(3) "Governing body" shall mean, in the case of a county, the board of chosen freeholders, or in the case of those counties organized pursuant to the provisions of the "Optional County Charter Law" (P. L. 1972, c. 154; C. 40:41A-1 et seq.), the board of chosen freeholders and the county executive, the county supervisor or the county manager, as appropriate, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

(4) "Person" shall mean any person, association, corporation, nation, State or any agency or subdivision thereof, other than a county or municipality of the State or a sewerage authority;

(5) "Sewerage authority" shall mean a public body created pursuant to section 4 of this act;

(6) Subject to the exceptions provided in section 4 of this act, "district" shall mean the area within the territorial boundaries of the county, or of the municipality or municipalities, which created or joined in the creation of a sewerage authority;

(7) "Local unit" shall mean the county, or any municipality, which created or joined in the creation of a sewerage authority;

(8) "Sewerage system" shall mean the plants, structures, on-site wastewater systems, and other real and personal property acquired, constructed, maintained or operated or to be acquired, constructed, maintained or operated by a sewerage authority for the purposes of the sewerage authority, including sewers, conduits, pipe lines, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, connections, and outfalls, compensating reservoirs, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes;

(9) "Cost" shall mean, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of a sewerage system and of all or any property, rights, easements, privileges, agreements and franchises deemed by the sewerage authority to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, costs of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the sewerage authority prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of said sewerage system or part thereof and the placing of the same in operation, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of or interest on bonds during or after such acquisition or construction as the sewerage authority may determine, and also reimbursements to the sewerage authority or any county, municipality or other person of any moneys theretofore expended for the purposes of the sewerage authority or to any county or municipality of any moneys theretofore expended for in connection with sanitation facilities;

(10) "Real property" shall mean lands both within and without the State, and improvements thereof or thereon, or any rights or interests therein;

(11) "Construct" and "construction" shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of a sewerage system;

(12) "Industrial wastes" shall mean liquid or other wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resource;

(13) "Sewage" shall mean the water-carried wastes created in and carried, or to be carried, away from, or to be processed by on-site wastewater systems, residences, hotels, apartments, schools, hospitals, industrial establishments, or any other public or private building, together with such surface or ground water and industrial wastes as may be present;

(14) "On-site wastewater system" means any of several works, facilities, septic tanks or other devices, used to collect, treat, reclaim, or dispose of wastewater or sewage on or adjacent to the property on which the wastewater or sewage is produced, or to convey such wastewater or sewage from said property to such facilities as the authority may establish for its disposal;

(15) "Pollution" means the condition of water resulting from the introduction therein of substances of a kind and in quantities rendering it detrimental or immediately or potentially dangerous to the public health, or unfit for public or commercial use;

(16) "Ordinance" means a written act of the governing body of a municipality adopted and otherwise approved and published in the manner or mode of procedure prescribed for ordinances tending to obligate such municipality pecuniarily;

(17) "Resolution" means a written act of the governing body of a local unit adopted and otherwise approved in the manner or mode of procedure prescribed for resolutions tending to obligate such local unit pecuniarily;

(18) "Bonds" shall mean bonds or other obligations issued pursuant to this act; and

(19) "Compensating reservoir" shall mean the structures, facilities and appurtenances for the impounding, transportation and release of water for the replenishment in periods of drought or at other necessary times of all or a part of waters in or bordering the State diverted into a sewer, sewage treatment or sewage disposal system operated by the sewerage authority.

2. Section 7 of P. L. 1946, c. 138 (C. 40:14A-7) is amended to read as follows:

C. 40:14A-7 Powers of sewerage authority.

7. Every sewerage authority shall be a public body politic and corporate constituting a political subdivision of the State estab-

lished as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and to be sued;

(3) In the name of the sewerage authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the sewerage authority but for the local unit or units, to acquire, hold, use and dispose of other personal property for the purposes of the sewerage authority;

(5) In the name of the sewerage authority but for the local unit or units, to acquire by purchase, gift, condemnation or otherwise, real property and easements therein, necessary or useful and convenient for the purposes of the sewerage authority, and subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the sewerage authority;

(6) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(7) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the sewerage authority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(8) To enter on any lands, waters or premises for the purpose of making surveys, borings, soundings and examinations for the purposes of the sewerage authority, and whenever the operation of a septic tank or other component of an on-site wastewater system shall result in the creation of pollution or contamination source on private property such that under the provisions of R. S. 26:3-49, a local board of health would have the authority to notify the owner and require said owner to abate the same, representatives of an authority shall have the power to enter, at all reasonable times, any premises on which such pollution or contamination source shall exist, for the purpose of inspecting, rehabilitating, securing samples of any discharges, improving, repairing, replacing, or upgrading such septic tank or other component of an on-site wastewater system;

(9) To establish an inspection program to be performed at least once every 3 years on all on-site wastewater systems installed within its district which inspection program shall contain the following minimum notice provisions: (i) not less than 30 days prior to the date of the inspection of an on-site wastewater system as described herein, the authority shall notify the owner and resident of the property that the inspection will occur; and (ii) not less than 60 days prior to the date of the performance of any work other than an inspection, the sewerage authority shall provide notice to the owner and resident of the property on which the work will be performed. The notice to be provided to such owner and resident under this subsection shall include a description of the deficiency which necessitates the work and the proposed remedial action, and the proposed date for beginning and duration of the contemplated remedial action;

(10) To prepare and file in the office of the sewerage authority records of all inspections, rehabilitation, maintenance, and work, performed with respect to on-site wastewater disposal systems;

(11) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the sewerage system and any other of its properties, and to amend the same;

(12) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any persons;

(13) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the sewerage authority or to carry out any power expressly given in this act subject to "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.); and

(14) To enter into any and all lease agreements with sewerage authorities, and municipalities, and counties operating sewerage systems, for the rental of equipment owned by the authority and municipality and/or county, together with the personnel to operate said equipment.

3. Section 3 of P. L. 1957, c. 183 (C. 40:14B-3) is amended to read as follows:

C. 40:14B-3 Definitions.

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

(1) "Municipality" shall mean any city of any class, any borough, village, town, township, or any other municipality other than a county or a school district, and except when used in section 4, 5, 6, 11, 12, 13, 42 or 45 of this act, any agency thereof or any two or more thereof acting jointly or any joint meeting or other agency of any two or more thereof;

(2) "County" shall mean any county of any class;

(3) "Governing body" shall mean, in the case of a county, the board of chosen freeholders, or in the case of those counties organized pursuant to the provisions of the "Optional County Charter Law" (P. L. 1972, c. 154; C. 40:41A-1 et seq.), the board of chosen freeholders and the county executive, the county supervisor or the county manager, as appropriate, and, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality;

(4) "Person" shall mean any person, association, corporation, nation, state or any agency or subdivision thereof, other than a county or municipality of the State or a municipal authority;

(5) "Municipal authority" shall mean a public body created or organized pursuant to section 4, 5 or 6 of this act and shall include a municipal utilities authority created by one or more municipalities and a county utilities authority created by a county;

(6) Subject to the exceptions provided in section 10, 11 or 12 of this act, "district" shall mean the area within the territorial boundaries of the county, or of the municipality or municipalities, which created or joined in or caused the creation or organization of a municipal authority;

(7) "Local unit" shall mean the county, or any municipality, which created or joined in or caused the creation or organization of a municipal authority;

(8) "Water system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by a municipal authority for the purposes of the municipal authority, including reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, waterworks or sources of water supply, wells, purification or filtration plants or other plants and works, connections, rights of flowage or division, and other plants, structures, boats, conveyances, and other real and personal property, and rights

therein, and appurtenances necessary or useful and convenient for the accumulation, supply or distribution of water;

(9) "Sewerage system" shall mean the plants, structures, on-site wastewater systems and other real and personal property acquired, constructed or operated or to be acquired, constructed, maintained or operated by a municipal authority for the purposes of the municipal authority, including sewers, conduits, pipelines, mains, pumping and ventilating stations, sewage treatment or disposal systems, plants and works, connections, outfalls, compensating reservoirs, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the collection, treatment, purification or disposal in a sanitary manner of any sewage, liquid or solid wastes, night soil or industrial wastes;

(10) "Utility system" shall mean a water system, solid waste system, sewerage system, or a hydroelectric system or any combination of such systems, acquired, constructed or operated or to be acquired, constructed or operated by a municipal authority;

(11) "Cost" shall mean, in addition to the usual connotations thereof, the cost of acquisition or construction of all or any part of a utility system and of all or any property, rights, easements, privileges, agreements and franchises deemed by the municipal authority to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses of the municipal authority prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of said utility system or part thereof and the placing of the same in operation, and also such provision or reserves for working capital, operating, maintenance or replacement expenses or for payment or security of principal of or interest on bonds during or after such acquisition or construction as the municipal authority may determine, and also reimbursements to the municipal authority or any county, municipality or other person of any moneys theretofore expended for the purposes of the municipal authority or to any county or municipality of any moneys theretofore expended for or in connection with water supply, solid waste, water distribution, sanitation or hydroelectric facilities;

(12) "Real property" shall mean lands both within or without the State, and improvements thereof or thereon, or any rights or interests therein;

(13) "Construct" and "construction" shall connote and include acts of construction, reconstruction, replacement, extension, improvement and betterment of a utility system;

(14) "Industrial wastes" shall mean liquid or other wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resource, and shall include any chemical wastes or hazardous wastes;

(15) "Sewage" shall mean the water-carried wastes created in and carried, or to be carried, away from, or to be processed by on-site wastewater systems, residences, hotels, apartments, schools, hospitals, industrial establishments, or any other public or private building, together with such surface or ground water and industrial wastes and leachate as may be present;

(16) "On-site wastewater system" means any of several facilities, septic tanks or other devices, used to collect, treat, reclaim, or dispose of wastewater or sewage on or adjacent to the property on which the wastewater or sewage is produced, or to convey such wastewater or sewage from said property to such facilities as the authority may establish for its disposal;

(17) "Pollution" means the condition of water resulting from the introduction therein of substances of a kind and in quantities rendering it detrimental or immediately or potentially dangerous to the public health, or unfit for public or commercial use;

(18) "Bonds" shall mean bonds or other obligations issued pursuant to this act;

(19) "Service charges" shall mean water service charges, solid waste service charges, sewer service charges, hydroelectric service charges or any combination of such charges, as said terms are defined in section 21 or 22 of this act or in section 7 of this amendatory and supplementary act;

(20) "Compensating reservoir" shall mean the structures, facilities and appurtenances for the impounding, transportation and release of water for the replenishment in periods of drought or at other necessary times of all or a part of waters in or bordering the State diverted into a utility system operated by a municipal authority;

(21) "Sewage authority" shall mean a public body created pursuant to the Sewerage Authorities Law (P. L. 1946, c. 138) or the acts amendatory thereof or supplemental thereto;

(22) "County sewer authority" shall mean a sanitary sewer district authority created pursuant to the act entitled "An act relating to the establishment of sewerage districts in first- and second-class counties, the creation of Sanitary Sewer District Authorities by the establishing of such districts, prescribing the powers and duties of any such authority and of other public bodies in connection with the construction of sewers and sewage disposal facilities in any such district, and providing the ways and means for paying the costs of construction and operation thereof," approved April 23, 1946 (P. L. 1946, c. 123), or the acts amendatory thereof or supplemental thereto;

(23) "Chemical waste" shall mean a material normally generated by or used in chemical, petrochemical, plastic, pharmaceutical, biochemical or microbiological manufacturing processes or petroleum refining processes, which has been selected for waste disposal and which is known to hydrolize, ionize or decompose, which is soluble, burns or oxidizes, or which may react with any of the waste materials which are introduced into the landfill, or which is buoyant on water, or which has a viscosity less than that of water or which produces a foul odor. Chemical waste may be either hazardous or nonhazardous;

(24) "Effluent" shall mean liquids which are treated in and discharged by sewage treatment plants;

(25) "Hazardous wastes" shall mean any waste or combination of waste which poses a present or potential threat to human health, living organisms or the environment. "Hazardous waste" shall include, but not be limited to, waste material that is toxic, corrosive, irritating, sensitizing, radioactive, biologically infectious, explosive or flammable;

(26) "Leachate" shall mean a liquid that has been in contact with solid waste and contains dissolved or suspended materials from that solid waste;

(27) "Recycling" shall mean the separation, collection, processing or recovery of metals, glass, paper and other materials for reuse or for energy production and shall include resource recovery;

(28) "Sludge" shall mean any solid, semisolid, or liquid waste generated from a municipal, industrial or other sewage treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects; "sludge" shall not include effluent;

(29) "Solid waste" shall mean garbage, refuse, and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including sludge, chemical waste, hazardous wastes and liquids, except for liquids which are treated in public sewage treatment plants and except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms;

(30) "Solid waste system" shall mean and include the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an authority pursuant to the provisions of this act, including transfer stations, incinerators, recycling facilities, sanitary landfill facilities or other property or plants for the collection, recycling or disposal of solid waste and all vehicles, equipment and other real and personal property and rights thereon and appurtenances necessary or useful and convenient for the collection, recycling, or disposal of solid waste in a sanitary manner;

(31) "Hydroelectric system" shall mean the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by an authority pursuant to the provisions of this act, including all that which is necessary or useful and convenient for the generation, transmission and sale of hydroelectric power at wholesale;

(32) "Hydroelectric power" shall mean the production of electric current by the energy of moving water;

(33) "Sale of hydroelectric power at wholesale" shall mean any sale of hydroelectric power to any person for purposes of resale of such power.

4. Section 20 of P. L. 1957, c. 133 (C. 40:14B-20) is amended to read as follows:

C. 40:14B-20 Powers of municipal authority.

20. Every municipal authority shall be a public body politic and corporate constituting a political subdivision of the State established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall have perpetual succession and have the following powers:

(1) To adopt and have a common seal and to alter the same at pleasure;

(2) To sue and be sued;

(3) In the name of the municipal authority and on its behalf, to acquire, hold, use and dispose of its service charges and other revenues and other moneys;

(4) In the name of the municipal authority but for the local unit or units, to acquire, rent, hold, use and dispose of other personal property for the purposes of the municipal authority;

(5) In the name of the municipal authority but for the local unit or units and subject to the limitations of this act, to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the municipal authority, and subject to mortgages, deeds of trust or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the municipal authority;

(6) To produce, develop, purchase, accumulate, distribute and sell water and water services, facilities and products within or without the district, provided that no water shall be sold at retail in any municipality without the district unless the governing body of such municipality shall have adopted a resolution requesting the municipal authority to sell water at retail in such municipality, and the board of public utility commissioners shall have approved such resolution as necessary and proper for the public convenience;

(7) To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;

(8) To accept gifts or grants of real or personal property, money, material, labor or supplies for the purposes of the municipal authority, and to make and perform such agreements and contracts as may be necessary or convenient in connection with the procuring, acceptance or disposition of such gifts or grants;

(9) To enter on any lands, waters or premises for the purpose of making surveys, borings, soundings and examinations for the purposes of the municipal authority, and whenever the operation of a septic tank or other component of an on-site wastewater system shall result in the creation of pollution or contamination source on private property such that under the provisions of R. S. 26:3-49, a local board of health would have the authority to notify the owner and require said owner to abate the same, representatives of an authority shall have the power to enter, at all reasonable times, any premises on which such pollution or contamination source shall exist, for the purpose of inspecting, rehabilitating, securing sam-

ples of any discharges, improving, repairing, replacing, or upgrading such septic tank or other component of an on-site wastewater system;

(10) To establish an inspection program to be performed at least once every 3 years on all on-site wastewater systems installed within its district which inspection program shall contain the following minimum notice provisions: (i) not less than 30 days prior to the date of the inspection of any on-site wastewater system as described herein, the authority shall notify the owner and resident of the property that the inspection will occur; and (ii) not less than 60 days prior to the date of the performance of any work other than an inspection, the municipal authority shall provide notice to the owner and resident of the property in which the work will be performed. The notice to be provided to such owner and resident under this subsection shall include a description of the deficiency which necessitates the work and the proposed remedial action, and the proposed date for beginning and duration of the contemplated remedial action;

(11) To prepare and file in the office of the municipal authority records of all inspections, rehabilitation, maintenance, and work, performed with respect to on-site wastewater disposal systems;

(12) To make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the utility system and any other of its properties, and to amend the same;

(13) To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any person; and

(14) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the municipal authority or to carry out any power expressly given in this act subject to "Local Public Contracts Law," P. L. 1971, c. 198 (C. 40A:11-1 et seq.).

5. This act shall take effect immediately.

Approved July 24, 1980.

CHAPTER 78

AN ACT to amend and supplement "An act authorizing counties and municipalities to enter into agreements with employees to provide for currently deferring a portion of the total compensation paid to such employees, supplementing Title 43 of the Revised Statutes," approved February 8, 1978 (P. L. 1977, c. 381).

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

1. Section 3 of P. L. 1977, c. 381 (C. 43:15B-3) is amended to read as follows:

C. 43:15B-3 Provisions of plan.

3. a. The plan shall provide that all money not needed for the immediate payment of benefits shall be invested by the employer in interest bearing securities in which savings banks of this State are authorized to invest their funds, or the employer shall make deposits in interest bearing accounts, or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P. L. 1977, c. 281 (C. 52:18A-90.4), or in individual or group annuity programs whether fixed or variable, mutual funds, or life insurance contracts whether fixed or variable.

b. Notwithstanding section 1 of P. L. 1977, c. 381 (C. 43:15B-1), the employer may contract with one or more private organizations for the administration of all or part of the plan, including the management and investment, or either thereof, of deferred and deducted salary funds.

Each contract shall be subject to the prior approval of the Director of the Division of Local Government Services on the basis of restrictions, limitations and other conditions established by the director by rule and regulation promulgated pursuant to the "Administrative Procedure Act" (P. L. 1968, c. 410, C. 52:14B-1 et seq.); provided, however, that the director shall not approve any contract if it is inconsistent with any standards which the New Jersey State Employees Deferred Compensation Board, established pursuant to P. L. 1978, c. 39 (C. 52:18A-163 et seq.), may adopt for municipal and county deferred compensation plans, including, but not limited to, any service cost guidelines. If at the

time a municipality or county submits a contract to the Director of the Division of Local Government Services for his approval and the New Jersey State Employees Deferred Compensation Board has not adopted standards for such municipal and county deferred compensation plans, the director may approve such contract if it is consistent with the rules and regulations which he has promulgated for such contracts.

c. The employer may establish a plan or plan option which permits a participating employee to request the employer to invest all or a specified percentage of said employee's deferred salary in one, or a specified combination of, the following kinds of investments: (1) fixed or variable life insurance contracts, (2) individual or group, fixed or variable annuity contracts, (3) mutual fund shares, (4) interest bearing accounts or securities in which savings banks of this State are authorized to invest their funds, and (5) the State of New Jersey Cash Management Fund; provided that the employer retains the discretion to reject such request. Any such investment shall be limited to investments that are authorized for fiduciaries of trust estates pursuant to the "Prudent Investment Law" (P. L. 1975, c. 337, C. 3A:15-35 et seq.); provided, however, that with the exception of investments made by domestic insurance companies licensed to sell life insurance and annuities in this State and subject to review by the Commissioner of the Department of Insurance pursuant to chapter 20 of Title 17B of the New Jersey Statutes, the Director of the Division of Local Government Services may review and reject any such investments as inconsistent with the standard applicable to the prudent investor as provided in section 3 of P. L. 1975, c. 337 (C. 3A:15-37).

d. No organization seeking a contract pursuant to section b. of this section, shall through distribution of written material or by any other means, solicit employee participation in any deferred compensation plan or solicit employees to support the efforts of the organization to secure the contract. An organization holding a contract approved pursuant to section b. may distribute written material to solicit employee participation in a deferred compensation program, provided that the organization has received approval of the content and form of the material from the Director of the Division of Local Government Services. No representative of an organization under contract pursuant to subsection b. of this section shall initiate verbal communication with any prospective employee participant in a deferred compensation program without the expressed consent of the employer; provided, however, that any

communication so authorized shall be consistent with the written material approved by the Director of the Division of Local Government Services.

e. Subject to rules and regulations established by a board or any other body created or designated by the State or public official designated by the State (said board, body or official hereinafter "board"), to administer a deferred payment compensation plan established by the State (hereinafter "State plan") and subject to the approval of the board, the plan may provide for the employer for the benefit of its participants to participate in any State plan established by the board for State employees. In the event that such participation is approved by the board, rules, regulations and conditions established by the board or in the State plan shall apply to such participants, or said rules, regulations and conditions shall so apply as amended or supplemented with regard to said participants.

f. The named fiduciary shall provide in the plan for the distribution of any investment earnings, gains or losses, consistent with the requirements of the U.S. Internal Revenue Service. The distribution shall be allocated to each employee when he or she withdraws from the plan or receives benefits from the plan in accordance with the terms of the plan and the provisions of this act. For those employees participating in the State plan pursuant to subsection 3e. herein, the rules and regulations of the State board shall apply.

g. The plan shall provide for a uniform system of accounting for each participant and for the investment of deferred compensation funds with annual or more frequent reports to the participants in the plan.

h. The named fiduciary shall have authority to take any steps reasonably necessary to implement the plan consistent with this act and the requirements of the U.S. Internal Revenue Service.

2. (New section) Any contract in conformity with this act which has been entered into prior to the effective date of this amendatory act shall, subject to review by the Director of Local Government Services, be deemed valid.

3. This act shall take effect immediately.

Approved July 24, 1980.

CHAPTER 79

AN ACT to amend and supplement the "New Jersey Conflicts of Interest Law," approved June 2, 1971 (P. L. 1971, c. 182).

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

1. Section 5 of P. L. 1971, c. 182 (C. 52:13D-16) is amended to read as follows:

C. 52:13D-16 Certain representation or employment prohibited.

5. a. No special State officer or employee, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before the particular office, bureau, board, council, commission, authority, agency, fund or system in which such special State officer or employee holds office or employment.

b. No special State officer or employee shall accept employment with any holder of, or applicant for, a casino license or any holding or intermediary company with respect thereto, nor shall any special State officer or employee nor any partnership, firm or corporation with which such special State officer or employee is associated, nor any partner, officer, or employee of such partnership, firm or corporation accept employment as an agent or attorney to represent, appear for, or negotiate on behalf of any holder of, or applicant for, a casino license or any holding or intermediary company with respect thereto, in connection with any cause, application or matter.

c. No State officer or employee or member of the Legislature, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before any State agency; provided, however, this subsection shall not be deemed to prohibit a member of the Legislature from making an inquiry for

information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the member of the Legislature, whether directly or indirectly nor shall anything contained herein be deemed to prohibit any such partnership, firm or corporation from appearing on its own behalf.

C. 52:13D-17.1 "Person" defined; certain employment or representation prohibited; penalty; 2-year limitation.

2. (New section) a. As used in this section "person" means State officers or employees subject to disclosure by law or executive order; special State officers and employees; the Governor; any member of the Legislature or Judiciary; any member of the governing body, or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional planner regularly employed by the planning board or zoning board of adjustment.

b. No person, nor any partnership, firm or corporation with which such person is associated nor any partner, officer or employee of such partnership, firm or corporation, within 2 years next subsequent to the termination of the office or employment of such person, shall acquire, directly or indirectly, more than 1% interest in, or shall accept employment with, or shall represent, appear for or negotiate on behalf of any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto. Nothing herein contained shall alter or amend the post-employment restrictions applicable to members and employees of the Casino Control Commission and employees and agents of the Division of Gaming Enforcement pursuant to subsection b. (2) of section 59 and to section 60 of P. L. 1977, c. 110 (C. 5:12-59b. (2) and C. 5:12-60).

c. No person shall solicit or accept, directly or indirectly, any complimentary service or discount from any casino applicant or licensee which he knows or has reason to know is other than a service or discount that is offered to the general public.

d. No person shall influence, or attempt to influence, by use of his official authority, the decision of the commission or the investigation of the division in any application for licensure or in any proceeding to enforce the provisions of this act or the regulations of the commission. Any such attempt shall be promptly reported to the Attorney General; provided, however, that nothing in this section shall be deemed to proscribe a request for information by

any person concerning the status of any application for licensure or any proceeding to enforce the provisions of this act or the regulations of the commission.

e. Any person who willfully violates the provisions of this section is a disorderly person and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed 6 months, or both.

3. This act shall take effect immediately.

Filed July 29, 1980.

CHAPTER 80

AN ACT concerning fees in civil cases in the Superior Court, amending sections 22A:2-6, 22A:2-12 and 22A:2-15 of the New Jersey Statutes and repealing N. J. S. 2A:34-16 and N. J. S. 2A:34-17.

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

1. N. J. S. 22A:2-6 is amended to read as follows:

Filing first paper in Law Division; clerk's fees.

22A:2-6. Upon the filing or entering of the first paper or proceeding in any action or proceeding in the Law Division of the Superior Court, the plaintiff shall pay to the clerk \$75.00 for the first paper filed by him, which shall cover all fees payable therein down to, and including entry of final judgment, taxation of costs, copy of costs and the issuance and recording of final process, except such as may be otherwise provided herein, or provided by law, or the rules of court. Of the \$75.00 paid to the clerk, \$25.00 shall be paid over by him to the treasurer of the county in which venue is laid for the use of the county. Any person filing an answer setting forth a counterclaim or a third party claim in such cause shall pay to the clerk \$75.00 for the first paper filed by him. Any person other than the plaintiff filing any other paper in any such cause shall pay to the clerk \$40.00 for the first paper filed by him.

2. N. J. S. 22A:2-12 is amended to read as follows:

Filing first paper in Chancery Division; clerk's fees.

22A:2-12. Upon the filing of the first paper in any action or proceeding in the Chancery Division of the Superior Court, there

shall be paid to the clerk of the court, for the use of the State, the following fees, which, except as hereinafter provided, shall constitute the entire fees to be collected by the clerk for the use of the State, down to the final disposition of the cause:

Receivership and partition, \$60.00.

For withdrawal of surplus and other moneys deposited with the court where the sum to be withdrawn is less than \$100.00, no fee; where the sum is \$100.00 or more but less than \$1,000.00, a fee of \$2.00; where such sum is \$1,000.00 or more, a fee of \$5.00.

Application for permanent alimony; for withdrawal of mortgages and other applications for relief filed subsequent to final judgment, \$5.00.

All other actions and proceedings except in probate cases, \$75.00.

3. N. J. S. 22A:2-15 is amended to read as follows:

Services performed in probate proceedings in Superior Court, Chancery Division; clerk's fees.

22A:2-15. For performing services in all probate proceedings in the Superior Court, Chancery Division, there shall be paid to the clerk of the court for the use of the State the following fees which, except as hereinafter provided, shall constitute the entire fees to be collected by the clerk for the use of the State, down to the final disposition of the cause:

Each action upon the filing of the first paper in the action, \$75.00.

Application for relief filed subsequent to final judgment, upon the filing of the first paper, \$10.00.

ACCOUNTING

Auditing, stating, reporting and recording accounts of executors, administrators, guardians, trustees, assignees, as follows:

In estates up to and including \$2,000.00, \$30.00;

In estates from \$2,000.00 to and including \$10,000.00, \$50.00;

In estates from \$10,000.00 to and including \$30,000.00, \$65.00;

In estates from \$30,000.00 to and including \$65,000.00, \$85.00;

In estates from \$65,001.00 to \$200,000.00— $\frac{3}{20}$ of 1%;

In estates exceeding \$200,000.00— $\frac{1}{10}$ of 1%, but not less than \$300.00.

For each page of accounting, in excess of one, \$2.00.

In computing the amount of an estate for the purpose of fixing the fees of the Clerk of the Superior Court, for auditing and reporting the account, the balance from the prior account shall be excluded.

No fees herein allowed shall be charged against the recipient of any pension, bounty or allowance for services of the Clerk of the Superior Court, the Chancery Division of the Superior Court in respect thereof, pursuant to N. J. S. 3A:29-1 to 3A:29-4.

COMMISSIONS ON DEPOSITS

On commissions on deposits, including any deposit made pursuant to sections 31 and 32 of chapter 67, of the laws of 1948, if under \$100.00, $\frac{1}{2}$ of 1% of it; if over \$100.00 and under \$1,000.00, $\frac{1}{4}$ of 1% on such excess; if over \$1,000.00, $\frac{1}{8}$ of 1% of such excess.

MISCELLANEOUS CHARGES

Filing an exemplified copy of a will or administration proceeding from a foreign state, \$5.00;

Filing a caveat not in a pending cause, \$2.00;

Certificates, each \$1.00;

Subpenas, each \$1.00;

Minimum charge for all other papers or services by the clerk, \$1.00.

Repealer.

4. N. J. S. 2A:34-16 and N. J. S. 2A:34-17 are repealed.

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

Approved August 1, 1980.

CHAPTER 81

AN ACT to amend "An act to amend and supplement the 'Casino Control Act,' approved June 2, 1977 (P. L. 1977, c. 110)," approved May 20, 1980 (P. L. 1980, c. 28).

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

1. Section 9 of P. L. 1980, c. 28 is amended to read as follows:

9. In order to effect an orderly transition, any part-time member of the commission who is serving in the course of a term of office on the effective date of this amendatory and supplementary act shall continue to serve as a part-time commissioner for the duration of his term of office and until his full-time successor is duly appointed and qualified, but not later than 120 days following the expiration of his term of office; provided, however, that in the event of the termination of his service prior to the expiration of his term, a full-time successor shall be appointed for a term to be designated by the Governor pursuant to section 52 of P. L. 1977, c. 110 (C. 5:12-52). Any part-time member of the commission who is serving as a holdover on the effective date of this amendatory and supplementary act shall continue to serve until his full-time successor is duly appointed and qualified, but not later than 120 days following the effective date of this amendatory and supplementary act. The chairman of the commission on the effective date of this amendatory and supplementary act shall continue to serve as chairman until November 15, 1980, and until such time as a successor chairman is designated pursuant to this amendatory and supplementary act. Thereafter he shall continue as a member of the commission for a term which shall expire on July 25, 1981. The chairman shall retain those powers given to him prior to the effective date of P. L. 1980, c. 28 by the provisions of subsections 90a, 90g, 91a, 91c, 91f and 92b of the "Casino Control Act" until such time as at least four full-time members are duly appointed and qualified at which time those powers shall be vested in the commission pursuant to P. L. 1980, c. 28.

2. This act shall take effect immediately.

Approved August 6, 1980.

CHAPTER 82

AN ACT to amend the "Optional Municipal Charter Law," approved June 8, 1950 (P. L. 1950, c. 210).

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

1. Section 1-25 of P. L. 1950, c. 210 (C. 40:69A-25) is amended to read as follows:

C. 40:69A-25 Abandonment of optional plan; reversion to prior plan.

1-25. Any municipality may, subject to the provisions of section 1-23 of this act, abandon its optional plan and revert to the form of government under which it was governed immediately prior thereto, upon the filing of a petition and referendum as follows:

(a) Upon petition of the registered voters of the municipality signed by the same number thereof as required in section 1-19, for an election to submit the question of abandonment and reversion as herein provided, the municipal clerk shall provide for submission of the question in like manner as provided in section 1-20.

(b) The form of the question shall be as follows:

Shall abandon

Name of Municipality

its present form of government and revert to its prior form of government, known as

Popular Name of Plan

as provided by?

Statutory Reference of Prior Plan

(c) If a majority of those voting on the question vote in the affirmative the municipality shall revert to its prior form of government as of 12 m. of the fifty-ninth day following the election of officers under the form of government to which the municipality will revert. The first officers under such form of government shall be elected at the next regular municipal or general election, as appropriate to the form of government to which the municipality will revert, occurring not less than 60 days following the referendum. It shall be the duty of the municipal clerk to perform all the duties respecting such election as would be required of a municipal clerk for elections under the form of government to which the municipality will revert. Whenever a municipality has reverted to any form of government other than the commission form of government law (R. S. 40:70-1 et seq.), or the municipal manager form of government (R. S. 40:79-1 et seq.), at a later date than the one fixed for the filing of nominating petitions at the primary election, the candidates to be first elected shall be nominated by direct petition in the manner provided by law for nomination, by direct petition for a general election.

Any law to the contrary notwithstanding, persons holding office at the time of a referendum approving reversion shall continue to

hold office until the municipality reverts to the previous form of government. Vacancies existing at the holding of the referendum or which occur between the holding of the referendum and the reversion of the municipality to its previous form of government, shall be filled by appointment pursuant to procedures for the filling of vacancies appropriate to the "Optional Municipal Charter Law."

If a majority of those voting on the question vote in the negative, the question of abandonment and reversion shall not again be submitted for 5 years.

(d) The reversion to a prior form of government shall take effect as provided in sections 17-57 through 17-59 of this act for transition to an optional plan hereunder.

2. This act shall take effect immediately.

Approved August 10, 1980.

CHAPTER 83

AN ACT concerning certain workers' compensation benefits and funding therefor, supplementing chapter 15 of Title 34 of the Revised Statutes and amending sections 34:15-94, 34:15-103, 34:15-105, 34:15-108, 34:15-112 and 34:15-115 of the Revised Statutes.

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

C. 34:15-95.4 Special adjustment benefit payment; dependent benefits; payment of compensation; amount of adjustment benefits.

1. (New section) Any employee or dependent receiving further weekly benefits as provided under R. S. 34:15-95, R. S. 34:15-12(b) or R. S. 34:15-13 at a rate applicable prior to January 1, 1980, and whose payment is less than the maximum compensation rate in effect for the year 1980 shall be entitled to receive a special adjustment benefit payment from the fund provided for by R. S. 34:15-94 and R. S. 34:15-95 and from those sources as provided for by this amendatory and supplementary act.

Any dependent, as defined in R. S. 34:15-13, of a person totally disabled who dies while receiving compensation from the fund provided for by R. S. 34:15-94 and 34:15-95, shall become entitled to

dependent benefits under this chapter which are comparable to payments made to other dependents under the Workers' Compensation Law, on or after the effective date of this amendatory and supplementary act.

All compensation payments made under this chapter to a dependent, as defined under R. S. 34:15-13, of an individual who dies while receiving such compensation, shall be payable only where the compensable occupational injury or disease of the decedent is a material contributing factor to his death.

The payment of these adjustment benefits shall be paid to an employee or dependent as long as the employee or dependent is eligible to receive payments under R. S. 34:15-95, R. S. 34:15-12(b), R. S. 34:15-13, or this section.

The amount of the special adjustment benefit payment shall be such that when added to the workers' compensation rate awarded pursuant to R. S. 34:15-95, R. S. 34:15-12(b), R. S. 34:15-13 or this section as a result of injury or death, the total shall bear the same percentage relationship to the 1980 maximum workers' compensation rate that the worker's own compensation rate awarded as a result of the injury or death bears to the then effective maximum workers' compensation rate. The amount of the special adjustment benefit shall be payable at a rate of 35% of the adjustment during the fiscal year 1981 commencing July 1, 1980; 75% of the adjustment during the fiscal year 1982; and 100% of the adjustment during the fiscal year 1983 and thereafter. The special adjustment benefit payment provided herein shall be reduced by an amount equal to the individual's benefit payable under the Federal Old-Age Survivors and Disability Insurance Act (not including increases in such benefits due to any Federal statutory increases after June 30, 1980), Black Lung benefits, or the employer's share of disability pension payments received from or on account of an employer. Where any person refuses to authorize the release of information concerning the amount of benefits payable under the aforementioned benefits, the division's estimate of said amount shall be deemed to be correct unless and until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

Payments of the adjustment shall be made from the fund created under R. S. 34:15-94 in the manner hereinafter provided. The Commissioner of Labor and Industry shall make payments from the fund directly to the persons who are now receiving benefits under R. S.

34:15-95 and to their dependents becoming eligible for dependents' benefits under this amendatory and supplementary act by increasing or, as the case may be, setting the weekly compensation payments to include the weekly adjustment. In the case of persons who are entitled to compensation under R. S. 34:15-12(b) or R. S. 34:15-13, the insurance carrier or self-insured employer in the second and subsequent fiscal years after enactment shall increase the weekly compensation payments to include the weekly adjustment and shall credit the payments against the assessments payable by the insurance carrier or self-insurer under R. S. 34:15-94. The insurance carrier or self-insurer claiming such credit shall submit vouchers upon forms prescribed by the Commissioner of Labor and Industry identifying each case and indicating the weekly benefit adjustment applicable thereto.

2. (New section) For special adjustment benefit payments in the first fiscal year after enactment, within 30 days after July 1, 1980, \$7,500,000.00 or so much as may be necessary shall be taken from "the stock workers' compensation security fund" and "the mutual workers' compensation security fund," created and administered pursuant to article 7 of chapter 15 of Title 34 of the Revised Statutes, and by assessment upon self-insured employers. Such payments shall be in the same proportion as the contributions made by stock workers' compensation insurance companies, mutual workers' compensation insurance companies and each self-insured employer pursuant to R. S. 34:15-94 during the calendar year 1979 bear to the total amount paid into the fund for such year.

If the initial funding of this act results in "the stock workers' compensation security fund" or "the mutual workers' compensation security fund" falling below the 5% of loss reserves of carriers as prescribed in R. S. 34:15-108 and R. S. 34:15-115, no additional contributions to the respective statutory fund shall be required to be made in the 12 month period immediately following the effective date of this amendatory and supplementary act by stock workers' compensation insurance companies or by mutual workers' compensation insurance companies, as the case may be.

3. R. S. 34:15-94 is amended to read as follows:

Payment to commissioner; amount.

34:15-94. Each mutual association or stock company writing compensation or employer's liability insurance in this State, and each self-insurer, shall pay to the Commissioner of Labor and In-

dustry a sum equal to that proportion of 150% of the total amount of moneys paid under R. S. 34:15-95 during the preceding calendar year, less the amount of net assets exceeding \$5,000,000.00 remaining in such fund as of December 31 of said preceding calendar year, which the total compensation payments of such mutual association, stock company or self-insurer bears to the total compensation payments made by all such mutual associations, stock companies, and self-insurers during such preceding calendar year. Such sum shall be paid by the Commissioner of Labor and Industry to the State Treasurer.

On or before November 1, 1968, the Commissioner of Labor and Industry shall recalculate payments due for calendar year 1968 in accordance with the formula provided above, and levy supplemental assessments to adjust for any difference due to be paid in satisfaction of obligations for calendar year 1968, giving full credit for payments previously due and paid on or before March 1 and September 1, 1968. Such supplemental assessments, if necessary to be levied, shall be paid on or before December 1, 1968. Commencing January 1, 1969, and each year thereafter, annual payments shall be calculated by the commissioner and sums due shall be paid $\frac{1}{4}$ on or before March 15, $\frac{1}{4}$ on or before June 15, $\frac{1}{4}$ on or before September 15 and $\frac{1}{4}$ on or before December 15 of each year.

When the total amount of all such payments into the fund, together with the accumulated interest thereon, exceeds \$1,250,000.00, an amount not to exceed \$50,000.00 of such excess over \$1,250,000.00 in any 1 fiscal year, may be applied toward the cost of administration of the Division of Workers' Compensation in the Department of Labor and Industry when authorized and appropriated by the Legislature.

4. R. S. 34:15-103 is amended to read as follows:

Short title.

34:15-103. This article may be cited as the workers' compensation security fund act.

5. R. S. 34:15-105 is amended to read as follows:

Stock workers' compensation security fund; supplemental payments.

34:15-105. There is hereby created a fund to be known as "the stock workers' compensation security fund", for the purpose of assuring to persons entitled thereto the compensation provided by this chapter for employments insured in insolvent stock carriers and for the purpose of providing money for first year annual

adjustments for benefit payments and supplemental payments provided for by this amendatory and supplementary act. Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to this chapter, and remaining unpaid, in whole or in part, by reason of the default, after March 26, 1935, of an insolvent stock carrier. Expenses of administration also shall be paid from the fund as herein provided. Such fund shall consist of all contributions received and paid into the fund by stock carriers, as herein defined, all property and securities acquired by and through the use of moneys belonging to the fund, and of interest earned upon moneys deposited or invested as herein provided. The fund shall be administered by the Commissioner of Insurance in accordance with the provisions of this chapter.

Beginning in the fiscal year 1984 and in every fiscal year thereafter, a supplement to the special adjustment benefit payment shall be paid to all employees or dependents entitled to the special adjustment benefit payment. Such supplemental payments shall be from interest earned and accrued after the effective date of this amendatory and supplementary act upon moneys belonging to the fund and by assessment upon self-insured employers in the same proportions as provided under section 2 of this amendatory and supplementary act. The supplement to the special benefit adjustment payment shall be paid in an amount, in combination with income from all sources referred to in section 1 of this amendatory and supplementary act, which bears the same percentage relationship to the then current maximum workers' compensation rate that the worker's own compensation rate awarded as a result of the injury or death bears to the then effective maximum workers' compensation rate. Moneys for such supplemental payments shall be paid into the fund created under R. S. 34:15-94 et seq. on July 1, 1984 and the first day of each fiscal year thereafter and be paid to those persons entitled thereto in the same manner as provided in section 1.

6. R. S. 34:15-108 is amended to read as follows:

Contributions; when ceased; resumption of contributions.

34:15-108. When the aggregate amount of all such payments into the stock fund, together with accumulated interest thereon, less all its expenditures and known liabilities, becomes equal to 5% of the loss reserves of all stock carriers for the payment of benefits under this chapter as of December 31, next preceding, no further

contributions to the fund shall be required to be made. But whenever thereafter, the amount of the fund shall be reduced below 5% of such loss reserves as of said date by reason of payments from and known liabilities of the fund, then contribution to the fund may be resumed forthwith pursuant to regulations of the Commissioner of Insurance, and may continue until the fund, over and above its known liabilities, shall be equal to not less than 3% nor more than 5% of such reserves.

The Commissioner of Insurance may by regulation provide that the amount of the stock fund may fluctuate between 3% and 5% of loss reserves of all stock carriers whenever he finds it to be in the best interest of the fund or advisable for its proper administration; except that no regulation shall require a stock carrier to make an additional contribution to the stock fund during the 12 month period following the effective date of this amendatory and supplementary act.

7. R. S. 34:15-112 is amended to read as follows:

Mutual workers' compensation security fund; creation; supplemental payments.

34:15-112. There is hereby created a fund to be known as "the mutual workers' compensation security fund", for the purpose of assuring to persons entitled thereto the compensation provided by the workers' compensation act for employments insured in insolvent mutual carriers and for the purpose of providing money for first year annual adjustments for benefit payments and supplemental payments provided for by this amendatory and supplementary act. Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to this chapter, and remaining unpaid, in whole or in part, by reason of the default, after the effective date of this act, of an insolvent mutual carrier. Expenses of administration also shall be paid from the fund as herein provided. Such fund shall consist of all contributions received and paid into the fund by mutual carriers, as herein defined, of property and securities acquired by and through the use of moneys belonging to the fund, and of interest earned upon moneys deposited or invested as herein provided. The fund shall be administered by the Commissioner of Insurance in accordance with the provisions of this article.

Beginning in the fiscal year 1984 and in every fiscal year thereafter, a supplement to the special adjustment benefit payment shall be paid to all employees or dependents entitled to the special adjustment benefit payment. Such supplemental payments shall be

from interest earned and accrued after the effective date of this amendatory and supplementary act upon moneys belonging to the fund and by assessment upon self-insured employers in the same proportions as provided under section 2 of this amendatory and supplementary act. The supplement to the special benefit adjustment payment shall be paid in an amount, in combination with income from all sources referred to in section 1 of this amendatory and supplementary act, which bears the same percentage relationship to the then current maximum workers' compensation rate that the worker's own compensation rate awarded as a result of the injury or death bears to the then effective maximum workers' compensation rate. Moneys for such supplemental payments shall be paid into the fund created under R. S. 34:15-94 et seq. on July 1, 1984 and the first day of each fiscal year thereafter and be paid to those persons entitled thereto in the same manner as provided in section 1 of this amendatory and supplementary act.

8. R. S. 34:15-115 is amended to read as follows:

Contributions to mutual fund; when ceased; resumption of contributions; liquidation of all liabilities; distribution of balance.

34:15-115. Whenever the mutual fund, less all its known liabilities, shall exceed 5% of the loss reserves of all mutual carriers for the payments of losses under the workers' compensation act, as of December 31 next preceding, no further contributions to the fund shall be required to be made. But whenever thereafter the amount of the fund shall be reduced below 5% of such loss reserves as of said date by reason of payments from and known liabilities of the fund, then contribution to the fund may be resumed forthwith pursuant to regulations of the Commissioner of Insurance, and shall continue until the fund, over and above its known liabilities, shall be equal to not less than 3% nor more than 5% of such reserves. The Commissioner of Insurance may by regulation provide that the amount of the mutual fund may fluctuate between 3% and 5% of loss reserves of all mutual carriers whenever he finds it to be in the best interest of the fund or advisable for its proper administration; except that no regulation shall require a mutual carrier to make an additional contribution to the mutual fund during the 12 month period following the effective date of this amendatory and supplementary act. If and when all liabilities of all mutual carriers for workers' compensation losses in this State shall have been fully liquidated, distribution shall be made of the remaining balance of the mutual fund in the proportion in which each such mutual carrier made contributions to the mutual fund.

C. 34:15-95.5 Persons under age 62 receiving benefits; reduction in benefits equal to disability benefits; exception; determination of amount of benefits.

9. (New section) For persons under the age of 62 receiving benefits as provided under R. S. 34:15-95, or R. S. 34:15-12(b), and whose period of disability began after June 1, 1965, such compensation benefits shall be reduced by an amount equal to the disability benefits payable under the Federal Old-Age, Survivors and Disability Insurance Act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 U. S. C. § 424a. However, such reduction shall not apply when the combined disability benefits provided under R. S. 34:15-95, or R. S. 34:15-12(b), and the Federal Old-Age, Survivors and Disability Insurance Act is less than the total benefits to which the Federal reduction would apply, pursuant to 42 U. S. C. § 424a. Where any person refuses to authorize the release of information concerning the amount of benefits payable under said Federal act, the division's estimate of said amount shall be deemed to be correct unless and until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

10. This act shall take effect immediately and shall be applicable to benefits payable on and after July 1, 1980.

Approved August 21, 1980.

CHAPTER 84

AN ACT to amend and supplement "An act for the establishment of a police and firemen's retirement system for police, firemen and certain other law enforcement officers," approved May 23, 1944 (P. L. 1944, c. 255, C. 43:16A-1 et seq.), as said title was amended by P. L. 1976, c. 139.

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

1. Section 1 of P. L. 1944, c. 255 (C. 43:16A-1) is amended to read as follows:

C. 43:16A-1 Definitions.

1. As used in this act:

(1) "Retirement system" shall mean the Police and Firemen's Retirement System of New Jersey as defined in section 2 of this act.

(2) "Policeman or fireman" shall mean any permanent and full-time active uniformed employee, and any active permanent and full-time employee who is a detective, lineman, fire alarm operator or inspector of combustibles of any police or fire department. It shall also mean any permanent, active, and full-time officer employee of the State of New Jersey, or any political subdivision thereof, with police powers and holding one of the following titles: motor vehicles officer, motor vehicles sergeant, motor vehicles lieutenant, motor vehicles captain, assistant chief, bureau of enforcement, and chief, bureau of enforcement in the Division of Motor Vehicles, alcoholic beverage control investigators, alcoholic beverage control inspectors, assistant deputy director, bureau of enforcement, and deputy director, bureau of enforcement in the Division of Alcoholic Beverage Control, conservation officer, assistant district conservation officer, district conservation officer, and chief conservation officer, in the Division of Fish, Game, and Shell Fisheries, rangers, and chief ranger in the Bureau of Parks, marine patrolman, senior marine patrolman, principal marine patrolman, and chief, bureau of marine law enforcement, correction officer, senior correction officer, correction officer sergeant, correction officer lieutenant, correction officer captain, and deputy keepers in the Department of Corrections, medical security officer, assistant supervising medical security officer, and supervising medical security officer in the Department of Human Services, county detective, lieutenant of county detectives, captain of county detectives, deputy chief of county detectives, chief of county detectives, county investigator in the office of the county prosecutors, supervising auditor-investigator, auditor/investigator, electronics specialist, traffic safety coordinator/investigator and supervisor of electronics and investigations, sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, and sheriff's investigator in the office of the county sheriffs, county correction officer, county correction sergeant, county correction lieutenant, county correction captain, and county deputy warden in the several county jails, industrial trade instructor and identification officer in a county of the first class having a population of more than 925,000 inhabitants, cottage officer, head cottage officer, interstate escort officer, juvenile officer, head juvenile officer, assistant supervising juvenile officer, supervising juvenile officer, patrolman capitol police, patrolman institutions, sergeant patrolman institutions, and supervising patrolman institutions and patrolman or other police officer of the Board of Commissioners of the Palisades Interstate Park appointed pursuant to R. S. 32:14-21.

(3) "Member" shall mean any policeman or fireman included in the membership of the retirement system as provided in section 3 of this act.

(4) "Board of trustees" or "board" shall mean the board provided for in section 13 of this act.

(5) "Medical board" shall mean the board of physicians provided for in section 13 of this act.

(6) "Employer" shall mean the State of New Jersey, the county, municipality or political subdivision thereof which pays the particular policeman or fireman.

(7) "Service" shall mean service as a policeman or fireman paid for by an employer.

(8) "Creditable service" shall mean service rendered for which credit is allowed as provided under section 4 of this act.

(9) "Regular interest" shall mean interest as determined annually by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions and the actuary of the system. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

(10) "Aggregate contributions" shall mean the sum of all the amounts, deducted from the compensation of a member or contributed by him or on his behalf, standing to the credit of his individual account in the annuity savings fund.

(11) "Annuity" shall mean payments for life derived from the aggregate contributions of a member.

(12) "Pension" shall mean payments for life derived from contributions by the employer.

(13) "Retirement allowance" shall mean the pension plus the annuity.

(14) "Earnable compensation" shall mean the full rate of the salary that would be payable to an employee if he worked the full normal working time for his position. In cases where salary includes maintenance, the retirement system shall fix the value of that part of the salary not paid in money which shall be considered under this act.

(15) "Average final compensation" shall mean the average annual salary upon which contributions are made for the 3 years of creditable service immediately preceding his retirement or death, or it shall mean the average annual salary for which contributions are made during any 3 fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

(16) "Retirement" shall mean the termination of the member's active service with a retirement allowance granted and paid under the provisions of this act.

(17) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(18) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(19) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(20) "Beneficiary" shall mean any person receiving a retirement allowance or other benefit as provided by this act.

(21) "Child" shall mean a deceased member's or retirant's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's or retirant's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

(22) "Parent" shall mean the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(23) "Widower" shall mean the man to whom a member or retirant was married at least 2 years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the member or retirant in the 12-month period immediately preceding the member's or retirant's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member or retirant. In the event of

the payment of an accidental death benefit, the 2-year qualification shall be waived.

(24) "Widow" shall mean the woman to whom a member or retirant was married at least 2 years before the date of his death and to whom he continued to be married until the date of his death and who has not remarried. In the event of the payment of an accidental death benefit, the 2-year qualification shall be waived.

(25) "Fiscal year" shall mean any year commencing with July 1, and ending with June 30, next following.

(26) "Compensation" shall mean the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular work day.

(27) "Department" shall mean any police or fire department of a municipality or a fire department of a fire district located in a township or a county police or park police department or the appropriate department of the State or instrumentality thereof.

C. 43:16A-62.2 Transfer of membership; enrollment requirement.

2. (New section) a. Any officer eligible to become a member pursuant to the amendatory provisions of this act who is enrolled in the Public Employees' Retirement System (P. L. 1954, c. 84, C. 43:15A-1 et seq.) or any county pension fund established under Title 43 of the Revised Statutes shall be permitted to transfer membership from the aforesaid system or fund to the Police and Firemen's Retirement System of New Jersey in accordance with the provisions of P. L. 1973, c. 156 (C. 43:16A-62 et seq.).

Whenever in P. L. 1973, c. 156 a period of time is set which is to be calculated from the effective date of said act, such time shall be calculated from the effective date of this amendatory and supplementary act for the purposes hereof.

b. Each new officer who begins employment following the effective date of this act, shall be required to enroll in the Police and Firemen's Retirement System of New Jersey as a condition of employment, provided he is otherwise eligible for membership by meeting appointment, age, and health requirements prescribed of all members. As of the effective date of this act, eligibility for membership of such new officers in the Public Employees' Retirement System shall be terminated and membership requirements of such

other system will be deemed satisfied by enrollment of such employees in the Police and Firemen's Retirement System.

3. This act shall take effect immediately.

Approved August 21, 1980.

CHAPTER 85

AN ACT concerning the awarding of public contracts by the Passaic Valley Sewerage Commission, and amending R. S. 58:14-22.

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

1. R. S. 58:14-22 is amended to read as follows:

Contracts for work or material in excess of \$4,500.00; awarding of contracts.

58:14-22. Whenever any work to be performed or any material to be furnished shall involve an expenditure of money exceeding the sum of \$4,500.00, the commissioners shall designate the time when they will meet at their usual place of meeting to receive proposals in writing for doing the work and furnishing the material, and the commissioners shall order their clerk to give notice by advertisement, inserted in at least two newspapers printed and circulating, respectively, in two of the counties of the district, at least 10 days before the time of such meeting, of the work to be done and the material to be furnished, particular specifications of which they shall cause to be filed in their office at the time of such order. All proposals received shall be publicly opened by the commissioners or the chief administrative officer of the commission and the commissioners shall award the contract to the lowest responsible bidder. All contractors shall be required to give bond satisfactory in amount and security to the commissioners.

2. This act shall take effect immediately.

Approved August 21, 1980.

CHAPTER 86

AN ACT concerning optional Social Security coverage for members of certain public employee retirement systems, amending P. L. 1951, c. 253 and P. L. 1955, c. 38, and supplementing Title 43 of the Revised Statutes.

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

1. Section 2 of P. L. 1951, c. 253 (C. 43:22-2) is amended to read as follows:

C. 43:22-2 Definitions.

2. For the purposes of this act:

(a) The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that act;

(b) The term "employment" means any service performed by any person holding office, position or employment in the service of the State or of any county, municipality or school district or of any public department, board, body, commission, institution, agency, instrumentality or authority of, or in, the State or of, or in, any county, municipality or school district in the State for such employer, except (1) service which in the absence of an agreement entered into under this act would constitute "employment" as defined in the Social Security Act; or (2) service which under the Social Security Act may not be included in an agreement between the State and the Secretary of Health, Education and Welfare entered into under this act. Service which under the Social Security Act may be included in an agreement only upon certification by the Governor, or an official of the State designated by him, in accordance with section 218 (d) (3) of that act shall be included in the term "employment" if and when the Governor, or an official designated by him, issues with respect to such service, a certificate to the Secretary of Health, Education, and Welfare pursuant to the referendum procedures prescribed by the provisions of P. L. 1955, c. 38;

(c) The term "employee" includes any person holding office, position or employment in the service of the State or of any county, municipality or school district or of any public department, board, body, commission, institution, agency, instrumentality or authority of, or in, the State or of, or in, any county, municipality or school district in the State;

(d) The term "employer" means and includes the State and any county, municipality or school district and any public department, board, body, commission, institution, agency, instrumentality or authority of, or in, the State and of, or in, any county, municipality or school district in the State by whom employees, as defined in this section, are employed in employment, as defined in this section;

(e) The term "State Agency" means the State Treasurer and the functions of the State Agency under this act shall be performed by the Division of Pensions;

(f) The term "Secretary of Health, Education, and Welfare" includes any individual to whom the Secretary of Health, Education, and Welfare has delegated any functions under the Social Security Act with respect to coverage under such act of employees of states and their political subdivisions, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such administrator has delegated any such function;

(g) The term "Social Security Act" means the Act of Congress approved August 14, 1935, chapter 531, 49 Stat. 620, officially cited as the "Social Security Act" (including regulations and requirements issued pursuant thereto), as such act has been and may from time to time be amended;

(h) The term "Federal Insurance Contributions Act" means subchapter A of chapter 9 of the Federal Internal Revenue Code of 1939 and subchapters A and B of chapter 21 of the Federal Internal Revenue Code of 1954, as such codes have been and may from time to time be amended; and the term "employee tax" means the tax imposed by section 1400 of such Code of 1939 and section 3101 of such Code of 1954; and

(i) The term "an official designated by him" means the Director of the Division of Pensions.

2. Section 9 of P. L. 1951, c. 253 (C. 43:22-9) is amended to read as follows:

C. 43:22-9 Studies by State Agency; report to Governor and Legislature.

9. The State Agency shall make studies concerning the problem of old-age and survivors insurance protection for employees of the

State and local governments and their instrumentalities and concerning the operation of agreements made and plans approved under this act and shall submit a report to the Governor and the Legislature at the beginning of each regular session, covering the administration and operation of this act during the preceding fiscal year, including such recommendations for amendments to this act as it considers proper.

3. Section 6 of P. L. 1955, c. 38 (C. 43:22-12) is amended to read as follows:

C. 43:22-12 Authorization for referendum on question of inclusion under agreement.

6. (a) The Governor is empowered to authorize a referendum on the question whether service in positions covered by a retirement system which is supported in whole or in part by the State and which is established by the State or by a political subdivision thereof should be included under an agreement under this act. With respect to employees of a political subdivision in positions covered by a retirement system which is not supported in whole or in part by the State and which is applicable to more than 1 political subdivision, the Governor is empowered to authorize such a referendum. With respect to employees of any political subdivision in positions covered by a retirement system which is not supported in whole or in part by the State and which is established by a political subdivision thereof, the Governor shall authorize such a referendum upon the request of the governing body of such subdivision; and in all cases the referendum shall be conducted, and the Governor shall designate the Division of Pensions to supervise its conduct, in accordance with the requirements of section 218 (d) (3) of the Social Security Act on the question of whether service in positions covered by a retirement system established by the State or by a political subdivision thereof should be included under an agreement under this act.

The notice of referendum required by section 218 (d) (3) (C) of the Social Security Act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this act.

(b) Upon receiving evidence satisfactory to him that with respect to any such referendum the conditions specified in section 218 (d) (3) of the Social Security Act have been met, the Governor or the official designated by him shall so certify to the Secretary of Health, Education and Welfare.

(c) The Governor shall, in the case of a retirement system as described in (a) above, upon (1) request of an employer having employees in positions covered by the retirement system, or (2) the authorization of the Legislature, or (3) following a referendum among members of the system in which at least 25% of the active members of the retirement system voted in favor of such a division, authorize the retirement system to be divided into two divisions or parts, one of which shall be composed of positions of members of the systems who desire coverage under the insurance system set up in accordance with the provisions of the Social Security Act, and the other of which shall be composed of positions of members of the system who do not desire that coverage. Each division, for purposes of this act, shall constitute a separate retirement system. The certification by the Governor or the official designated by him required by subsection (b) above shall be deemed to have been made in the case of a division or part consisting of the position of members of a retirement system who desire coverage, if all conditions set forth in section 218(d)(7) of the Social Security Act are met. Where the division is made, the positions of individuals who become members of the system after Social Security coverage is extended, shall be included in the division or part composed of members desiring that coverage.

C. 43:22-13 Division of retirement system; coverage and transfer of members.

4. (New section) Whenever a retirement system has been divided, (1) the State Agency shall execute, in conformity with section 218 of the Social Security Act and applicable Federal regulations, modifications to the Federal-State agreement providing for coverage of any member who requests transfer pursuant to section 218 (d)(6)(F) of the Social Security Act, (2) the provisions of P. L. 1956, c. 169 (C. 43:15A-111 to 43:15A-119) shall apply, requiring the remittance of the pro rata part of the reserves established under the former system on behalf of transferring members to the Public Employees' Retirement System, continuing the former system's liability for all pensions or other benefits granted by that system, and (3) as of the effective date of Social Security coverage for transferring members, the eligibility of membership for new employees in the former system shall be terminated and the mem-

bership requirements of that system shall be deemed satisfied by the enrollment of new employees in the Public Employees' Retirement System.

The chief fiscal officer of each employer shall timely transmit to the Public Employees' Retirement System such information as the system shall require in order for the Division of Pensions to comply with the provisions of this act.

C. 43:22-14 Expenses of administration; payment.

5. (New section) The expenses of administration of the State Agency shall be paid by the State of New Jersey. Each employer shall reimburse the State for a proportionate share of the amount paid by the State for administrative expense. This proportion shall be established by regulation of the State Agency and the pro rata share of the cost of administrative expense shall be included with the employer's report of covered wages and payment of contributions due.

C. 43:22-15 Utilization of grants-in-aid and other revenue for the payment of Social Security contributions.

6. (New section) a. All State political subdivisions receiving financial aid, who provide Social Security coverage for their employees pursuant to the provisions of P. L. 1951, c. 253, and any amendments or supplements thereto, and the provisions of the statutes governing the several State-administered retirement systems as authorized by law, shall, in addition to other purposes, utilize all grants-in-aid and other revenue received from the State to pay the employer's share of Social Security contributions; provided, however, that this shall not apply to employees who are enrolled in the Teachers' Pension and Annuity Fund.

b. The grants-in-aid and other revenue referred to in subsection a. of this section specifically include, but are not limited to, general formula aid to local school districts (including general assistance programs for public schools, programs for the handicapped, the disadvantaged, teacher training, adult education, school nutrition, career development), aid for school and public libraries, aid for higher education, including county colleges, aid to counties and municipalities (for local highway systems, including county and municipal roads for purposes of construction, operation, and maintenance, aid for medical assistance, old age assistance, general assistance, disability assistance, dependent children assistance, medical assistance for the aged, the blind, families of the working poor, child care, county mental hospitals, community mental health

services), aid to political subdivisions of the State (programs of economic opportunity, training, youth employment, model cities, housing and urban renewal projects, continuing planning assistance, parental and child health services, other local health services, inland waterways, shore protection, and grade crossing elimination), and aid pertaining to tax collections, including a proportion of inheritance taxes, aid in lieu of railroad property taxes, net sales taxes, and reimbursement for senior citizens' tax deductions.

7. This act shall take effect immediately.

Approved August 21, 1980.

CHAPTER 87

AN ACT concerning county civil rights offices and amending "A supplement to the 'Law Against Discrimination,' approved April 16, 1945 (P. L. 1945, c. 169)," approved June 6, 1977 (P. L. 1977, c. 121).

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

1. Section 1 of P. L. 1977, c. 121 (C. 10:5-14.2) is amended to read as follows:

C. 10:5-14.2 Creation of office of civil rights in certain counties; employment of officers and employees.

1. Any county, except as hereinafter provided or any municipality with a population of at least 200,000 in a county of the first class, may, upon approval of the Attorney General, create and establish, by ordinance or by resolution in counties not authorized to act by ordinance, an office of civil rights to be administered by a county or municipal director of civil rights who shall be appointed by the appointing authority of the county or municipality. No county in which a municipality has established an office of civil rights prior to the effective date of this amendatory act shall hereafter establish a civil rights office pursuant to this amendatory act. In addition, the governing body may provide for the employment of such other officers including hearing examiners and attorneys, and employees as may be necessary or desirable for the proper conduct of the affairs of the office. The qualifications of the director,

hearing examiner and attorneys shall be subject to approval by the Attorney General. A county or municipal office thus established shall have and exercise those powers to enforce the Law Against Discrimination as may be delegated to it as provided in section 2 of this act.

2. Section 2 of P. L. 1977, c. 121 (C. 10:5-14.3) is amended to read as follows:

C. 10:5-14.3 Delegation of powers; findings and conclusions.

2. Upon a finding that the public interest may be better served thereby, the Attorney General may delegate to such county or municipal office of civil rights the power to investigate complaints and conduct conciliation conferences, in accordance with the provisions of section 13 of P. L. 1945, c. 169 (C. 10:5-14), and to proceed in a summary manner in accordance with the provisions of section 6 of P. L. 1966, c. 17 (C. 10:5-14.1). In addition, the Attorney General may delegate to such county or municipal office of civil rights the power to conduct hearings and in connection therewith, the power to subpoena witnesses, administer oaths, take testimony and conduct discovery procedures including the taking of interrogatories and oral depositions. The findings and conclusions of a county or municipal office resulting from an exercise of the foregoing powers shall not constitute a final administrative decision, but shall be submitted to the Director of the Division on Civil Rights who may rely and act thereupon in accordance with the provisions of section 16 of P. L. 1945, c. 169 (C. 10:5-17). The Attorney General shall establish rules of practice to govern, expedite and effectuate the utilization of the foregoing powers by such county or municipal office.

3. This act shall take effect immediately.

Approved August 21, 1980.

CHAPTER 88

AN ACT concerning insurance relating to investments and amending
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:20-4 is amended to read as follows:

Stock of subsidiaries; investments.

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 in-

vestments 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; and provided further that the limitation upon the percentage of voting stock of any one corporation that may be purchased or acquired by a domestic insurer set forth in section 17B:20-2 shall apply with respect to the aggregate of the voting stock of any one corporation held by the controlling insurer and all of its subsidiaries, including any insurance subsidiaries. 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.

2. This act shall take effect immediately.

Approved August 21, 1980.

CHAPTER 89

AN ACT to amend the "emergency transportation tax act," approved May 29, 1961 (P. L. 1961, c. 32).

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

1. Section 57 of P. L. 1961, c. 32 (C. 54:8A-57) is amended to read as follows:

C. 54:8A-57 Effective date; suspension of tax.

57. This act shall take effect immediately, but the tax imposed hereby, and the obligation to pay the same as well as the obligation to deduct and withhold shall be suspended and inoperative in the event that any of the moneys in the Transportation Fund shall be applied to a purpose or purposes other than one set forth in this act, from the date when such application is made until the amounts to be refunded to taxpayers as a result thereof have been allowed and paid; and the tax hereby imposed shall cease to be imposed, assessed and collected after the assessment thereof for any taxable year ending December 31, 1990, and for any part of a taxable year beginning during the year 1990 and ending December 31, 1990.

2. This act shall take effect immediately.

Approved August 21, 1980.

CHAPTER 90

AN ACT concerning sex discrimination in employment, revising parts of the statutory law, and supplementing P. L. 1966, c. 113.

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

1. Section 15 of P. L. 1940, c. 153 (C. 34:2-21.15) is amended to read as follows:

C. 34:2-21.15 Engagement of minors in street trade; special permit.

15. Except as hereinafter provided as to newspaper carriers, no minor under 14 years of age may engage in any street trade, which term, for the purpose of this section shall include the selling, offering for sale, soliciting for, collecting for, displaying, or distributing any articles, goods, merchandise, commercial service, posters, circulars, newspapers or magazines or in blacking shoes on any street or other public place or from house to house. No minor under 12 years of age may be employed in agricultural pursuits.

Whenever a minor has graduated from vocational school, approved by the Commissioner of Education and is 17 years of age, the minor's diploma or certified copy thereof and an employment certificate mailed to the employer by the issuing officer shall be deemed a special permit to engage in those pursuits in which the minor majored in said vocational school during those hours permitted for persons 18 years of age and over.

Except as hereinafter provided as to newspaper carriers, whenever a minor under 16 years of age desires to work during such times as the schools of the district in which the minor resides are not in session in any street trade or in agricultural pursuits, the parent, guardian or other person having the custody and control of the minor may file with the issuing officer in the school district in which the minor resides an application for a special permit authorizing such work. Such application shall show the exact character of the work the minor is to do, and the hours and wages and special conditions under which said work is to be performed.

If upon investigation it is found that the facts set forth in the application are true and that the work will not interfere with the minor's health or standing in school, the issuing officer shall, upon presentation to the issuing officer of the same proof of age as is required for the issuance of an employment certificate, issue a special

permit, allowing the minor to work at such times as the public schools in the district are not in session, but such work except in agricultural pursuits, and as newspaper carriers, to be otherwise subject to the maximum hours of labor provisions set for minors under 16 years of age in section 3 of this act; provided, that nothing in this act shall prevent newspaper carriers as defined in this act, between 12 and 14 years of age, from delivering, soliciting, selling and collecting for newspapers on routes in residential neighborhoods between the hours of 6:00 o'clock in the morning and 7:00 o'clock in the evening of any day; and newspaper carriers 14 years of age and older from delivering, soliciting, selling and collecting for newspapers on routes in residential neighborhoods between the hours of 5:30 o'clock in the morning and 8:00 o'clock in the evening of any day; and provided further that no newspaper carrier under the age of 18 years shall be permitted to engage in such occupation beyond the period of time wherein the combined hours devoted to said occupation as a newspaper carrier and the hours in school shall exceed a total of 40 hours per week and not more than 8 hours in any 1 day; and provided, further, that minors engaged in agricultural pursuits may be employed no more than 10 hours per day.

Such special permit shall show the name, address, and date of birth of the minor for whom it is issued, the kind of proof of age submitted, the nature of the occupation in which the minor is to engage, and such other information as the Commissioner of Education may require.

Any such special permit for work in agriculture shall be issued for a period not to exceed 6 months and shall show its date of expiration. Any person employing a minor under 16 years of age in agriculture shall obtain such a certificate from the minor and keep it on file during the period of the minor's employment and shall return it to the minor to whom it is issued upon termination of the minor's employment.

Upon application by the parent, guardian or other person having custody and control of a newspaper carrier as defined in this act, between the ages of 12 and 18 years of age, to the publisher of any newspaper in this State and upon receiving satisfactory proof of age and a signed statement of physical fitness, such publisher may issue to such newspaper carrier a special permit on a form prescribed and approved by the Commissioner of Education, whereby the newspaper carrier shall be permitted to deliver, solicit, sell and collect for newspapers outside of the newspaper carrier's

school hours on residential routes, and on Sundays and during school vacations and no other employment certificate shall be required.

Such special permit shall show the name, address and date of birth of the newspaper carrier for whom it is issued, and such other information as the Commissioner of Education may require.

The publisher shall forthwith mail 3 copies of such special permit to the issuing officer as defined in section 1 of this act, one of which copies shall be forwarded to the Commissioner of Education and one copy to the Commissioner of Labor and Industry in such manner as may be provided by regulation of said commissioners. A copy of such special permit shall also be furnished by the publisher to the parent, guardian or other person having custody and control of the newspaper carrier and the publisher shall retain at all times a file copy thereof.

The special permit shall remain in full force and effect unless and until the publisher has knowledge of or is notified by the issuing officer or the Commissioner of Labor and Industry that the newspaper carrier is not physically fit or that in the opinion of the issuing officer or the Commissioner of Labor and Industry, engaging in the occupation as a newspaper carrier will be harmful to the newspaper carrier's education. In such case, the said special permit shall be suspended unless and until the issuing officer shall revoke said notification. In the event of such notification and suspension, however, if either the parent, guardian or other person having custody and control of the newspaper carrier or the publisher shall deem such decision to be erroneous, an appeal may be made to the Commissioner of Education who shall have authority to affirm, reverse or modify such decision of the issuing officer or the Commissioner of Labor and Industry.

The publisher shall keep a record of the name, address and birth date of each newspaper carrier to whom such special permit is issued; the date said newspaper carrier commenced and ceased delivering newspapers published by said publisher together with a record of the number of newspapers sold to each newspaper carrier and a general description of the area of the route served by each newspaper carrier. Such records shall be kept on file by said publisher for a period of 2 years after the newspaper carrier has ceased delivering newspapers published by said publisher.

The special permit shall remain in full force and effect unless and until the publisher is notified by the issuing officer or the Com-

missioner of Labor and Industry that the newspaper carrier is not physically fit or that the newspaper carrier's school record is such that engaging in the occupation of a newspaper carrier will be harmful to the newspaper carrier's education. In such case, however, if either the parent, guardian or other person having custody and control of the newspaper carrier or the publisher shall deem such decision to be erroneous, an appeal may be made to the Commissioner of Education who shall have authority to reverse or modify such decision of the issuing officer or the Commissioner of Labor and Industry.

2. Section 17 of P. L. 1940, c. 153 (C. 34:2-21.17) is amended to read as follows:

C. 34:2-21.17 Certain work not permitted to minors.

17. No minor under 16 years of age shall be employed, permitted or suffered to work in, about, or in connection with power-driven machinery.

No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with the following:

The manufacture or packing of paints, colors, white lead, or red lead;

The handling of dangerous or poisonous acids or dyes; injurious quantities of toxic or noxious dust, gases, vapors or fumes;

Work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin;

The manufacture, transportation or use of explosives or highly inflammable substances;

Oiling, wiping, or cleaning machinery in motion or assisting therein;

Operation or helping in the operation of power-driven wood-working machinery; provided, that apprentices operating under conditions of bona fide apprenticeship may operate such machines under competent instruction and supervision;

Grinding, abrasive, polishing or buffing machines; provided, that apprentices operating under conditions of bona fide apprenticeship may grind their own tools;

Punch presses or stamping machines if the clearance between the ram and the dye or the stripper exceeds $\frac{1}{4}$ inch;

Cutting machines having a guillotine action;

Corrugating, crimping or embossing machines;

- Paper lace machines;
- Dough brakes or mixing machines in bakeries or cracker machinery;
- Calender rolls or mixing rolls in rubber manufacturing;
- Centrifugal extractors, or mangles in laundries or dry cleaning establishments;
- Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting, or heat treatment of metals is carried on;
- Mines or quarries;
- Steam boilers carrying a pressure in excess of 15 pounds;
- Construction work of any kind;
- Fabrication or assembly of ships;
- Operation or repair of elevators or other hoisting apparatus;
- The transportation of payrolls other than within the premises of the employer.

No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a pool or billiard room; provided, however, this section shall not apply to minors 16 years of age or over, employed as pinsetters only in public bowling alleys as provided in section 3 hereof. Minors 14 years of age or over may be employed as golf course caddies and pool attendants.

No minor under 18 years of age shall be employed, permitted, or suffered to work in any place of employment, or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such occupation shall, from time to time, be determined and declared by the Commissioner of Labor and Industry to be hazardous or injurious to the life, health, safety, or welfare of such minors, after a public hearing thereon and after such notice as the commissioner may by regulation prescribe.

None of the provisions of this section regarding employment in connection with alcoholic liquors shall be construed to prevent the employment of minors 16 years of age or more in a restaurant as defined in section 1 and as provided for in section 3 of this act, or in the executive offices, maintenance departments, or pool or beach areas of a hotel, motel or guesthouse; provided, however, that no minor shall engage in the preparation, sale or serving of

alcoholic beverages, nor in the sale of cigarettes or other tobacco products, nor in the preparation or sale of photographs, nor in any dancing or theatrical exhibition or performance while so employed.

Nothing in this section shall be deemed to apply to the work done by pupils in public or private schools of New Jersey, under the supervision and instruction of officers or teachers of such organizations or schools, or to a minor who is 17 years of age employed in the type of work in which such minor majored under the conditions of the special vocational school graduate permit provided in section 15 of this act (C. 34:2-21.15).

3. R. S. 34:2-29 is amended to read as follows:

Seats to be provided.

34:2-29. Every employer of one or more employees in any manufacturing, mechanical or mercantile establishment or in the services and operations incident to any commercial employment shall provide and maintain suitable seats conveniently situated and shall permit the use of such seats by employees at all times except when necessarily engaged in the discharge of duties that cannot properly be performed in a sitting position.

4. R. S. 34:2-30 is amended to read as follows:

Inspections by commissioner.

34:2-30. The commissioner shall see that the provisions of R. S. 34:2-29 of this title are carried out in all mercantile establishments, and shall, at reasonable intervals, examine and inspect all such mercantile establishments to see that the seats required to be provided by R. S. 34:2-29 are fully maintained and that employees are permitted to use them freely and without hindrance.

5. R. S. 34:2-33 is amended to read as follows:

Water-closet.

34:2-33. Every mercantile establishment shall maintain sufficient, suitable, clean, convenient and separate water-closets for each sex which shall be properly screened and ventilated. The water-closets for each sex shall have separate approaches. A suitable and convenient wash room for each sex shall be provided if ordered by the commissioner.

A dressing room shall be provided for each sex when the commissioner shall so order.

6. Section 12 of P. L. 1941, c. 308 (C. 34:6-136.12) is amended to read as follows:

C. 34:6-136.12 Conditions of manufacture.

12. Conditions of manufacture. Industrial home work shall be performed: (1) Only by a person possessing a valid home worker's certificate, and resident in the home in which the work is done; (2) Only by persons 16 years of age or over; (3) Only in accordance with the wages, hours or working conditions established for labor in factories or businesses by persons of the same age as the home workers by State law or regulation or any applicable Federal law or regulation; (4) Only in accordance with the provisions of any State law or regulation, including the provisions of this act, or of any applicable Federal law or regulation, relating to employment and applicable to home workers; and (5) Only in a home that is clean and sanitary and free from any infectious, contagious or communicable disease.

Every employer shall be deemed to have accepted responsibility for the observance of the conditions of manufacture specified by this section and of such terms and conditions as may be specified pursuant to section 6 of this act; and each of such conditions shall be deemed to be a condition of the employer's permit to the same extent as though it were expressly set forth therein.

7. Section 10 of P. L. 1951, c. 337 (C. 34:8-33) is amended to read as follows:

C. 34:8-33 Prohibited acts by employment agencies.

10. No employment agency shall:

(1) Conduct a lodging house for the unemployed unless it is separate and apart from the agency.

(2) Conduct its business, or any phase thereof, in any room or place where

(a) person or persons sleep or conduct their household affairs, or

(b) boarders or lodgers are kept.

(3) Charge or accept payment of any fees other than shown by its schedule of fees filed with the commissioner and posted in the agency.

(4) Accept and receive any valuable thing or gift as or in lieu of a fee.

(5) Divide or offer to divide fees, directly or indirectly, with prospective or actual employers or any agent, employee, or representative of said employers.

(6) Accept payment of any fee or attempt to collect any fees for any service rendered with relation to any specific help or employment which the applicant has not accepted or obtained through the agency in cases where it is established that the applicant did not accept or obtain such help or employment through the agency.

(7) Make any statement or in any way allege or indicate to any applicant sent to seek employment at any place or by any prospective employer that work or employment is available at any such place or by any such prospective employer unless the agency does have a bona fide order for an employee to fill the job alleged or indicated as being available.

(8) Send or cause to be sent any person to become a servant or inmate of, or to enter, any place of bad repute, house of ill-fame or assignation, or to any house or place of amusement kept for immoral purposes, or to a place resorted to for the purposes of prostitution, or to an illegal gambling house.

(9) Knowingly permit persons of bad character, prostitutes, intoxicated persons or procurers to frequent the agency.

(10) Accept any application for employment made by or on behalf of any minor under the age of 16 years, or place or assist in placing any such minor in any employment whatever or place or assist in placing any minor under 18 years of age in any unlawful occupation.

(11) Induce or compel any person to enter the agency, for any purpose, by the use of force or by taking forcible possession of such person's property.

(12) Publish or cause to be published any false or fraudulent or misleading notice or advertisement. All advertisements of any agency by means of cards, circulars or signs, or in newspapers and other publications, and all letterheads, receipts and blanks shall contain the name and address of the agency, and no agency shall give any false promise or false representation concerning employment to any applicant for employment or help, or enter into any contract with any applicant for help or employment or induce or try to induce any applicant for help or employment to make any agreement, the provisions of which contract or agreement, if fulfilled, is in violation of any provisions of this act.

(13) Induce or attempt to induce any person working under contract with an employer to leave the employment under said contract until such time as said contract is completed or the employee is no longer responsible for its completion.

C. 34:11-56a30 Applicability of wage and hour law.

8. (New section) Except with respect to the minimum wage rates established by P. L. 1966, c. 113, s. 5, the provisions of the "New Jersey State Wage and Hour Law," P. L. 1966, c. 113 (C. 34:11-56a1 et seq.) are applicable to the employment of minors. Wage orders pertaining to minors including those promulgated under R. S. 34:11-34 through R. S. 34:11-56, on the effective date of this act shall remain in force until superseded by wage orders or regulations issued pursuant to P. L. 1966, c. 113.

9. Section 18 of P. L. 1966, c. 113 (C. 34:11-56a17) is amended to read as follows:

C. 34:11-56a17 Provision for employment of learners, apprentices, students.

18. (a) The commissioner, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation provide for the employment of learners, apprentices and students, under special certificates issued pursuant to regulations of the commissioner, at such wages lower than the minimum wage applicable under the provisions of this act and subject to such limitations as to time, number, proportion and length of service as the commissioner shall prescribe.

(b) For any occupation for which minimum fair wage order rates or minimum wage rates are established by or pursuant to this act the commissioner or the director may cause to be issued to an employee, including a learner, apprentice or student, whose earning capacity is impaired by age or physical or mental deficiency or injury, a special license authorizing employment at such wages less than such minimum wage rates and for such period of time as shall be fixed by the commissioner or the director and stated in the license.

10. R. S. 34:15-68 is amended to read as follows:

Examination of employees.

34:15-68. In all cases where it shall be necessary to make a physical examination of an employee in an inquiry to award compensation, the examination shall be made by a physician who is the same sex as the employee if so requested by the employee.

11. R. S. 43:21-4 is amended to read as follows:

Benefit eligibility conditions.

43:21-4. Benefit eligibility conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if it appears that:

(a) The individual has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the division may prescribe, except that the division may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs, and as to such other types of cases or situations with respect to which the division finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this act; provided, that no such regulation shall conflict with subsection (a) of R. S. 43:21-3.

(b) The individual has made a claim for benefits in accordance with the provisions of subsection (a) of R. S. 43:21-6.

(c) The individual is able to work, and is available for work, and has demonstrated to be actively seeking work, except as hereinafter provided in this subsection or in subsection (f) of this section.

The director may modify the requirement of actively seeking work if such modification of this requirement is warranted by economic conditions.

No individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because the individual is on vacation, without pay, during said week, if said vacation is not the result of the individual's own action as distinguished from any collective action of a collective bargaining agent or other action beyond the individual's control.

Subject to such limitations and conditions as the division may prescribe, an individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible because the individual is attending a training program approved for the individual by the division to enhance the individual's employment opportunities or because the individual failed or refused to accept work while attending such program. An unemployed individual, who is otherwise eligible, shall not be deemed unavailable for work or ineligible solely by reason of the individual's attendance before a court in response to a summons for service on a jury.

(d) The individual has been totally or partially unemployed for a waiting period of 1 week in the benefit year which includes

that week. When benefits become payable with respect to the third consecutive week next following the waiting period, the individual shall be eligible to receive benefits as appropriate with respect to the waiting period. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) If benefits have been paid, or are payable with respect thereto; provided, that the requirements of this paragraph shall be waived with respect to any benefits paid or payable for a waiting period as provided in this subsection;

(2) If it has constituted a waiting period week under temporary disability benefits law;

(3) Unless the individual fulfills the requirements of subsections (a) and (c) of this section;

(4) If with respect thereto, claimant was disqualified for benefits in accordance with the provisions of subsection (d) of R. S. 43:21-5.

(e) With respect to a base year as defined in subsection (c) of R. S. 43:21-19 the individual has established at least 20 base weeks as defined in subsection (t) of R. S. 43:21-19, or, in the alternative, has earned \$2,200.00 or more in the individual's base year, except that with respect to benefit years commencing on or after January 1, 1978, an individual's base week wages in the base year shall include wages paid for previously uncovered services. For the purposes of this subsection, the term "previously uncovered services" means services—

(1) Which were not employment as defined in R. S. 43:21-19 (i)(1) and were not services covered pursuant to R. S. 43:21-8 at any time during the 1-year period ending December 31, 1975; and

(2) Which—

(A) are agricultural labor (as defined in R. S. 43:21-19(i)(1)(I)) or domestic service (as defined in R. S. 43:21-19(i)(1)(J)), or

(B) are services performed by an employee of a governmental unit or instrumentality in employment as defined in R. S. 43:21-19 (i)(1)(B)(ii), or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in R. S. 43:21-19(i)(1)(D)(iii);

except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services. To the extent that the unemployment compensation fund is reimbursed pursuant to Section 121 of the Federal Unemployment Compensation Amendments of 1976 (Public Law 94-566), an employer's account shall not be charged for that

portion of benefits paid to any individual attributable to base year wages for previously uncovered services, nor shall any nonprofit organization or governmental unit or instrumentality which elects to make payments in lieu of contributions into the unemployment fund be liable to make payments with respect to that portion of benefits paid to any individual attributable to base year wages for previously uncovered services as defined herein.

(f) (1) The individual has suffered any accident or sickness not compensable under the Workers' Compensation Law (Title 34 of the Revised Statutes) and resulting in the individual's total disability to perform any work for remuneration, and would be eligible to receive benefits under this chapter (R. S. 43:21-1 et seq.) (without regard to the maximum amount of benefits payable during any benefit year) except for the inability to work and has furnished notice and proof of claim to the division, in accordance with its rules and regulations, and payment is not precluded by the provisions of R. S. 43:21-3 (d); provided, however, that benefits paid under this subsection (f) shall be computed on the basis of only those base year wages earned by the claimant as a "covered individual" as defined in R. S. 43:21-27 (b); provided further, that no benefits shall be payable under this subsection to any individual:

(A) For any period during which such individual is not under the care of a legally licensed physician, dentist, podiatrist or chiropractor;

(B) (Deleted by amendment, P. L. 1980, c. 90.)

(C) For any period of disability due to willfully or intentionally self-inflicted injury, or to injuries sustained in the perpetration by the individual of a high misdemeanor;

(D) For any week with respect to which or a part of which the individual has received or is seeking benefits under any unemployment compensation or disability benefit law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that the individual is not entitled to such benefits, this disqualification shall not apply;

(E) For any week with respect to which or part of which the individual has received or is seeking disability benefits under the temporary disability benefits law;

(F) For any period of disability commencing while such individual is a "covered individual" as defined in subsection 3 (b) of the temporary disability benefits law (P. L. 1948, c. 110).

(2) Benefit payments under this subsection shall be charged to and paid from the State disability benefits fund established by the temporary disability benefits law, and shall not be charged to any employer account in computing any employer's experience rate for contributions payable under this chapter.

(g) Benefits based on service in employment defined in subparagraphs (B) and (C) of R. S. 43:21-19 (i) (1) shall be payable in the same amount and on the terms and subject to the same conditions as benefits payable on the basis of other service subject to the Unemployment Compensation Law; except that notwithstanding any other provisions of the Unemployment Compensation Law:

(1) With respect to service performed after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between 2 successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(2) With respect to service performed after December 31, 1977, in any other capacity for an educational institution (other than an institution of higher education as defined in R. S. 43:21-19 (y)(2)) benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between 2 successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms;

(3) With respect to those services described in paragraphs (1) and (2) above, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such period or holiday recess.

(h) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(i) (1) Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203 (a)(7) or section 212 (d)(5) of the Immigration and Nationality Act); provided, that any modifications of the provisions of section 3304 (a)(14) of the Federal Unemployment Tax Act as provided by Public Law 94-566 which specify other conditions or other effective dates than stated herein for the denial of benefits based on services performed by aliens and which modifications are required to be implemented under State law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be deemed applicable under the provisions of this section.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of alien status shall be made except upon a preponderance of the evidence.

(j) Notwithstanding any other provision of this chapter, the director may, to the extent that it may be deemed efficient and economical, provide for consolidated administration by one or more representatives or deputies of claims made pursuant to subsection (f) of this section with those made pursuant to Article III (State plan) of the Temporary Disability Benefits Law.

12. R. S. 43:21-5 is amended to read as follows:

Disqualification for benefits.

43:21-5. An individual shall be disqualified for benefits:

(a) For the week in which the individual has left work voluntarily without good cause attributable to such work, and for each week thereafter until the individual has earned in employment (which may be with an employing unit having in employment one or more individuals) at least four times the individual's weekly benefit rate, as determined in each case.

(b) For the week in which the individual has been suspended or discharged for misconduct connected with work, and for the 5 weeks which immediately follow such week (in addition to the waiting period), as determined in each case. In the event such discharge should be rescinded by the employer voluntarily or as a result of mediation or arbitration this subsection (b) shall not apply, provided, however, an individual who is restored to employment with back pay shall return any benefits received under this chapter for any week of unemployment for which the individual is subsequently compensated by the employer.

(c) If it is found that the individual has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the director or to accept suitable work when it is offered, or to return to the individual's customary self-employment (if any) when so directed by the director. Such disqualification shall continue for the week in which such failure occurred and for the 3 weeks which immediately follow such week (in addition to the waiting period), as determined:

(1) In determining whether or not any work is suitable for an individual, consideration shall be given to the degree of risk involved to health, safety and morals, the individual's physical fitness and prior training, experience and prior earnings, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, and the distance of the available work from the individual's residence.

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) If as a condition of being employed the individual would be required to

join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) If it is found that this unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment or other premises at which the individual is or was last employed. No disqualification under this subsection shall apply if it is shown that:

(1) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) The individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided, that if in any case in which (1) or (2) above applies separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises.

(e) For any week with respect to which the individual is receiving or has received remuneration in lieu of notice.

(f) For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that the individual is not entitled to such unemployment benefits, this disqualification shall not apply.

(g) (1) For a period of 17 weeks from the date of the discovery by the division of the illegal receipt of benefits contrary to the provisions of this chapter as the result of any false or fraudulent representation and the individual's maximum total benefits shall be reduced by an amount equal to 17 times the individual's weekly benefit rate in the benefit year in existence at the time of the discovery and in a benefit year established within 1 year thereafter, but the maximum reduction shall not exceed 17 times the weekly benefit rate; provided, that any such disqualification may be appealed in the same manner as any other disqualification imposed hereunder; and, provided further, that a conviction in the courts of this State

arising out of the illegal receipt of such benefits in any proceeding instituted against the individual under the provisions of this chapter or any other law of this State, shall be conclusive upon the appeals tribunal and the board of review.

(2) A disqualification under this subsection shall not preclude the prosecution of any civil, criminal or administrative action or proceeding to enforce other provisions of this chapter for the assessment and collection of penalties or the refund of any amounts collected as benefits under the provisions of R. S. 43:21-16, or to enforce any other law where an individual obtains or attempts to obtain by theft or robbery or false statements or representations any money from any fund created or established under this chapter or any negotiable or nonnegotiable instrument for the payment of money from such funds, or to recover money erroneously or illegally obtained by an individual from any fund created or established under this chapter.

13. Section 5 of P. L. 1948, c. 110 (C. 43:21-29) is amended to read as follows:

C. 43:21-29 Compensable disability.

5. Compensable disability. Disability shall be compensable subject to the limitations of this act, where a covered individual suffers any accident or sickness not arising out of and in the course of the individual's employment or if so arising not compensable under the workers' compensation law (Title 34 of the Revised Statutes), and resulting in the individual's total inability to perform the duties of employment.

14. Section 15 of P. L. 1948, c. 110 (C. 43:21-39) is amended to read as follows:

C. 43:21-39 Limitation of benefits.

15. Limitation of benefits. Notwithstanding any other provision of the Temporary Disability Benefits Law, no benefits shall be payable under the State plan to any person:

(a) for the first 7 consecutive days of each period of disability except that if benefits shall be payable for 3 consecutive weeks with respect to any period of disability commencing on or after January 1, 1968, then benefits shall also be payable with respect to the first 7 days thereof;

(b) for more than 26 weeks with respect to any one period of disability;

(c) for any period of disability which did not commence while the claimant was a covered individual;

(d) for any period during which the claimant is not under the care of a legally licensed physician, dentist, podiatrist or chiropractor, who, when requested by the division, shall certify within the scope of the practitioner's practice, the disability of the claimant, the probable duration thereof, and the medical facts within the practitioner's knowledge;

(e) (Deleted by amendment, P. L. 1980, c. 90.)

(f) for any period of disability due to willfully and intentionally self-inflicted injury, or to injury sustained in the perpetration by the claimant of a high misdemeanor;

(g) for any period during which the claimant performs any work for remuneration or profit;

(h) in a weekly amount which together with any remuneration the claimant continues to receive from the employer would exceed regular weekly wages immediately prior to disability;

(i) for any period during which a covered individual would be disqualified for unemployment compensation benefits under subsection (d) of R. S. 43:21-5 unless the disability commenced prior to such disqualification;

and there shall be no other cause of disqualification or ineligibility to receive disability benefits hereunder except as may be specifically provided in this act.

15. Section 25 of P. L. 1948, c. 110 (C. 43:21-49) is amended to read as follows:

C. 43:21-49 Notice and claim for disability benefits.

25. (a) In the event of the disability of any individual covered under the State plan, the employer shall on the ninth day of disability issue to the individual and to the division printed notices on division forms containing the name, address and Social Security number of the individual, such wage information as the division may require to determine the individual's eligibility for benefits, and the name, address, and division identity number of the employer, together with a printed copy of benefit instructions of the division. Not later than 30 days after the commencement of the period of disability for which such notice is furnished, the individual shall furnish to the division a notice and claim for disability benefits under the State plan or for disability during unemployment. Upon the submission of such notices by the employer and the individual, the division may issue benefit payments for periods not exceeding 3 weeks pending the receipt of medical proof. When requested by the division, such notice and proof

shall include certification of total disability by the attending physician, or a record of hospital confinement. Failure to furnish notice and proof within the time or in the manner above provided shall not invalidate or reduce any claim if it shall be shown to the satisfaction of the division not to have been reasonably possible to furnish such notice and proof and that such notice and proof was furnished as soon as reasonably possible.

(b) A person claiming benefits under the State plan or for disability during unemployment shall, when requested by the division, submit at intervals, but not more often than once a week, to an examination by a legally licensed physician, dentist, podiatrist, chiropractor, or public health nurse designated by the division. In all cases of physical examination of a claimant, the examination shall be made by a designee of the division who shall be the same sex as the claimant if so requested by the claimant. All such examinations by physicians, dentists, podiatrists, chiropractors or nurses designated by the division shall be without cost to the claimant and shall be held at a reasonable time and place. Refusal to submit to such a requested examination shall disqualify the claimant from all benefits for the period of disability in question, except as to benefits already paid.

(c) All medical records of the division, except to the extent necessary for the proper administration of this act, shall be confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the identity of the claimant, or the nature or cause of disability nor admissible in evidence in any action or special proceeding other than one arising under this act.

16. Section 8 of P. L. 1962, c. 37 (C. 10:5-2.1) is amended to read as follows:

C. 10:5-2.1 Construction.

8. Nothing contained in this act or in the act to which this is a supplement shall be construed to require or authorize any act prohibited by law, nor to conflict with the provisions of chapter 2 (child labor) of Title 34 of the Revised Statutes, nor to require the employment of any person under the age of 18, nor to prohibit the establishment and maintenance of bona fide occupational qualifications or the establishment and maintenance of apprenticeship requirements based upon a reasonable minimum age nor to prevent the termination or change of the employment of any person who in the opinion of the employer, reasonably arrived at, is unable to

perform adequately the duties of employment, nor to preclude discrimination among individuals on the basis of competence, performance, conduct or any other reasonable standard, nor to interfere with the operation of the terms or conditions and administration of any bona fide retirement, pension, employee benefit or insurance plan or program.

Repealer.

17. R. S. 34:1-26 through R. S. 34:1-28, R. S. 34:11-20, R. S. 34:11-34 through R. S. 34:11-56, and R. S. 34:14-1 through R. S. 34:14-11 are repealed.

18. This act shall take effect 120 days following enactment.

Approved August 26, 1980.

CHAPTER 91

AN Act directing the Commissioner of Human Services to cause to be developed a plan for the establishment and operation of one or more Veterans Cemeteries in New Jersey.

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

1. The Legislature finds:

a. There is need for the establishment and operation of a State Veterans Cemetery or cemeteries in New Jersey since the National Cemetery at Beverly has reached its capacity and the Federal Government has no plans for its expansion; the nearest National cemeteries in which New Jersey veterans' remains may be interred are located in the states of Maryland and New York.

b. By P. L. 95-476 the Congress of the United States enacted a law to provide financial assistance to states in establishing, operating and maintaining state veterans' cemeteries.

2. a. The Commissioner of Human Services through the Division of Veterans Programs and Special Services is directed to develop a plan for the establishment, operation, maintenance and financing by the State of one or more Veterans Cemeteries at an appropriate site or sites owned, or to be acquired, by the State.

b. The plan shall be developed in a manner which will meet the criteria required to qualify for a grant or grants in aid under Federal law.

c. In formulating the plan the Department of Human Services shall consult with the New Jersey Cemetery Board, veterans' and other interested civic organizations and groups as well as with appropriate county and municipal governments.

d. When completed the plan shall be submitted to the Governor and the Legislature.

3. There is appropriated for the purposes of this act such sums as are included in any annual or supplemental appropriation act.

4. This act shall take effect immediately.

Approved August 26, 1980.

CHAPTER 92

AN ACT to amend the title of "An act concerning electric and gas utilities, supplementing Title 48 of the Revised Statutes, making an appropriation and repealing P. L. 1977, c. 440," approved September 18, 1979 (P. L. 1979, c. 197, C. 48:2-29.15 et seq.), so that the same shall read "An act concerning electric and gas utility bill credits, supplementing Title 48 of the Revised Statutes, providing for the transfer of the administration of the 'Lifeline Credit Program' to the Department of Human Services, making an appropriation and repealing P. L. 1977, c. 440," and amending and supplementing 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. 1979, c. 197 (C. 48:2-29.15 et seq.) is amended to read as follows: An act concerning electric and gas utility bill credits, supplementing Title 48 of the Revised Statutes, providing for the transfer of the administration of the "Lifeline Credit Program" to the Department of Human Services, making an appropriation and repealing P. L. 1977, c. 440.

2. Section 1 of P. L. 1979, c. 197 (C. 48:2-29.15) is amended to read as follows:

C. 48:2-29.15 "Lifeline Credit Program"; establishment.

The Commissioner of the Department of Human Services shall administer a program which shall be known as the "Lifeline Credit Program."

3. Section 2 of P. L. 1979, c. 197 (C. 48:2-29.16) is amended to read as follows:

C. 48:2-29.16 Eligibility for program.

2. Any residential electric or gas customer who on July 1 of any year or at any time during the succeeding 6 months is: a. enrolled in, found eligible for, or, except for the provisions of section 4 of P. L. 1975, c. 194 (C. 30:4D-23), would be eligible for benefits under the program of "Pharmaceutical Assistance to the Aged," established pursuant to P. L. 1975, c. 194 (C. 30:4D-20 et seq.), as amended and supplemented; or, b. receiving or is eligible to receive benefits under the program of Supplemental Security Income (P. L. 1973, c. 256, C. 44:7-85 et seq.); or, c., receiving disability benefits pursuant to the Federal Social Security Act (42 U. S. C. § 416 (i)) and meets the income and residency requirements of the "Pharmaceutical Assistance to the Aged" program, shall be eligible for the "Lifeline Credit Program" established by this act.

The Commissioner of the Department of Human Services shall establish a schedule of eligible customers who meet such qualifications.

4. Section 3 of P. L. 1979, c. 197 (C. 48:2-29.17) is amended to read as follows:

C. 48:2-29.17 Credit against electric or gas utility bill.

3. The "Lifeline Credit Program" shall consist of a credit of \$125.00 against the electric or gas utility bill of each eligible residential electric or gas customer at his principal residence. Such credit shall be applied to the electric or gas utility bills of such customer as soon as may be practicable, but in no case later than the bills issued in October of each year or as soon thereafter as eligibility is determined, and shall be applied to each subsequent utility bill after the first until the full amount of the credit is exhausted. No household shall receive more than \$125.00 credit. In the event that electric and gas are provided to the same customer by the same utility, the total annual credit shall be applied to the combined bills from such utility. In the event that electric and gas are provided to the same customer by two separate utilities, half of the total annual credit shall be applied to the bills from each

such utility. Subject to the availability of appropriations, the level of credit shall be increased to \$150.00 beginning in October, 1981.

5. Section 4 of P. L. 1979, c. 197 (C. 48:2-29.18) is amended to read as follows:

C. 48:2-29.18 State payments for amount of credit provided.

4. Upon certification by the Commissioner of the Department of Human Services, the State Treasurer shall pay to each electric and gas utility the amount of the credit provided for each eligible residential customer served by such utility. The payments shall be made pursuant to a schedule approved by the Director of the Division of Budget and Accounting and payments made for unused credit shall be returned to the Casino Revenue Fund pursuant to a plan approved by him.

6. Section 5 of P. L. 1979, c. 197 (C. 48:2-29.19) is amended to read as follows:

C. 48:2-29.19 Rules and regulations.

5. a. The Commissioner of the Department of Human Services is authorized to promulgate, pursuant to law, such rules and regulations as he may deem necessary to effectuate the purposes of this act.

b. The commissioner shall be entitled to call upon the assistance, or contract for the services, of any State department, board, bureau, commission, or agency as may be necessary to implement the provisions of this act.

7. Section 6 of P. L. 1979, c. 197 (C. 48:2-29.20) is amended to read as follows:

C. 48:2-29.20 Notice to customers.

6. The Commissioner of the Department of Human Services is authorized to direct each electric and gas utility to inform each eligible residential customer of the "Lifeline Credit Program" by separate notice. The commissioner shall approve the content of any such notice. Prior to issuing any such direction to a utility, and prior to approving any such notice, the commissioner shall consult with the President of the Board of Public Utilities.

8. Section 7 of P. L. 1979, c. 197 (C. 48:2-29.21) is amended to read as follows:

C. 48:2-29.21 Annual report.

7. The Commissioner of the Department of Human Services shall submit a report on the "Lifeline Credit Program" to the

Legislature on March 15, 1981, and annually thereafter. Such report shall include, but shall not be limited to, a summary of the implementation of the program, a study of its impact, any recommendations for its revision, and an estimate of the practicality and feasibility of expanding the program to include other needy residential electric and gas utility customers. The report shall also include an examination of alternative revenue sources to fund such a program.

C. 48:2-29.22 Transfer of powers and duties to Department of Human Services.

9. (New section) The responsibility for the administration of the "Lifeline Credit Program" and all powers and duties in connection therewith is transferred from the Board of Public Utilities to the Commissioner of the Department of Human Services. The personnel, records, files, equipment, books, appropriations, grants and other moneys of the "Lifeline Credit Program" are transferred from the Board of Public Utilities in the Department of Energy to the Department of Human Services in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

10. This act shall take effect immediately.

Approved August 26, 1980.

CHAPTER 93

AN ACT concerning special elections and amending sections 40A:16-14, 40A:16-15, 40A:16-16 and 40A:16-17 of the New Jersey Statutes.

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

1. N. J. S. 40A:16-14 is amended to read as follows:

Special election to fill vacancy in the office of mayor; limitation on authority to appoint.

40A:16-14. Special election to fill vacancy in the office of mayor; limitation on authority to appoint. If a governing body shall fail to fill a vacancy in the office of mayor as provided in N. J. S. 40A:16-4a or 40A:16-5a within the 30-day period prescribed by N. J. S. 40A:16-11 or 40A:16-12, the municipal clerk shall forthwith fix the date for a special election to fill the vacancy to be held not less

than 45 days nor more than 50 days after the expiration of the time fixed for the filling of the vacancy. If the date fixed for a special election shall fall within 20 days prior to the holding of any general election, regular municipal election or any other election within the municipality, the vacancy shall be filled at that election. If the date fixed for a special election shall fall within 20 days after the holding of any general election, regular municipal election or any other election within the municipality, then the special election to fill the vacancy shall be held not less than 20 days nor more than 25 days from the date of that election.

Notwithstanding the foregoing, if a vacancy in the office of mayor occurs in the final 6 months of the term of the mayor, no special election shall be held to fill the vacancy.

No appointment shall be made by a governing body to fill a vacancy occurring in the office of a mayor after the fixing of a date for a special election to fill the vacancy pursuant to this section.

2. N. J. S. 40A:16-15 is amended to read as follows:

Special election when person elected to office dies before commencement of term.

40A:16-15. Special election when person elected to office dies before commencement of term. If at any time after an election for the office of mayor or for a member of the governing body and before the time fixed for the commencement of the term of the office, the person elected to that office dies, the municipal clerk shall forthwith fix the date for a special election to fill that office for its term or unexpired term, as the case may be, to be held not less than 45 days nor more than 50 days from the date of such death.

3. N. J. S. 40A:16-16 is amended to read as follows:

Special election when vacancy occurs pursuant to R. S. 19:3-25.

40A:16-16. Special election when vacancy occurs pursuant to R. S. 19:3-25. Whenever the office of mayor or of member of the governing body shall be declared or deemed vacant pursuant to R. S. 19:3-25, the municipal clerk shall forthwith fix the date for a special election to fill that office for its term or unexpired term, as the case may be, to be held not less than 45 days nor more than 50 days from the date upon which the office was so declared or deemed to be vacant.

4. N. J. S. 40A:16-17 is amended to read as follows:

Special election when person elected to office becomes disqualified before commencement of term.

40A:16-17. Special election when person elected to office becomes disqualified before commencement of term. If at any time after an election for the office of mayor or for a member of the governing body and before the time fixed for the commencement of the term of the office, it shall be determined that the person elected to that office shall no longer have the qualifications required for the office, the municipal clerk shall forthwith fix the date for a special election to fill the office for its term or unexpired term, as the case may be, to be held not less than 45 days nor more than 50 days from the date of such determination.

5. This act shall take effect immediately.

Approved August 28, 1980.

CHAPTER 94

AN ACT concerning residency requirements for local elective office, amending R. S. 40:72-1, R. S. 40:75-4 and R. S. 40:81-1, and repealing R. S. 40:125-36 and P. L. 1960, c. 84.

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

C. 40A:9-1.11 Definitions.

1. As used in this act:

a. "Candidate" means any person who shall file, or cause to have filed, a petition of nomination for election, or for election, to any local elective office;

b. "Local elective office" means any office of a local unit regularly filled at an election by the voters, but does not mean any office established by the State Constitution;

c. "Local unit" means a county or municipality, and, whenever an office is required to be filled by election from a district, ward or other subdivision means the district, ward or subdivision to which the office pertains;

d. "Resident" means a person having, within the territorial limits of the local unit, a place of abode, which has not been adopted for any mere special or temporary purpose, but is his ordinary and permanent domicile.

C. 40A:9-1.12 Residency requirement.

2. No person shall be a candidate for, nor hold, any local elective office unless he is a resident of the local unit to which the office pertains. If any person nominated for, or holding, any local elective office shall cease to be a resident of the local unit to which the office pertains, the nomination or office, as the case may be, shall be vacant, and shall be filled in the manner prescribed by law.

C. 40A:9-1.13 Eligibility.

3. Except as provided in section 9 of this act, no person shall, on or after the effective date of this act, be eligible to become a candidate for any local elective office, or to be appointed to any local elective office, unless he is registered to vote in the local unit to which the office pertains, and has been a resident of that local unit for at least 1 year prior to the date upon which the election for the office is to be held, or prior to the date upon which the appointment is made, as the case may be.

4. R. S. 40:72-1 is amended to read as follows:

Commission; membership.

40:72-1. The commission shall consist of three members in municipalities having less than twelve thousand inhabitants; and of five members in municipalities having twelve thousand inhabitants or more, subject to the provisions of sections 40:72-1.1 to 40:72-1.3 of this Title.

5. R. S. 40:75-4 is amended to read as follows:

Petition of nomination.

40:75-4. The petition of nomination shall read substantially as follows:

“PETITION OF NOMINATION.

Each of the undersigned, a qualified elector of residing at the residence stated opposite his name below, certifies that he does hereby join in a petition for the nomination of , whose residence is at , for the office of commissioner, to be voted for at the municipal election to be held in such municipality on the day of , 19...., and he further certifies that he knows this person to be legally qualified to be a candidate for this office and a person of good moral character, and qualified in his judgment for the duties of such office, and he further certifies that he has not signed more petitions or certificates of nomination than there are places to be filled in the above office.

	<i>Signature</i>	<i>Residence</i>
(Signed)
.....
.....
.....
.....
.....
.....
.....

Each of the undersigned, being duly sworn, deposes and says that he is the person who signed the foregoing certificate; that the statements contained therein are true and correct.

(Signed)

.....

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Subscribed and sworn to before me

.....”

The municipal clerk shall furnish upon application a reasonable number of forms of individual certificates of the above character.

6. R. S. 40:81-1 is amended to read as follows:

Municipal council; membership.

40:81-1. The municipal council shall consist of three members in municipalities having less than 25,000 inhabitants, save in those cases in which prior to the adoption of the municipal manager form of government the municipal council shall have consisted of five or more members, in which event the municipal council provided for herein shall consist of five members; of five members in municipalities having more than 25,000 and less than 40,000 inhabitants; of seven members in municipalities having more than 40,000 and less than 100,000 inhabitants; and of nine members in municipali-

ties having 100,000 or more inhabitants. The number of councilmen shall not be changed by reason of an increase or decrease of population until the regular election for councilmen next following the promulgation of the last legally ascertained enumeration of the people, whether by Federal or State authority.

Repealer.

7. R. S. 40:125-36 and P. L. 1960, c. 84 (C. 40:69A-167.1) are repealed.

8. Nothing contained in this act shall affect or invalidate the candidacy of any person who has filed a petition of nomination for election, or for election, to any local elective office prior to the effective date of this act.

C. 40A:9-1.14 Special municipal charters not affected.

9. Nothing contained in section 3 of this act shall affect the provisions of any special municipal charter heretofore provided by the Legislature and adopted by the voters pursuant to Article IV, Section VII, paragraph 10 of the Constitution.

10. This act shall take effect January 1, 1981.

Approved August 28, 1980.

CHAPTER 95

AN ACT to amend "An act concerning juveniles, jurisdiction and proceedings in the juvenile and domestic relations court and repealing portions of the statutory law," approved December 14, 1973 (P. L. 1973, c. 306).

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

1. Section 3 of P. L. 1973, c. 306 (C. 2A:4-44) is amended to read as follows:

C. 2A:4-44 Definition of delinquency.

3. Definition of delinquency. As used in this act, "delinquency" means the commission of an act by a juvenile which if committed by an adult would constitute:

- a. A homicide or act of treason;
- b. A crime;

c. A disorderly persons offense or petty disorderly persons offense; or

d. A violation of any other penal statute, ordinance or regulation.

But, the commission of an act which constitutes a violation of chapter 3, 4, 6 or 8 of Title 39, Motor Vehicles, of the Revised Statutes, or of any amendment or supplement thereof, by a juvenile of or over the age of 17 years shall not constitute delinquency as defined in this act.

2. Section 20 of P. L. 1973, c. 306 (C. 2A:4-61) is amended to read as follows:

C. 2A:4-61 Disposition of delinquency cases.

20. Disposition of delinquency cases. If a juvenile is adjudged delinquent the juvenile and domestic relations court may order any of the following dispositions:

a. Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint; or

b. Release the juvenile to the supervision of his or her parent or guardian; or

c. Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed 3 years upon such written conditions as the court deems will aid rehabilitation of the juvenile; or

d. Transfer custody of the juvenile to any relative or other person determined by the probation department to be qualified to care for the juvenile; or

e. Place the juvenile under the care of the Division of Youth and Family Services pursuant to P. L. 1951, c. 138, s. 2 (c) (C. 30:4C-2 (c)).

f. Place the juvenile under the care and custody of the Commissioner of the Department of Human Services for the purpose of receiving the services of the Division of Mental Retardation of that department, provided that the juvenile has been determined to be eligible for those services under P. L. 1965, c. 59, s. 16 (C. 30:4-25.4); or

g. Commit the juvenile to a suitable institution for the treatment of mental illness if after hearing it is determined from psychiatric

evidence that the juvenile does or may constitute a danger to himself or to other persons if not so committed; or

h. Commit the juvenile to a suitable institution maintained for the rehabilitation of delinquents for an indeterminate term not to exceed 3 years; except, that, any time an adjudication of juvenile delinquency is predicated upon an offense which, if committed by a person of the age of 18 years or over would constitute any form of homicide as defined in sections 2C:11-2, 2C:11-3 or 2C:11-4 of the New Jersey Statutes, except death by auto as defined in N. J. S. 2C:11-5, then the period of confinement shall be indeterminate and shall continue until the appropriate paroling authority determines that such person should be paroled; and, except that in any case the period of confinement and parole shall not exceed the maximum provided by law for such offense if committed by a person of the age of 18 years or over.

Any juvenile committed under this act who is released on parole prior to the expiration of his maximum term may be retained under parole supervision for a period not exceeding the unserved portion of the term.

i. Such other disposition not inconsistent with this act as the court may determine.

3. Section 24 of P. L. 1973, c. 306 (C. 2A:4-65) is amended to read as follows:

C. 2A:4-65 Disclosure of juvenile records; penalties for disclosure.

24. Disclosure of juvenile records; penalties for disclosure.

a. Social, medical, psychological, legal and other records of the court and probation department, and records of law enforcement agencies, pertaining to juveniles charged under this act, shall be strictly safeguarded from public inspection. Such records shall be made available only to:

- (1) Any court or probation department;
- (2) The Attorney General or county prosecutor;
- (3) The parents or guardian and to the attorney of the juvenile;
- (4) The Division of Youth and Family Services, if providing care or custody of the juvenile;
- (5) Any institution to which the juvenile is currently committed;
- (6) Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown; and
- (7) Any law enforcement agency when such records are necessary in connection with the investigation of particular acts of

delinquency or crime, or when such records are necessary to assist in the protection, apprehension or location of a particular juvenile.

b. Information as to the identity of a juvenile, the offense charged, the adjudication and disposition may be disclosed to the victim or a member of the victim's immediate family.

c. Information as to the identity of a juvenile 14 years of age or older adjudicated delinquent, the offense, the adjudication and the disposition may be disclosed to the public where the offense for which the juvenile has been adjudicated delinquent if committed by an adult, would constitute a crime of the first, second or third degree, or aggravated assault, destruction or damage to property to an extent of more than \$500.00, or the manufacture or distribution of a narcotic drug, unless upon application at the time of disposition and for good cause shown, or upon its own motion, the court orders the withholding from public dissemination of all or a portion of such information on the grounds that public disclosure would not serve the best interests of the juvenile and the public.

d. Whoever, except as provided by law, knowingly discloses, publishes, receives, or makes use of or knowingly permits the unauthorized use of information concerning a particular juvenile derived from records listed in subsection a. or acquired in the course of court proceedings, probation, or police duties, shall, upon conviction thereof, be guilty of a disorderly persons offense.

4. This act shall take effect immediately.

Approved August 28, 1980.

CHAPTER 96

AN ACT to transfer the supervisory force of marine patrolmen from the Department of Environmental Protection to the Division of State Police in the Department of Law and Public Safety.

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

C. 52:17B-9.5 Transfer of State Marine Police Force.

1. The supervisory force of marine patrolmen, created pursuant to section 17 of the "New Jersey Boat Act of 1962," P. L. 1962, c. 73 (C. 12:7-34.52), hereafter to be known as the State Marine

Police Force, with all its powers and duties, is transferred from the Department of Environmental Protection to the Division of State Police in the Department of Law and Public Safety.

The transfer 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.).

2. This act shall take effect July 1, 1981.

Approved August 29, 1980.

CHAPTER 97

AN ACT to amend and supplement the "New Jersey Boat Act of 1962," approved June 11, 1962 (P. L. 1962, c. 73) as said title was amended by P. L. 1965, c. 206, repealing sections 7, 8 and 13 thereof and section 13 of P. L. 1965, c. 206 amending P. L. 1965, c. 206 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. 1962, c. 73 (C. 12:7-34.37) is amended to read as follows:

C. 12:7-34.37 Definitions.

2. As used in this act, unless the context clearly requires a different meaning:

(a) "Vessel" means a boat or watercraft, other than a sea plane on the water, used or capable of being used as a means of transportation on water.

(b) "Power vessel" shall mean a vessel temporarily or permanently equipped with machinery for propulsion, and shall not include a vessel propelled wholly by sails or by muscular power.

(c) "Owner" means a person, other than a lien holder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of the vessel subject to an interest of another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

- (d) "Operate" means to navigate or otherwise use a vessel.
- (e) "Department" means the Department of Environmental Protection or its duly constituted successor.
- (f) "Commissioner" shall refer to the Commissioner of the Department of Environmental Protection.
- (g) "Commission" shall refer to the Boat Regulation Commission established in this act.
- (h) "Waters of this State" means all waters within the jurisdiction of this State, both tidal and nontidal, and the marginal sea adjacent to this State.
- (i) "Number", "Numbering" and "Certificates of number" as used in this act are the equivalent of the terms "register", "registration" and "Certificate of Registration" as used in the Power Vessel Act (1954) being chapter 236 of the laws of 1954.
- (j) "Length" means measurement in feet and inches from end to end over the deck parallel to the centerline excluding sheer, bowsprits, bumpkins, rudders, outboard motors, brackets or other equipment or appendages.
- (k) "Sailboat" means any boat whose sole source of propulsion is the natural element (i.e., wind).
- (l) "Documented vessel" means a vessel which has a valid Marine Document issued by the United States Coast Guard or any Federal agency successor thereto.

2. Section 3 of P. L. 1962, c. 73 (C. 12:7-34.38) is amended to read as follows:

C. 12:7-34.38 Vessels to be numbered; exceptions.

3. Except as herein otherwise provided, every vessel which is upon the waters of this State shall be numbered in accordance with the provisions of this act, and no person shall operate or give permission to operate any vessel on such waters unless it is so numbered.

A vessel shall not be required to be numbered under this act if it is:

- (a) A documented vessel;
- (b) Being legally operated and meets all current requirements pursuant to applicable Federal law or a Federally-approved numbering system of another state; provided, that such vessel shall not have been within this State for a period in excess of 180 consecutive days, unless it is in New Jersey for the purpose of wet or dry storage, or for repairs, in which case the actual time for

said storage or repair shall not be counted as included within the 180 days aforesaid; provided, however, that a vessel shall be considered to be based within this State if its owner owns, maintains, leases, or rents space in this State for its storage, mooring, or servicing on other than on a transient basis;

(c) From a country other than the United States temporarily using the waters of this State;

(d) A public vessel of the United States, a state or subdivision or agency thereof;

(e) A ship's lifeboat;

(f) 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 department and pursuant to a permit duly issued by the department;

(g) A vessel, except for power vessels, used exclusively on small lakes and ponds wholly within private lands;

(h) 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, except power vessels, of 12 feet or less in length;

(i) A canoe or kayak.

3. Section 4 of P. L. 1962, c. 73 (C. 12:7-34.39) is amended to read as follows:

C. 12:7-34.39 Application; fee; record made; certificate issued; available for inspection; number displayed.

4. (a) The owner of a vessel required to be numbered in this State shall file an application with the department on forms approved by it. The application shall be signed by the owner and shall be accompanied by the fee prescribed by this act for such vessel. Upon receipt of the application in the approved form and the prescribed fee, the department shall enter the same upon the records of its office and issue to the applicant, a pocket-size certificate of number, which shall state the name and address of the owner, a description of the vessel, its use, and the number assigned.

(b) Except as provided herein, the certificate of number shall be available at all times for inspection on the vessel for which issued whenever such vessel is in operation. The certificate of number for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than 24 hours

may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative provided such substitute as the commissioner may prescribe by regulation is carried on board.

(c) The number assigned to a vessel shall be displayed on each side of the bow thereof, as prescribed by regulations of the department, using letters and numerals not less than 3 inches in height. No other number shall be displayed on the bow.

4. Section 5 of P. L. 1962, c. 73 (C. 12:7-34.40) is amended to read as follows:

C. 12:7-34.40 Rules and regulations.

5. The department shall make and promulgate rules and regulations concerning the numbering system to be used, which system shall conform as near as possible with any over-all system of identification numbering for vessels which is being used by the United States Government or its agencies. Such rules and regulations shall go into effect immediately upon promulgation.

5. Section 6 of P. L. 1962, c. 73 (C. 12:7-34.41) is amended to read as follows:

C. 12:7-34.41 Out-of-state owners to record description of vessels with department.

6. The owner of any vessel identified by a number in full force and effect which has been awarded to it pursuant to a then operative Federal law or Federally-approved numbering system of another state shall record with the department the vessel's description and number prior to using such vessel upon the waters of this State in excess of the 180-day reciprocity period provided for in section 3 of this act. Such recording shall be in the same manner and pursuant to the same procedure prescribed in section 4 of this act except that no additional or substitute number shall be assigned.

6. Section 9 of P. L. 1962, c. 73 (C. 12:7-34.44) is amended to read as follows:

C. 12:7-34.44 Misstatements.

9. No person shall make any misstatement of fact in an application for the numbering of a vessel or give a fictitious name or address.

7. Section 12 of P. L. 1962, c. 73 (C. 12:7-34.47) is amended to read as follows:

C. 12:7-34.47 Fees; special numbers for boat dealers; fee.

12. The fees for the initial numbering of all vessels and for each renewal of the certificate of number issued thereto, unless otherwise provided by law, shall be:

(a) For all vessels less than 16 feet, \$6.00 per year; 16 feet or more but less than 26 feet, \$14.00 per year; 26 feet or more but less than 40 feet, \$26.00 per year; 40 feet or more but less than 65 feet, \$40.00 per year; 65 feet or more, \$125.00 per year.

(b) (Deleted by amendment.)

(c) Special numbers including up to three duplicates thereof and up to four sets of temporary numbers bearing a number corresponding to the special number, shall be assigned to boat dealers and manufacturers, as provided for under rules and regulations to be promulgated by the department, and such numbers shall be displayed temporarily upon boats being tested, demonstrated, photographed or transported, said display to be as prescribed in the rules and regulations aforementioned.

For each such special number so assigned the fee shall be \$75.00 for 1 year.

8. Section 15 of P. L. 1962, c. 73 (C. 12:7-34.50) is amended to read as follows:

C. 12:7-34.50 Rules and regulations effective.

15. (a) (Deleted by amendment.)

(b) No changes in the rules and regulations shall go into effect from May 1 to September 30 of any year unless the Boat Regulation Commission shall find a need for the adoption of emergency rules and regulations pursuant to subsection (c) of section 4 of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-4(c)).

(c) (Deleted by amendment.)

9. Section 16 of P. L. 1962, c. 73 (C. 12:7-34.51) is amended to read as follows:

C. 12:7-34.51 Violations.

16. A person is guilty of a petty disorderly persons offense if he violates any provisions of this act or any regulation adopted pursuant to this act regarding registration, equipment, or any provision not related to the operation of the vessel.

A person is guilty of a disorderly persons offense if he violates any provisions of this act or any regulation adopted pursuant to this act which pertains to the movement, operation, anchoring,

speed, noise, or any regulatory provision relating to the safe movement and operation of a vessel.

C. 12:7-34.44a Documented vessel; registration; availability of certificate; determination of fees.

10. (New section) (a) For the purposes of this act, a documented vessel is based within this State if its owner owns, maintains, leases or rents space in this State for its storage, mooring or servicing on other than a transient basis.

(b) The owner of a documented vessel of 500 gross tons or less based in this State shall file an application for the registration of such vessel with the department on forms approved by it. The application shall be signed by the owner and shall be accompanied by the fee prescribed herein for the vessel. Upon receipt of the application in the approved form and the prescribed fee, the department shall enter the same upon the records of its office and issue to the applicant a pocketsize certificate of registration which shall state the name and address of the owner, a description of the vessel, and its use.

(c) The certificate of registration shall be available at all times for inspection on the vessel for which issued whenever the vessel is in operation.

(d) The fees for the initial registration of a documented vessel and for each renewal thereof, shall be based on the length of the vessel and shall be the same as provided for in section 12 of P. L. 1962, c. 73 (C. 12:7-34.47) for other vessels of the same length.

11. Section 9 of P. L. 1965, c. 206 (C. 12:7-34.47d) is amended to read as follows:

C. 12:7-34.47d Fee for certificate.

9. A fee of \$1.00 shall be charged and collected for the issuance of a tax exemption certificate for each vessel and for the annual renewal of said certificate.

C. 12:7-34.48a Disposition of fees.

12. (New section) All fees received pursuant to P. L. 1962, c. 73 (C. 12:7-34.36 et seq.) and P. L. 1965, c. 206 (C. 12:7-34.47a et seq.) shall be deposited as part of the State's general funds with the State Treasurer, who shall keep a record of the same. The sums shall be credited to a permanent revolving fund for the then current fiscal year and thereafter, from year to year, as a replacement thereof, and shall not lapse into the unappropriated funds of the State Treasury, to be appropriated annually to implement P. L.

1962, c. 73 (C. 12:7-34.36 et seq.) and P. L. 1965, c. 206 (C. 12:7-34.47a et seq.) and maintain and expand the State Marine Police Force.

Repealer.

13. The following are repealed:

a. P. L. 1962, c. 73, ss. 7, 8 and 13 (C. 12:7-34.42, 12:7-34.43 and 12:7-34.48).

b. P. L. 1965, c. 206, s. 13 (C. 12:7-34.47h).

14. There is appropriated to the Department of Environmental Protection from the General Fund the sum of \$200,000.00, which sum shall be utilized in Fiscal Year 1981 to maintain the operations of the State Marine Police Force.

15. This act shall take effect immediately upon the enactment of P. L. 1980, c. 96 (C. 52:17B-9.5).

Approved August 29, 1980.

CHAPTER 98

A Supplement to the "Sales and Use Tax Act," approved April 27, 1966 (P. L. 1966, c. 30, C. 54:32B-1 et seq.).

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

C. 54:32B-8.35 Exempt sales.

1. Receipts from sales of aircraft and repairs thereto including machinery or equipment to be installed on such aircraft and replacement parts therefor when utilized by an air carrier as defined by the Civil Aeronautics Board or the Code of Federal Regulations having its principal place of operations within the State and engaging in interstate, foreign, or intrastate air commerce are exempt from the tax imposed under the Sales and Use Tax Act.

2. This act shall take effect January 1, 1979.

Approved September 2, 1980.

CHAPTER 99

A SPECIAL act providing for the citizens of the borough of Tenafly, in the county of Bergen, the powers of initiative, referendum and recall.

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

1. The special act for the borough of Tenafly, in the county of Bergen, providing for the powers of initiative, referendum and recall shall read as follows:

ARTICLE I

Section 1.1. All citizens of the Borough of Tenafly shall have the power to recall elective officers and the power of initiative and referendum, all as set forth in Articles II and III herein.

Section 1.2. The Borough form of government as presently established in the Borough of Tenafly under the laws of the State of New Jersey shall continue to exist in the same form except as expressly supplemented herein.

Section 1.3. Ordinances and resolutions of the Borough, to the extent that they are not inconsistent with this special law, shall remain in full force following the adoption of this special law until modified or repealed by the Council.

Section 1.4. All elected and appointed officers and employees of the Borough who are presently in office or who have been elected or appointed on the date on which this special law becomes effective shall continue in office for the term to which they were appointed or elected.

ARTICLE II

RECALL

Section 2.1. Elective officers; removal by recall petition and vote.

Any elective officer shall be subject to removal from office for cause connected with his office, after he has served at least one year, upon the filing of a recall petition and the affirmative vote of a majority of those voting on the question of removal at any general or special election.

Section 2.2. Recall petition.

A recall petition shall demand the removal of a designated incumbent, shall be signed by qualified voters equal in number to at least twenty-five per centum (25%) of the registered voters of the Borough and shall be filed with the Borough Clerk. It shall set forth a statement of the cause upon which the removal is sought.

Section 2.3. Signatures to recall petition.

The signatures to a recall petition need not all be appended to one paper but each signer shall add to his signature his place of residence giving the street and number or other sufficient designation if there shall be no street and number. One of the signers to each such paper shall take an oath before an officer competent to administer oaths that the statement therein made is true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing the petition the Borough Clerk shall complete his examination and ascertain whether or not such petition is signed by the requisite number of qualified voters, and shall attach to the petition his certificate showing the result of his examination. If by that certificate the petition is shown to be insufficient it may be amended within ten days from the date of said certificate. The Borough Clerk shall, within five days after such amendment, make a similar examination and determination of the amended petition, and if the certificate shall show the same to be insufficient, it shall be returned to the person filing it without prejudice to the filing of a new petition to the same effect.

Section 2.4. Notice to officer, recall election; notice of filing of petition.

If the petition shall be sufficient the Borough Clerk shall within two days notify the Mayor, Councilman or Councilmen whose recall is sought thereby. If such notice cannot be served personally upon the Mayor, Councilman or Councilmen affected, service may be made by registered mail addressed to the officer's last known address. If within five days after the service of the notice by the Borough Clerk the Mayor, Councilman or Councilmen sought to be recalled by such petition do not resign, or having tendered their resignation it shall not have been accepted by the Borough Council, the Borough Clerk shall order and fix a date for holding a recall election not less than sixty nor more than ninety days from the filing of the petition. Notice of the filing of the petition and of the date of the election shall be posted for public view in the office of the Borough Clerk and he shall also insert the notice forthwith

in a newspaper published in the Borough, or if there be no such newspaper, then in a newspaper having general circulation in such Borough.

Section 2.5. Ballots.

The ballots at the recall election shall conform to the requirements respecting the election of Borough officers as provided in Title 19 of the Revised Statutes (Elections), except that the words "recall election" shall appear on the ballot. The recall features of the ballot shall appear at the top thereof and shall be separated from the portion of the ballot for the election of officers by a heavy black line. The proposal for recall shall be placed on the ballot in the following manner:

"Shall (here insert name of incumbent) be removed from office by recall?" This matter shall occupy two lines in bold-face type. Immediately below the above wording shall appear the phrase, "for recall," and immediately underneath such phrase the words "against recall." Immediately at the left of each of these two phrases shall be printed a square, in which the voter may make a cross (X) or plus (+) or a check (✓) mark. Immediately below the foregoing shall appear the following:

"Indicate your vote by placing a cross (X) or plus (+) or a check (✓) mark in one of the squares above."

Section 2.6. Removal of more than one officer.

If the removal of more than one officer is sought, the same provisions for submitting to the electors the question and direction hereinbefore described shall be repeated in the case of each officer concerned and their position on the ballot for their recall shall be in the order of the filing of the petition with the Borough Clerk.

Section 2.7. Election of successor; use of recall ballot.

The same ballot used for submitting the question or questions of recall shall be used for the election of a successor to the incumbent sought to be removed and immediately under the black line following the recall question shall appear the phrase "Nominees for successors of (here insert name of incumbent) in the event he is recalled." The names of all persons nominated as successors shall be placed upon the ballot in the same manner provided for other elections of Borough officers.

Section 2.8. Laws governing recall elections; selection of candidate for successor or recalled incumbent.

The provisions of Title 19 of the Revised Statutes (Elections), concerning the nomination of Borough officers, preparation of the ballot, election of Borough officers, counting and canvassing of the results of the election of such officers and the election of their successors shall apply. The County Committee of each political party shall be authorized to select a candidate for successor of a recalled incumbent in the same manner as provided by Title 19 of the Revised Statutes for nominations to fill a vacancy after the last day for filing petitions for nominations in the primary elections.

Section 2.9. Publication of notices of arrangements for recall elections; conduct.

The Borough Clerk shall cause to be made due publication of notices of arrangements for holding all recall elections and they shall be conducted as are other elections for Borough officers.

Section 2.10. Results of election.

(a) If a majority of votes in connection with the recall of any officer be in favor of the recall, the term of office of such officer shall terminate, upon the certification of the results of election by the Borough Clerk.

(b) If the results of such recall election shall, by the certificate of the Borough Clerk, be shown to be against the recall of the officer he shall continue in office as if no recall election had been held, and the vote for the election for the successor of such officer taken at the time of such attempted recall shall be void.

Section 2.11. Successor where incumbent resigns or is recalled.

If the office of the incumbent shall become vacant either by his resignation between the time that a recall petition is filed and the election is certified or by the result of the recall election, his successor shall be the nominee receiving the greatest number of votes at the recall election. The person so elected shall serve for the remainder of the unexpired term.

ARTICLE III

INITIATIVE AND REFERENDUM

Section 3.1. Petition; percentage of registered voters required.

The voters may propose any ordinance and may adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the Borough Council by a petition signed by twenty-five per centum (25%) of registered voters of the Borough.

Section 3.2. Power of referendum; time for filing petition.

The voters shall also have the power of referendum which is the power to approve or reject at the polls any ordinance submitted by the Council to the voters or any ordinance passed by the Council, against which a referendum petition has been filed as herein provided. No ordinance passed by the Borough Council except when otherwise required by general law shall take effect before twenty days from the time of its final passage and its approval by the Mayor where such approval is required. If within twenty days after final passage and approval of such ordinance a petition protesting against the passage of such ordinance shall be filed with the Borough Clerk and if the petition shall be signed by twenty-five per centum (25%) of the registered voters of the Borough, the ordinance shall be suspended from taking effect until proceedings are had as herein provided.

Section 3.3. Petition papers; affidavits.

All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition paper the names and addresses of five voters, designated as the Committee of the Petitioners, who shall be regarded as responsible for the circulation and filing of the petition and for its possible withdrawal as hereinafter provided. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Section 3.4. Filing of petition papers, examination; certification of result.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the Borough Clerk as one instrument. Within twenty days after the petition is filed, the Borough Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition

is signed by a sufficient number of qualified voters. After completing his examination of the petition, the Borough Clerk shall certify the result thereof to the Council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify at least two members of the Committee of the Petitioners of his findings.

Section 3.5. Amendment of initiative or referendum petition.

An initiative or referendum may be amended at any time within ten days after the notification of insufficiency has been served by the Borough Clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The Borough Clerk shall, within five days after such an amendment is filed, examine the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the Committee of the Petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 3.6. Suspension of ordinance.

Upon the filing of a referendum petition with the Borough Clerk, the ordinance shall be suspended until ten days following a finding by the Borough Clerk that the petition is insufficient or, if an amended petition be filed, until five days thereafter; or, if the petition or amended petition be found to be sufficient, until it be withdrawn by the Committee of the Petitioners or until repeal of the ordinance by vote of the Council or approval or disapproval of the ordinance by the voters.

Section 3.7. Submission to Borough Council.

Upon a finding by the Borough Clerk that any petition or amended petition filed with him in accordance with this act is sufficient, the Clerk shall submit the same to the Borough Council without delay. An initiative ordinance so submitted shall be deemed to have had first reading and provision shall be made for a public hearing.

Section 3.8. Submission of ordinance to voters; withdrawal of petition.

If within sixty days of the submission of a certified petition by the Borough Clerk the Council shall fail to pass an ordinance requested by an initiative petition in substantially the form re-

quested or to repeal an ordinance as requested by a referendum petition, the Borough Clerk shall submit the ordinance to the voters unless, within ten days after final adverse action by the Council or after the expiration of the time allowed for such action, as the case may be, a paper signed by at least four of the five members of the Committee of the Petitioners shall be filed with the Borough Clerk requesting that the petition be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect.

Section 3.9. Referendum election.

Any ordinance to be voted on by the voters in accordance with Section 3.2 or Section 3.8 of this Article shall be submitted at the next general or regular Borough election occurring not less than sixty days after the date of final action by Council or the expiration of the time allowed for action by Council in Section 3.8 of this Article, as the case may be, provided that if no such election is to be held within ninety days the Council may in its discretion provide for a special election.

Section 3.10. Number of proposed ordinances voted upon; time between special elections.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this Article but there shall not be more than one special election in any period of six months for such purpose.

Section 3.11. Publication of ordinance.

Whenever an ordinance is to be submitted to the voters of the Borough at any election in accordance with this Article, the Clerk shall cause the ordinance to be published in at least two of the newspapers published or circulated in the Borough. The publication shall be not more than twenty nor less than five days before the submission of the ordinance or proposition to be voted on.

Section 3.12. Ballots.

The ballots to be used at such election shall be in substantially the following form:

“To vote upon the public question printed below, if in favor thereof mark a cross (×) or plus (+) or check (✓) in the square at the left of the word Yes, and if opposed thereto mark a cross (×) or plus (+) or a check (✓) in the square to the left of the word No.”

	Yes.	“Shall the ordinance (indicate whether submitted by council or initiative or referendum petition) providing for (here state nature of proposed ordinance or position) be adopted?”
	No.	

Section 3.13. Results of election; conflicting measures.

If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the Borough and be published as in the case of other ordinances. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the greatest affirmative vote shall control.

2. Referendum. The special act (section 1 of this act) shall be submitted to referendum, and shall take effect upon a favorable vote thereon, as herein provided. The question of adoption of the special act shall be submitted to the legal voters of the borough of Tenaflly at the next general or special election to be held not less than 25 days after its passage.

(a) There shall be printed in the space provided for public questions on the ballot to be used in such election the following question:

	Yes.	Shall “A special act providing for the citizens of the borough of Tenaflly, in the county of Bergen, the powers of initiative, referendum and recall” be adopted?
	No.	

(b) If at such election a majority of all the valid votes cast for and against the adoption of this act shall be cast in favor of the adoption thereof, the special act shall take effect and become operative in accordance with its terms.

(c) The clerk of the borough of Tenaflly shall, following such referendum, forthwith file his certificate of the results of the vote on the public question with the Secretary of State.

3. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have rendered.

4. This act shall take effect immediately.

Approved September 3, 1980.

CHAPTER 100

AN ACT relating to the throwing, placing or depositing of injurious substances on the highways of this State and amending R. S. 39:4-63.

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

1. R. S. 39:4-63 is amended to read as follows:

Injurious substances; placing or throwing on highway; fine.

39:4-63. A person who throws, places or deposits, or who permits to be thrown, placed, or deposited from a motor vehicle, any glass or other sharp, injurious or cutting substance in or upon a public highway of this State shall, except when acting under the authority of the governing body of a municipality, be punished by a fine of not less than \$100.00 nor more than \$500.00 and may forfeit his right to operate a motor vehicle over the highways of this State for a period of 30 days.

2. This act shall take effect immediately.

Approved September 11, 1980.

CHAPTER 101

AN ACT concerning the "Municipal Vacancy Law" and amending sections 40A:16-4, 40A:16-5, 40A:16-12 and 40A:16-13 of the New Jersey Statutes.

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

1. N. J. S. 40A:16-4 is amended to read as follows:

Filling vacancies in municipalities holding regular municipal elections.

40A:16-4. Filling vacancies in municipalities holding regular municipal elections. Whenever a vacancy occurs as provided in N. J. S. 40A:16-3 in the office of mayor or in the membership of the governing body of a municipality holding regular municipal elections, the vacancy shall be filled in the following manner:

- a. If the vacancy occurs subsequent to September 1 of the last year of the term of the officer whose office has become vacant, the office may be filled for its unexpired term by appointment by the governing body as hereinafter provided;

- b. If the vacancy occurs at any other time, the vacancy shall be filled for its unexpired term at the next general or regular municipal election, whichever occurs first, to be held not less than 60 days after the occurrence of the vacancy. The governing body may fill the vacancy temporarily by appointment as hereinafter provided.

2. N. J. S. 40A:16-5 is amended to read as follows:

Filling vacancies in municipalities holding general elections.

40A:16-5. Filling vacancies in municipalities holding general elections. Whenever a vacancy occurs as provided in N. J. S. 40A:16-3 in the office of a mayor or in the membership of the governing body of a municipality holding general elections, the vacancy shall be filled in the following manner:

- a. If the vacancy occurs any time subsequent to September 1 of the next-to-the last year and up to the expiration of the term of the officer whose office has become vacant, the office may be filled for its unexpired term by appointment by the governing body as hereinafter provided;

- b. If the vacancy occurs at any other time, the vacancy shall be filled for its unexpired term at the next general election to be held not less than 60 days after the occurrence of the vacancy. The

governing body may fill the vacancy temporarily by appointment as hereinafter provided.

3. N. J. S. 40A:16-11 is amended to read as follows:

Appointment to fill vacancy where incumbent was nominee of a political party; time to fill vacancy.

40A:16-11. Appointment to fill vacancy where incumbent was nominee of a political party; time to fill vacancy. If the incumbent whose office has become vacant was elected to office as the nominee of a political party, the municipal committee of the political party of which the incumbent was the nominee shall, no later than 15 days after the occurrence of the vacancy, present to the governing body the names of three nominees for the selection of a successor to fill the vacancy. The governing body may, within 30 days after the occurrence of the vacancy, appoint one of the nominees as the successor to fill the vacancy. If the municipal committee which nominated the incumbent fails to submit the names of the nominees within the time prescribed herein, the governing body may, within the next 15 days, fill the vacancy by the appointment of a successor from the same political party which had nominated the incumbent whose office has become vacant.

4. N. J. S. 40A:16-12 is amended to read as follows:

Appointment to fill vacancy where incumbent was not nominee of a political party; time to fill vacancy.

40A:16-12. Appointment to fill vacancy where incumbent was not nominee of a political party; time to fill vacancy. If the incumbent whose office has become vacant was not elected to office as the nominee of a political party, the governing body may, within 30 days of the occurrence of the vacancy, appoint a successor to fill the vacancy without regard to party.

5. N. J. S. 40A:16-13 is amended to read as follows:

Failure of governing body to fill vacancy in membership of governing body.

40A:16-13. Failure of governing body to fill vacancy in membership of governing body. If a governing body shall fail or decline to fill a vacancy in the membership of the governing body by appointment as provided in N. J. S. 40A:16-4 or 40A:16-5 within the time prescribed by N. J. S. 40A:16-11 or 40A:16-12, the office shall remain vacant for the remainder of the term or until the election and qualification of a successor, as the case may be.

6. This act shall take effect immediately.

Approved September 11, 1980.

CHAPTER 102

AN ACT concerning boards in cities and repealing certain statutes.

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

Repealer.

1. The following statutes compiled and assigned section numbers in the Revised Statutes are repealed:

R. S. 40:170-1 and 40:170-2;

R. S. 40:170-3 and 40:170-4;

R. S. 40:170-5.

2. This act shall take effect immediately.

Approved September 11, 1980.

CHAPTER 103

AN ACT prohibiting the inclusion of provisions affording right of first refusal upon resale in certain contracts for sale of condominium units and in certain master deeds and bylaws of condominium associations, and amending and supplementing P. L. 1979, c. 297.

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

1. Section 1 of P. L. 1979, c. 297 (C. 46:8B-31) is amended to read as follows:

C. 46:8B-31 Legislature's findings; declaration of policy.

1. The Legislature finds and declares that many leases involving use of parking, recreational or other common facilities or areas by residents of condominiums were entered into by parties wholly representative of the interests of a condominium developer at a time when the condominium unit owners not only did not control the administration of their condominium but also had little or no voice in such administration. Such leases often contain numerous obligations on the part of either or both a condominium association

and condominium unit owners with relatively few obligations on the part of the lessor. Such leases may or may not be unconscionable in any given case. Nevertheless, the Legislature finds that certain onerous obligations and circumstances warrant the establishment of a rebuttable presumption of unconscionability of certain leases, as specified in this act.

The Legislature also finds and declares that many contracts for sale of condominium units, master deeds and association bylaws contain provisions affording the developer or the association a right of first refusal to purchase in the event of resale, gift or devise of condominium units by the purchaser, provisions which are in the financial interest of the developer or the association and are designed to limit the freedom of the purchaser to resell the property as he sees fit. The Legislature finds that the relative balance between the consideration given the financial interests of the developer or the association and the limitations placed upon the property rights of the purchaser contained in such provisions is such as to warrant the establishment of a rebuttable presumption of unconscionability with respect to those master deeds and bylaws, and amendments thereof, adopted prior to the effective date of this amendatory and supplementary act, and to warrant the prohibition of such provisions in contracts for the sale of condominium units executed, and in master deeds and bylaws or amendments of master deeds or bylaws adopted, on or after that date.

2. Section 6 of P. L. 1979, c. 297 (C. 46:8B-36) is amended to read as follows:

C. 46:8B-36 Rebuttable presumption of unconscionability with respect to master deeds or bylaws.

6. There is hereby established a rebuttable presumption of unconscionability with respect to provisions of master deeds or association bylaws recorded prior to the effective date of this act which shall arise whenever such a master deed or bylaws shall contain any provision or clause affording the developer or the association a right of first refusal to buy a condominium unit upon resale, gift or devise by the condominium unit owner. Such presumption may be rebutted by the developer or the association by the presentation of evidence of the existence of facts and circumstances sufficient to justify and validate a provision of the master deed or the bylaws which would otherwise appear to be unconscionable under the provisions of this section.

C. 46:8B-38 Right of first refusal; exclusion from certain contracts.

3. (New section) No contract for the sale of a condominium unit executed on or after the effective date of this amendatory and supplementary act, nor any master deed or association bylaws adopted on or after that date, shall contain a clause or provision affording the developer or the association the right of first refusal to buy a condominium unit upon resale, gift or devise by the condominium unit owner. No master deed or association bylaws, whenever adopted, shall be amended on or after such date to include any such clause or provision affording right of first refusal. This section shall not apply to the State of New Jersey or any political subdivision of this State or any department, division, office, agency or bureau thereof or any authority or instrumentality created thereby if said right is required by State or Federal law.

4. This act shall take effect immediately.

Approved September 11, 1980.

CHAPTER 104

AN ACT concerning the powers, functions and duties of the Palisades Interstate Park Commission, amending N. J. S. 59:1-3, repealing R. S. 32:14-1, R. S. 32:14-27 and R. S. 32:14-28, and supplementing Chapter 14 of Title 32 of the Revised Statutes.

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

C. 32:14-1.1 Legislature's findings.

1. The Legislature finds and declares that the Palisades Interstate Park constitutes a natural and historic resource of immeasurable value; that concern for the preservation of this resource resulted in the enactment, in 1937, of an interstate compact between New Jersey and New York; that this compact established the Palisades Interstate Park Commission as a separate agency charged with the responsibility of maintaining this interstate park; that the separation of this commission from all other agencies of State government has tended to impede, rather than facilitate, the discharging of this responsibility; and that, in order to insure the realization of the purpose of the interstate

compact, it is necessary to alter the powers, functions and duties of the commission, all as hereinafter provided.

C. 32:14-1.2 Definitions.

2. As used in this act:

a. "Commission" means the Palisades Interstate Park Commission.

b. "Commissioner" means the Commissioner of Environmental Protection.

c. "Council" means the Citizens Advisory Council on the Palisades Interstate Park created by section 9 hereof.

d. "Department" means the Department of Environmental Protection.

C. 32:14-1.3 Continuation and allocation of Palisades Interstate Park Commission.

3. The Palisades Interstate Park Commission established by compact between the states of New Jersey and New York pursuant to P. L. 1937, c. 148 of the Laws of New Jersey and Chapter 170 of the New York Laws of 1937, and approved by the Congress of the United States pursuant to P. L. 75-706, is continued and allocated within the Department of Environmental Protection. Notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or by the commissioner or any officer or employee thereof, except as otherwise expressly provided in this act.

C. 32:14-1.4 Annual budget request and annual funding request.

4. a. The commission shall prepare its annual budget request in consultation with the department. The request shall be submitted to the Governor and the Legislature as part of the annual budget request of the department.

b. The commission shall prepare its annual request for the funding of capital projects in consultation with the department. The request shall be submitted to the New Jersey Commission on Capital Budgeting and Planning, pursuant to the provisions of section 3 of P. L. 1975, c. 208 (C. 52:9S-3), as part of the department's annual request for the funding of capital projects.

C. 32:14-1.5 Commission projects; when considered State projects; planning.

5. a. Commission projects for the acquisition or development of land for recreation and conservation purposes shall be considered State projects for the purposes of eligibility for funding pursuant to the provisions of the "New Jersey Green Acres Bond Act of 1961" (P. L. 1961, c. 46), the "New Jersey Green Acres Bond Act

of 1971" (P. L. 1971, c. 165), the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974" (P. L. 1974, c. 102), the "New Jersey Green Acres Bond Act of 1978" (P. L. 1978, c. 118), as well as any other Green Acres Bond Act adopted subsequent to the effective date of this amendatory and supplementary act. Requests by the commission for funding shall be submitted to the department and reviewed in the same manner as similar requests from other State departments, divisions, agencies or instrumentalities thereof.

b. The commission shall coordinate its planning for the acquisition, development and use of lands for recreation and conservation purposes with planning conducted by the department for the preparation and revision of (1) the Comprehensive Master Plan, pursuant to P. L. 1977, c. 348 (C. 13:8A-55); and (2) the New Jersey Statewide Comprehensive Outdoor Recreation Plan, pursuant to the "Federal Land and Water Conservation Fund Act of 1965" (P. L. 94-422).

C. 32:14-1.6 Legal services; interaction with other governmental entities.

6. a. The Attorney General shall provide legal services to the commission in the same manner as these services are provided to the department.

b. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of the department, or of any State, county or municipal department, board, commission or agency as may be required and made available to it.

C. 32:14-1.7 Determinations and inclusions.

7. The commission and the department shall determine whether any of the areas or facilities in the New Jersey section of the Palisades Interstate Park are appropriate for inclusion within the State trails system pursuant to P. L. 1974, c. 159 (C. 13:8-30 et seq.), the New Jersey Natural Areas System pursuant to P. L. 1975, c. 363 (C. 13:1B-15.12a et seq.), the New Jersey Wild and Scenic Rivers System pursuant to P. L. 1977, c. 236 (C. 13:8-45 et seq.), or the New Jersey Register of Historic Places pursuant to P. L. 1970, c. 268 (C. 13:1B-15.128 et seq.). These determinations and inclusions shall be made within 18 months of the effective date of this amendatory act.

C. 32:14-1.8 Commission's powers and duties.

8. The commission shall, within 18 months of the effective date of this act:

a. Conduct a feasibility study of imposing tolls on some portion of the Palisades Parkway, as well as other sources of funding, and report the results thereof to the Governor and the Legislature;

b. Examine the fees charged at its marinas and other facilities, and make such revisions thereto as are necessary to conform with fees charged for comparable public or private facilities;

c. Study and evaluate the existing payments in lieu of taxes made to affected New Jersey municipalities, pursuant to P. L. 1947, c. 73 (C. 54:4A-4 et seq.), as compared with similar payments made to affected New York municipalities, and to make recommendations to the Governor and the Legislature for changes in the method or amount of such payments, including cost estimates and potential sources of funding therefor;

d. Consider the consolidation of any existing facilities which, in the judgment of the commission, would facilitate maintenance and security programs;

e. Solicit the interest of private groups in running park concessions and, where appropriate, maintaining buildings and grounds frequently used by particular groups; and

f. Consider the imposition of a beverage container deposit requirement on containers sold within the Palisades Interstate Park.

C. 32:14-1.9 Citizens Advisory Council on the Palisades Interstate Park; membership; compensation; terms.

9. a. There is created in the department a Citizens Advisory Council on the Palisades Interstate Park, the membership of which shall consist of seven members appointed by the commissioner. The members shall serve at the pleasure of the commissioner, and shall be chosen from among those residents of this State who are familiar with and make regular use of the lands and facilities within the New Jersey section of the Palisades Interstate Park.

The council shall advise the commissioner and the commission concerning the management, maintenance and utilization of the New Jersey section.

b. The council shall elect a chairman from among its members, and shall meet at the call of the chairman, the commissioner, or the commission.

c. Members of the council shall serve without compensation but may be reimbursed, subject to the limits of funds appropriated or otherwise made available for such purposes, for expenses actually incurred in attending meetings of the council and in performance of their duties as members thereof.

d. The commissioner and the commission shall provide the council with such assistance and information as may be necessary for the purposes of this section.

C. 32:14-1.10 Titles and salaries of commission employees.

10. The Civil Service Commission shall, within 1 year of the effective date of this act, reexamine the titles and salary ranges of all employees of the commission who are covered by Title 11 of the Revised Statutes, subject to the approval of the commission, and make such changes therein as may be required to provide parity with other comparable State or local civil service positions.

11. N. J. S. 59:1-3 is amended to read as follows:

Definitions.

59:1-3. Definitions. As used in this subtitle:

“Employee” includes an officer, employee, or servant, whether or not compensated or part-time, who is authorized to perform any act or service; provided, however, that the term does not include an independent contractor.

“Employment” includes office, position or employment.

“Enactment” includes a constitutional provision, statute, executive order, ordinance, resolution or regulation.

“Injury” means death, injury to a person, damage to or loss of property or any other injury that a person may suffer that would be actionable if inflicted by a private person.

“Law” includes enactments and also the decisional law applicable within this State as determined and declared from time to time by the courts of this State and of the United States.

“Public employee” means an employee of a public entity.

“Public entity” includes the State, and any county, municipality, district, public authority, public agency, and any other political subdivision or public body in the State.

“State” shall mean the State and any office, department, division, bureau, board, commission or agency of the State, but shall not include any such entity which is statutorily authorized to sue and be sued. “State” also means the Palisades Interstate Park Commission, but only with respect to employees, property and activities within the State of New Jersey.

“Statute” means an act adopted by the Legislature of this State or by the Congress of the United States.

C. 32:14-1.11 Annual report.

12. On or before March 31 in each year, the commission shall make an annual report of its activities for the preceding calendar

year to the Governor and to the Legislature. The report shall set forth a complete operating and financial statement covering the operations of the commission during the year, and shall include an account of the management, maintenance and utilization of lands and facilities in the New Jersey section of the Palisades Interstate Park, as well as a discussion of the implementation of this act.

Repealer.

13. R. S. 32:14-1, R. S. 32:14-27 and R. S. 32:14-28 are repealed.

C. 32:14-1.12 Transfers.

14. Any transfer of responsibilities required by this act shall be made in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

15. This act shall take effect immediately, but section 11 shall apply only to causes of action against the commission which accrue subsequent to this effective date.

Approved September 11, 1980.

CHAPTER 105

AN ACT to revise and correct certain statutes.

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

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

Time Limitations.

2C:1-6. Time Limitations. a. A prosecution for murder may be commenced at any time.

b. Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitations:

(1) A prosecution for a crime must be commenced within 5 years it is committed;

(2) A prosecution for a disorderly persons offense or petty disorderly persons offense must be commenced within 1 year after it is committed;

(3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4, 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-1, 2C:30-2, 2C:30-3, or any

attempt or conspiracy to commit such an offense, must be commenced within 7 years after the commission of the offense.

c. An offense is committed either when every element occurs or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

d. A prosecution is commenced for a crime when an indictment is found and for a nonindictable offense when a warrant or other process is issued, provided that such warrant or process is executed without unreasonable delay. Nothing contained in this section, however, shall be deemed to prohibit the downgrading of an indictable offense to a nonindictable offense at any time if the indictable offense was filed within the statute of limitations applicable to indictable offenses.

e. The period of limitation does not run during any time when a prosecution against the accused for the same conduct is pending in this State.

f. The limitations in this section shall not apply to any person fleeing from justice.

g. Except as otherwise provided in this code, no civil action shall be brought pursuant to this code more than 5 years after such action accrues.

2. Section 3 of P. L. 1975, c. 212 (C. 18A:7A-3) is amended to read as follows:

C. 18A:7A-3 Definitions.

3. For the purposes of this act, unless the context clearly requires a different meaning:

"Administrative order" means a written directive ordering specific corrective action by a district which has shown insufficient educational progress within a reasonable period of time in meeting goals and standards.

"Approved special class pupil" means a pupil enrolled in any class for atypical pupils pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

"Approved special education services pupil" means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes but excluding pupils attending county special services school districts.

"Bilingual education pupil" means a pupil enrolled in a program of bilingual education approved by the State board.

“Budgeted capital outlay” means those capital outlay expenditures that are included in the annual school budget.

“Categorical programs” means those programs and services recognized in this act as requiring per pupil expenditures over and above those applicable to regular programs, as provided in section 20 of this act.

“Current expense” means all expenses of the school district, as enumerated in N. J. S. 18A:22-8, other than those required for interest and debt redemption charges and any budgeted capital project.

“Debt service” means and includes payments of principal and interest upon school bonds and other obligations issued to finance the acquisition of school sites and the acquisition, construction or reconstruction of school buildings, including furnishings, equipment and the costs of issuance of such obligations and shall include payments of principal and interest upon bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes. Debt service pursuant to the provisions of P. L. 1971, c. 10 (C. 18A:58-33.6 et seq.) and P. L. 1968, c. 177 (C. 18A:33.2 et seq.) is excluded.

“District equalized valuation per pupil” means the quotient resulting from dividing the total equalized valuations in the school district by the resident enrollment of the district; provided that in the determination of the equalized valuation per pupil of a county vocational school the total equalized valuations in the county shall be divided by the total resident enrollment in all school districts of the county to obtain the county vocational school equalized valuation per pupil.

“Equalized valuations” means the equalized valuation of the taxing district or taxing districts as certified by the Director of the Division of Taxation on October 1 of the pre-budget year.

With respect to regional districts and their constituent districts, however, the equalized valuations as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils in each of them.

“Evening school pupils” means the equated full-time resident enrollment of pupils enrolled in an accredited evening high school, an evening vocational high school, and in other evening schools except schools offering programs for self-improvement and social enrichment.

“Goals” means a written statement of educational aspirations for learner achievement and the educational process stated in general terms.

“Guaranteed valuation per pupil” means the product, rounded to the nearest dollar, of 1.344 times the State average valuation per pupil for the year in which the calculation of aid is made.

“Joint Committee on the Public Schools” means the committee created pursuant to P. L. 1975, c. 16 (C. 52:9R-1 et seq.).

“Local vocational pupils” means the full-time equivalent of pupils enrolled in approved categorical vocational programs in school districts designated as local area vocational school districts.

“Minimum aid guaranteed valuation per pupil” means the product, rounded to the nearest whole dollar, of 11.5 times the State average equalized valuation per pupil for the year in which the calculation of aid is made.

“Needs assessment” means a written analysis of the current status of an educational system in terms of achieving its goals.

“Net current expense budget” means the balance after deducting (1) State support for categorical programs pursuant to section 20 of this act, (2) the difference between the transportation amount in the current expense budget and 10% of the estimated approved transportation amount, and (3) all other revenue in the current expense budget except the amount to be raised by local taxation, equalization State support, the State support for approved transportation.

“Net current expenses per pupil” means the quotient resulting from dividing the net current expense budget by the resident enrollment.

“Net debt service and budgeted capital outlay” means the balance after deducting all revenues from the school debt service and budgeted capital outlay budgets of the school district and the school debt service amount included in the municipal budget, except the amount to be raised by local taxation and State support.

“Objective” means a written statement of the intended outcome of a specific educational process.

“Pre-budget year” means the school year preceding the year in which the school budget will be implemented.

“Resident enrollment” means the number of pupils who are resident of the district and are enrolled in day or approved evening schools on the last school day of September of the pre-budget year and are attending: (1) the public schools of the district; (2) another school district or a State college demonstration school

to which the district of residence pays tuition; or (3) a State facility; provided that a district shall count pupils regularly attending both the schools of the district and of a county vocational school in the same county on an equated full-time basis.

“Standards” means the process and stated levels of proficiency used in determining the extent to which goals and objectives are being met.

“State average net current expense budget per pupil” means the quotient resulting from dividing the total net current expense budget of all districts in the State by the total resident enrollment in the State.

“State average valuation per pupil” means the quotient resulting from dividing the total equalized valuations in the State as certified by the Director of the Division of Taxation on October 1 by the total resident enrollment in the State. In the event that the equalized table certified by the Director of the Division of Taxation shall be revised by the Tax Court on or before January 30 of the next succeeding year, such revised valuation shall be used in any recomputation of aid for an individual district filing such appeal but will have no effect upon the State average valuation per pupil.

“State compensatory education pupil” means a pupil who is enrolled in preventive and remedial programs offered during the normal school day, or in programs offered beyond the normal school day or during summer vacation, which are integrated and coordinated with programs operated during the regular school day and year. Said programs shall be approved by the State board, supplemental to the regular programs and designed to assist pupils who have academic, social, economic or environmental needs that prevent them from succeeding in regular school programs.

“State facility” means a State residential facility for the retarded; a day training center which is operated by or under contract with the State and in which all the children have been placed by the State; a State residential youth center; a State training school or correctional facility; a State child treatment center or psychiatric hospital.

“State support limit” means the sixty-fifth percentile net current expense budget per pupil for the prebudget year when all district figures are ranked from low to high. The State support limit shall be calculated and applied separately for (a) limited purpose regional districts offering grades 9 through 12, (b) limited purpose regional districts offering grades 7 through 12, provided, however, that the figure used for such districts shall be not less than 90%

of the sixty-fifth percentile for limited purpose regional districts offering grades 9 through 12, (c) constituent districts of limited purpose regional districts offering grades 9 through 12, (d) constituent districts of limited purpose regional districts offering grades 7 through 12, provided, however, that the figure used for such districts shall be not less than 90% of the sixty-fifth percentile for constituent districts of limited purpose regional districts offering grades 9 through 12, and (e) all other districts.

3. R. S. 19:5-3 is amended to read as follows:

Membership and organization of county committees; vacancies; certification of unit of representation and number of election districts.

19:5-3. The members of the county committees of political parties shall be elected annually at the primary for the general election in the manner provided in this Title for the selection of party candidates to be voted for at the general election by voters of a municipality. The county committee shall consist of one male and one female member from each unit of representation in the county. The male receiving the highest number of votes among the male candidates and the female receiving the highest number of votes among the female candidates shall be declared elected. Members of the county committee shall actually reside in the districts or units which they respectively represent. The county committee shall determine by its bylaws the units into which the county shall be divided for purpose of representation in the county committee.

The members of the county committee of each of the political parties shall take office on the first Saturday following their election, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of each county committee shall be held on the first Tuesday following the primary election, except that when such meeting day falls on a legal holiday then the said meeting shall be held on the day following, and when such meeting day falls on the day of a municipal runoff election within the county then said meeting may be held on the day following, at an hour and place to be designated in a notice in writing to be mailed by the chairman of the outgoing county committee to each member-elect, at which annual meeting the members of such committee shall elect some suitable person as chairman who shall be a resident of such county to hold office for 1 year, or until his successor is elected. The members shall also elect a vice-chairman of the opposite sex of the chairman to hold office for 1 year or until his or her successor is elected and the vice-chairman shall

perform all duties required of him or her by law and the constitution and bylaws of such committee. Such committee shall have power to adopt a constitution and bylaws for its proper government. The chairman shall preside at all meetings of the committee and shall perform all duties required of him by law and the constitution and bylaws of such committee.

When a member of a county committee ceases to be a resident of the district or unit from which elected, a vacancy on the county committee shall exist. A member of a county committee of any political party may resign his office to the committee of which he is a member, and upon acceptance thereof by the committee a vacancy shall exist. A vacancy in the office of a member of the county committee of any political party, caused by death, resignation, failure to elect or otherwise, shall be filled for the unexpired term by the municipal committee of the municipality wherein the vacancy occurs, if there is such committee, and if not, by the remaining members of the county committee of such political party representing the territory in the county in which such vacancy occurs.

The chairman of the county committee of the several political parties shall before April 1, certify to the clerk of each municipality in the county the unit of representation in such municipality, together with the enumeration of the election district or districts embraced within such unit.

4. Section 27 of P. L. 1970, c. 226 (C. 24:21-27) is amended to read as follows:

C. 24:21-27 Conditional discharge for certain first offenses; expunging of records.

27. Conditional discharge for certain first offenses; expunging of records. a. Whenever any person who has not previously been convicted of any offense under the provisions of this act or, subsequent to the effective date of this act, under any law of the United States, this State or of any other state, relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, is charged with or convicted of any offense under section 20 (C. 24:21-20), 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 such person after reference to the Controlled Dangerous Substances Registry, as established and defined in the Controlled Dangerous Substances Registry Act of 1970, 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 such person after proper reference to the Controlled Dangerous Substances Registry as established and defined in the Controlled Dangerous Substances Registry Act of 1970, place him on supervisory treatment upon such 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 3 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 pursuant to the Controlled Dangerous Substances Registry Act. 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 (C. 24:21-29) of this act 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.

5. Section 2 of P. L. 1971, c. 136 (C. 26:2H-2) is amended to read as follows:

C. 26:2H-2 Definitions.

2. The following words or phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

a. "Health care facility" means the facility or institution whether public or private, engaged principally in providing services for health maintenance organizations, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, residential health care facility and bioanalytical laboratory (except as specifically excluded hereunder) or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer and excluding such bioanalytical laboratories as are independently owned and operated, and are not owned, operated, managed or controlled, in whole or in part, directly or indirectly by any one or more health care facilities, and the predominant source of business of which is not by contract with health care facilities within the State of New Jersey and which solicit or accept specimens and operate predominantly in interstate commerce.

b. "Health care service" means the preadmission, outpatient, inpatient and postdischarge care provided in or by a health care facility, and such other items or services as are necessary for such care, which are provided by or under the supervision of a physician for the purpose of health maintenance organizations, diagnosis or treatment of human disease, pain, injury, disability, deformity or physical condition, including, but not limited to, nursing service, home care nursing and other paramedical service, ambulance service, service provided by an intern, resident in training or physician whose compensation is provided through agreement with a health care facility, laboratory service, medical social service, drugs, biologicals, supplies, appliances, equipment, bed and board, but excluding services provided by a physician in his private practice or by practitioners of healing solely by prayer, and services provided first aid, rescue and ambulance squads as defined in the "New Jersey Highway Safety Act of 1971," P. L. 1971, c. 351 (C. 27:5F-1 et seq.).

c. "Construction" means the erection, building, or substantial acquisition, alteration, reconstruction, improvement, renovation, extension or modification of a health care facility, including its equipment, the inspection and supervision thereof; and the studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary thereto.

d. "Board" means the Health Care Administration Board established pursuant to this act.

e. "Commission" means the Hospital Rate Setting Commission established pursuant to this act.

f. "Government agency" means a department, board, bureau, division, office, agency, public benefit or other corporation, or any other unit, however described, of the State or political subdivision thereof.

g. "Statewide Health Coordinating Council" means the Statewide Health Coordinating Council formed under the provisions of Federal Law 93-641, as amended and supplemented.

h. "Health Systems Agency" means an officially recognized health systems agency formed under the provisions of Federal Law 93-641 as amended and supplemented.

i. "Department" means the State Department of Health.

j. "Commissioner" means the State Commissioner of Health.

k. "Preliminary cost base" means that proportion of a hospital's current cost which may reasonably be required to be reimbursed to a properly utilized hospital for the efficient and effective delivery of appropriate and necessary health care services of high quality required by such hospital's mix of patients. The preliminary cost base initially may include costs identified by the commissioner and approved or adjusted by the commission as being in excess of that proportion of a hospital's current costs identified above, which excess costs shall be eliminated in a timely and reasonable manner prior to certification of the revenue base. The preliminary cost base shall be established in accordance with regulations proposed by the commissioner and approved by the board.

l. "Certified revenue base" means the preliminary cost base adjusted by the commission, as appropriate and necessary pursuant to regulations proposed by the commissioner and approved by the board, to provide for the financial solvency of a hospital which is properly utilized and which delivers, effectively and efficiently, appropriate and necessary health care services of a high quality required by its mix of patients.

m. "Provider of health care" means an individual (1) who is a direct provider of health care service in that the individual's primary activity is the provision of health care services to individuals or the administration of health care facilities in which such care is provided and, when required by State law, the individual has received professional training in the provision of such services or in such administration and is licensed or certified for such provision or administration; or (2) who is an indirect provider of health care in that the individual (a) holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph b (ii) or subparagraph b (iv); provided, however, that a member of the governing body of a county or any elected official shall not be deemed to be a provider of health care unless he is a member of the board of trustees of a health care facility or a member of a board, committee or body with authority similar to that of a board of trustees, or unless he participates in the direct administration of a health care facility; or (b) received, either directly or through his spouse, more than one-tenth of his gross annual income for any one or more of the following:

(i) Fees or other compensation for research into or instruction in the provision of health care services;

(ii) Entities engaged in the provision of health care services or in research or instruction in the provision of health care services;

(iii) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care services;

(iv) Entities engaged in producing drugs or such other articles.

n. "Private long-term health care facility" means a nursing home, skilled nursing home or intermediate care facility presently in operation and licensed as such prior to the adoption of the 1967 Life Safety Code by the State Department of Health in 1972 and which has a maximum 50-bed capacity and which does not accommodate Medicare or Medicaid patients.

6. Section 2 of P. L. 1951, c. 138 (C. 30:4C-2) is amended to read as follows:

C. 30:4C-2 Definitions.

2. For the purposes of this act the following words and terms shall, unless otherwise indicated, be deemed and taken to have the meanings herein given to them:

(a) The title "Division of Youth and Family Services" successor to the "Bureau of Children's Services" means the State agency for the care, custody, guardianship, maintenance and protection of children, as more specifically described by the provisions of this act, and succeeding the agency heretofore variously designated by the laws of this State as the State Board of Child Welfare or the State Board of Children's Guardians.

(b) The word "child" includes stepchild and illegitimate child, and further means any person under the age of 18 years.

(c) The term "care" means cognizance of a child for the purpose of providing necessary welfare services, or maintenance, or both.

(d) The term "custody" means continuing responsibility for the person of a child, as established by a surrender and release of custody or consent to adoption, for the purpose of providing necessary welfare services, or maintenance, or both.

(e) The term "guardianship" means control over the person and property of a child as established by the order of a court of competent jurisdiction, and as more specifically defined by the provisions of this act. Guardianship by the Division of Youth and Family Services shall be treated as guardianship by the Commissioner of Human Services exercised on his behalf wholly by and in the name of the Division of Youth and Family Services, acting through the chief executive officer of the division or his authorized representative. Such exercise of guardianship by the division shall be at all times and in all respects subject to the supervision of the commissioner.

(f) The term "maintenance" means moneys expended by the Division of Youth and Family Services to procure board, lodging, clothing, medical, dental, and hospital care, or any other similar or specialized commodity or service furnished to, on behalf of, or for a child pursuant to the provisions of this act; maintenance also includes but is not limited to moneys expended for shelter, utilities, food, repairs, essential household equipment, and other expenditures to remedy situations of an emergent nature to permit, as far as practicable, children to continue to live with their families.

(g) The term "welfare services" means consultation, counseling, and referral to or utilization of available resources, for the purpose of determining and correcting or adjusting matters and circumstances which are endangering the welfare of a child, and for the purpose of promoting his proper development and adjustment in the family and the community.

(h) The term “foster parent” means any person other than a natural or adoptive parent with whom a child in the care, custody or guardianship of the Division of Youth and Family Services is placed by said division, or with its approval, for temporary or long-term care, but shall not include any persons with whom a child is placed for the purpose of adoption.

(i) The term “foster home” means and includes private residences, group homes and institutions wherein any child in the care, custody or guardianship of the Division of Youth and Family Services may be placed by the said division or with its approval for temporary or long-term care, and shall include any private residence maintained by persons with whom any such child is placed for adoption.

(j) The singular includes the plural form.

(k) The masculine noun and pronoun include the feminine.

(l) The word “may” shall be construed to be permissive.

(m) The term “group home” means and includes any single family dwelling used in the placement of 12 children or less pursuant to law recognized as a group home by the Department of Human Services in accordance with rules and regulations adopted by the Commissioner of Human Services; provided, however, that no group home shall contain more than 12 children.

(n) The term “youth facility” means a facility within this State used to house or provide services to children under this act, including but not limited to group homes, residential facilities, day care centers, and day treatment centers.

(o) The term “youth facility aid” means aid provided by the Division of Youth and Family Services to public, private or voluntary agencies to purchase, construct, renovate, repair, upgrade or otherwise improve a youth facility in consideration for an agreement for the agency to provide residential care, day treatment or other youth services for children in need of such services.

(p) The term “day treatment center” means a facility used to provide counseling, supplemental educational services, therapy, and other related services to children for whom it has been determined that such services are necessary, but is not used to house these children in a residential setting.

(q) The term “residential facility” means a facility used to house and provide treatment and other related services on a 24-hour basis to children determined to be in need of such housing and services.

7. R. S. 39:3-10 is amended to read as follows:

Driver's license; examination; classifications; issuance; fees; renewal; denial; violation of act; penalty.

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, 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 create classified licensing of drivers covering the following classifications:

- a. Motorcycles;
- 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 an inspector of his 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 on the last day of the twenty-fourth calendar

month following the calendar month in which such license was issued, provided, however, that in the case of a license bearing a photograph of the licensee as provided by law, such license shall expire on the last day of the thirty-sixth 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 24-month period shall be as follows:

Motorcycle license or endorsement	\$4.00
Omnibus or school bus endorsement	\$8.00
Articulated vehicle endorsement	\$4.00
Basic driver's license	\$8.00

The required fee for a license for the 36-month period shall be as follows:

Motorcycle license or endorsement	\$6.00
Omnibus or school bus endorsement	\$12.00
Articulated vehicle endorsement	\$6.00
Basic driver's license	\$12.00

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 non-profit organization duly incorporated under Title 15 or 16 of the Revised 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 2 weeks after the change is made. A person who violates this provision shall be subject to a penalty of not more than \$10.00.

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.

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.

8. R. S. 39:3-13 is amended to read as follows:

Examination permit; issuance; special learner's permit; fees.

39:3-13. The director may, in his discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the director, allowing such person, for the purpose of fitting himself to become a licensed driver, to operate a designated class of motor vehicles for a specified period of not more than 90 days, while in the company and under the supervision of a driver licensed to operate such designated class of motor vehicles. The permit shall be sufficient license for the person to operate such designated class of motor vehicles in this State during the period specified, while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles. Such person, as well as the licensed driver, shall be held accountable for all violations of this subtitle committed by such person while in the presence of the licensed driver.

No examination for a driver's license shall be given unless the applicant has first secured a special learner's permit or examination permit and no road test shall be scheduled for an applicant who has secured an examination permit until at least 20 days shall have elapsed following the validation of the examination permit for practice driving, except that in the case of an omnibus or school bus endorsement no road test shall be scheduled until at least 10 days shall have elapsed.

Every applicant for an examination permit to qualify for an omnibus endorsement or an articulated vehicle endorsement shall be a holder of a valid basic driver's license.

The required fees for special learners' permits and examination permits shall be as follows:

Basic driver's license	\$5.00
Motorcycle license or endorsement	5.00
Omnibus or school bus endorsement	25.00
Articulated vehicle endorsement	15.00

The director shall waive the payment of fees for issuance of examination permits for omnibus endorsements whenever the 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.

The specified period for which a permit is issued may be extended for not more than an additional 60 days, without payment of added fee upon application made by the holder thereof where the holder has applied to take the examination for a driver's license prior to the expiration of the original period for which the permit was issued and the director was unable to schedule an examination during said period.

9. N. J. S. 40A:4-53 is amended to read as follows:

Special emergency appropriations; purposes; filing.

40A:4-53. A local unit may adopt an ordinance authorizing special emergency appropriations for the carrying out of any of the following purposes:

- a. Preparation of an approved tax map.
- b. Preparation and execution of a complete program of revaluation of real property for the use of the local assessor, or of any program to update and make current any previous revaluation program when such is ordered by the county board of taxation.
- c. Preparation of a revision and codification of its ordinances.
- d. Engagement of special consultants for the preparation, and the preparation of a master plan or plans, when required to conform to the planning laws of the State.
- e. Preparation of drainage maps for flood control purposes.
- f. Preliminary engineering studies and planning necessary for the installation and construction of a sanitary sewer system.

g. Authorized expenses of a consolidation commission established pursuant to the "Municipal Consolidation Act" (P. L. 1977, c. 435; C. 40:43-66.35 et seq.).

A copy of all ordinances or resolutions as adopted relating to special emergency appropriations shall be filed with the director.

10. N. J. S. 40A:14-70 is amended to read as follows:

Designation of locations for fire districts; board of commissioners; meetings.

40A:14-70. In any municipality not having a paid or part-paid fire department and force, the governing body, upon application of at least 5% of the registered voters or 20 legal voters whichever is the greater, by ordinance, shall designate a territorial location or locations for use as a fire district or fire districts and, by resolution, provide for the election of a board of fire commissioners for the district or each district to consist of five persons, residents therein, and specify the time and place for such election.

The district or each district shall be assigned a number and the commissioners thereof and their successors shall be a body corporate, to be known as "the commissioners of fire district No. in (name of municipality), county of (name of county)". The said body corporate shall have the power to acquire, hold, lease, sell or otherwise convey in its corporate name, such real and personal property as the purposes of the corporation shall require. All sales and leases of real and personal property shall be in accordance with the provisions of section 13 or 14, as appropriate, of the "Local Lands and Buildings Law," P. L. 1971, c. 199 (C. 40A:12-13 and 40A:12-14). Said body corporate may adopt and use a corporate seal, sue or be sued and shall have such powers, duties and functions as are usual and necessary for said purposes.

At the time and place specified for the election of the first board the clerk of the municipality shall conduct the election and shall preside at the meeting until the board shall have been elected.

At the first meeting of a newly elected board of fire commissioners of a district the board shall choose a chairman and fix the time and place for the annual election. The members of the board shall divide themselves by lot into three classes; the first to consist of two members to be elected for terms of 1 year; the second, two members for terms of 2 years; and the third, one member for a term of 3 years. Upon the expiration of said terms their successors shall be elected for terms of 3 years.

Any vacancy in the membership shall be filled by the remaining members until the next succeeding annual election, at which time a resident of the district shall be elected for the unexpired term.

11. R. S. 48:4-1 is amended to read as follows:

"Autobus" defined; construction; definitions.

48:4-1. The term "autobus" as used in this chapter means and includes, except as hereinafter noted, any motor vehicle or motorbus operated over public highways or public places in this State for the transportation of passengers for hire in intrastate business, notwithstanding such motor vehicle or motorbus may be used in interstate commerce.

Nothing contained herein shall be construed to include:

a. Vehicles engaged in the transportation of passengers for hire in the manner and form commonly called taxicab service unless such service becomes or is held out to be regular service between stated termini;

b. Hotel buses used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations including local airport;

c. Buses operated for the transportation of enrolled children and adults only when serving as chaperons to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, pre-school center or other similar places of education, including "School Vehicle Type I" and "School Vehicle Type II" as defined in R. S. 39:1-1;

d. Any autobus with a carrying capacity of not more than 13 passengers operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route;

e. Autocabs, limousines or livery services as defined in R. S. 48:16-13, unless such service becomes or is held out to be regular service between stated termini.

The word "person" as used in this chapter means and includes any individual, copartnership, association, corporation or joint stock company, their lessees, trustees, or receivers appointed by any court.

The word "street" as used in this chapter means and includes any street, avenue, park, parkway, highway, road or other public place.

The term "charter bus operation" as used in this chapter means and includes the operation of an autobus or autobuses by the person owning or leasing such bus or buses pursuant to a contract, agreement or arrangement to furnish an autobus or autobuses and a driver or drivers thereof to a person, group of persons or organization (corporate or otherwise) for a trip designated by such person, group of persons or organization for a fixed charge per trip, per autobus or per mile.

The term "special bus operation" as used in this chapter means and includes the operation by the owner or lessee of an autobus or autobuses for the purpose of carrying passengers for hire, each passenger paying a fixed charge for his carriage, on a special trip arranged and designated by such owner or lessee, which fixed charge may or may not include meals, lodging, entertainment or other charges.

12. Section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is amended to read as follows:

C. 54:32B-3 Imposition of sales tax.

3. Imposition of sales tax. On and after July 1, 1966 and continuing through February 28, 1970 there is hereby imposed and there shall be paid a tax of 3%, and on and after March 1, 1970 there is hereby imposed and there shall be paid a tax of 5% upon:

(a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a

private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to subsection (a) of section 8, (iii) services rendered with respect to trucks, tractors, trailers or semitrailers by a person who is not engaged, directly or indirectly through subsidiaries, parents, affiliates or otherwise, in a regular trade or business offering such services to the public, (iv) any receipts from laundering, dry cleaning, tailoring, weaving, pressing, shoe repairing and shoeshining, and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land.

(3) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property, by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding interior cleaning and maintenance services, garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days, other than window cleaning, and rodent and pest control.

(5) Advertising services except advertising services for use directly and primarily for publication in newspapers and magazines.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection where the tangible personal property upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) Receipts from the sale of food and drink except alcoholic beverages as defined in the Alcoholic Beverage Tax Law, in or by restaurants, taverns, vending machines or other establishments in

this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

(1) In all instances where the sale is for consumption on the premises where sold;

(2) In those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(3) In those instances where the sale is for consumption off the premises of the vendor, and consists of a meal, or food prepared and ready to be eaten, of a kind obtainable in restaurants as the main course of a meal, including a sandwich, except where food other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores other than those which are principally engaged in selling prepared foods.

(4) Sales of food and beverage sold through coin-operated vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by subsection (i) of section 8.

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of \$2.00 per day.

(e) (1) Any admission charge where such admission charge is in excess of \$0.75 to or for the use of any place of amusement in

the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theatres, except charges for admission to boxing, sparring, or wrestling matches or exhibitions which charges are taxed under any other law of this State or under R. S. 5:2-12, and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

C. 54:32B-8.1 Exemptions: medical, articles.

13. (New section) Receipts from the following are exempt from the tax imposed under the Sales and Use Tax Act: sales of medicines and drugs sold pursuant to a doctor's prescription for human use; crutches, artificial limbs, artificial eyes, artificial hearing devices, corrective eyeglasses, prosthetic aids, artificial teeth or dentures, braces, tampons or like products, orthopedic appliances and artificial devices designed to correct or alleviate physical incapacity, medical oxygen, human blood and its derivatives when sold for human use, wheelchairs, and replacement parts for any of the foregoing.

Source: C. 54:32B-8(a).

C. 54:32B-8.2 Food and beverages.

14. (New section) Receipts from the following are exempt from the tax imposed under the Sales and Use Tax Act: sales of food, food products, beverages except alcoholic beverages, excluding draft beer sold by the barrel, as defined in the Alcoholic Beverage Tax Law (R. S. 54:41-1 et seq.), dietary foods and health supplements, sold for human consumption off the premises where sold but not including a. candy and confectionery, and b. carbonated soft drinks and beverages all of which shall be subject to the retail sales and compensating use taxes, whether or not the item is sold in liquid form. The exemption in this section is not applicable to food

and drink subject to tax under subsection (c) of section 3 of the Sales and Use Tax Act (C. 54:32B-3(c)).

Source: C. 54:32B-8(b).

C. 54:32B-8.3 Food sold in schools.

15. (New section) Receipts from sales of food sold in an elementary or secondary school cafeteria, sales of food sold in an institution of higher education or in a fraternity, sorority or eating club operated in connection therewith, to students of such an institution are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(c).

C. 54:32B-8.4 Clothing and footwear.

16. (New section) Receipts from sales of articles of clothing and footwear for human use except articles made of fur on the hide or pelt of an animal or animals where such fur is the component material of chief value of the article are exempt from the tax imposed under the Sales and Use Tax Act. "Clothing" as used in this section shall also mean and include sales to noncommercial purchasers of common wearing apparel materials intended to be incorporated into wearing apparel as a constituent part thereof, such as fabrics, thread, knitting yarn, buttons and zippers. The director shall prescribe regulations to carry out the provisions of this section.

Source: C. 54:32B-8(d).

C. 54:32B-8.5 Periodicals.

17. (New section) Receipts from sales of newspapers, magazines and periodicals are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(e).

C. 54:32B-8.6 Casual sales.

18. (New section) Receipts from casual sales except as to sales of motor vehicles, whether for use on the highways or otherwise, and except as to sales of boats or vessels registered or subject to registration under the "New Jersey Boat Act of 1962," P. L. 1962, c. 73 (C. 12:7-34.36 et seq.), and all amendments and supplements thereto, are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(f).

C. 54:32B-8.7 Utilities.

19. (New section) Receipts from the following are exempt from the tax imposed under the Sales and Use Tax Act: sales of gas, water, steam, fuel, electricity, telephone or telegraph services delivered to consumers through mains, lines, pipe, or in containers or bulk.

Source: C. 54:32B-8(g).

C. 54:32B-8.8 Motor, airline, railroad fuels.

20. (New section) Receipts from sales of motor fuels as motor fuels are defined for purposes of the New Jersey Motor Fuel Tax Law (R. S. 54:39-1 et seq.); and sales of fuel to an airline for use in its airplanes or to a railroad for use in its locomotives are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(h).

C. 54:32B-8.9 Vending machine sales.

21. (New section) Receipts from sales of tangible personal property sold through coin-operated vending machines at \$0.10 or less, provided the retailer is primarily engaged in making such sales and maintains records satisfactory to the director are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(i).

C. 54:32B-8.10 Sales not within taxing power.

22. (New section) Receipts from sales not within the taxing power of this State under the Constitution of the United States are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(j).

C. 54:32B-8.11 Transportation charges.

23. (New section) Receipts from charges for the transportation of persons or property are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(k).

C. 54:32B-8.12 Commercial ships.

24. (New section) Receipts from sales or charges for repairs, alterations or conversion of commercial ships or any component thereof including cargo containers of any type whatsoever, barges and other vessels of 50-ton burden or over, primarily engaged in interstate or foreign commerce, and of governmentally-owned ships, barges and other vessels and property used by or purchased for the use of such vessels for fuel, provisions, supplies, maintenance and repairs (other than articles purchased for the original equipping

of a new ship) are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(1).

C. 54:32B-8.13 Machinery, apparatus, equipment.

25. (New section) Receipts from the following are exempt from the tax imposed under the Sales and Use Tax Act:

a. Sales of machinery, apparatus or equipment for use or consumption directly and primarily in the production of tangible personal property by manufacturing, processing, assembling or refining;

b. Sales of machinery, apparatus or equipment for use or consumption directly and primarily in the production, generation, transmission or distribution of gas, electricity, refrigeration, steam or water for sale or in the operation of sewerage systems;

c. Sales of telephone lines, cables, central office equipment or station apparatus, or other machinery, equipment or apparatus, or comparable telegraph equipment, for use directly and primarily in receiving at destination or initiating, transmitting and switching telephone or telegraph communication.

The exemptions granted under this section shall not be construed to apply to sales, otherwise taxable, of machinery, equipment or apparatus whose use is incidental to the activities described in paragraphs a., b. and c. of this section.

The exemptions granted in this section shall not apply to motor vehicles or to parts with a useful life of 1 year or less or tools or supplies used in connection with the machinery, equipment or apparatus described in this section.

Source: C. 54:32B-8(m).

C. 54:32B-8.14 Research and development.

26. (New section) Receipts from sales of tangible personal property purchased for use or consumption directly and exclusively in research and development in the experimental or laboratory sense are exempt from the tax imposed under the Sales and Use Tax Act. Such research and development shall not be deemed to include the ordinary testing or inspection of materials or products for quality control, efficiency surveys, management studies, consumer surveys, advertising, promotions or research in connection with literary, historical or similar projects.

Source: C. 54:32B-8(n).

C. 54:32B-8.15 Wrapping supplies.

27. (New section) Sales or use of wrapping paper, wrapping twine, bags, cartons, tape, rope, labels, nonreturnable containers, reusable milk containers and all other wrapping supplies when such use is incidental to the delivery of any personal property are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(o).

C. 54:32B-8.16 Farm production.

28. (New section) Receipts from sales of tangible personal property (except automobiles, and except property incorporated in a building or structure) for use and consumption directly and exclusively in the production for sale of tangible personal property on farms, including stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, ranches, nurseries, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(p).

C. 54:32B-8.17 Property sold by morticians.

29. (New section) Receipts from sales of tangible personal property sold by a mortician, undertaker or funeral director are exempt from the tax imposed under the Sales and Use Tax Act, but all tangible personal property sold to a mortician, undertaker or funeral director for use in the conducting of funerals shall not be deemed a sale for resale and shall not be exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(q).

C. 54:32B-8.18 Films, records, tapes.

30. (New section) Receipts from sales of films, records, tapes or any type of visual or sound transcriptions to, or produced for exhibition in or use through the medium of, theaters and radio and television broadcasting stations or networks, and not used for advertising purposes are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(r).

C. 54:32B-8.19 Property taxable under municipal ordinance.

31. (New section) Receipts from sales made prior to July 1, 1981 of tangible personal property and services taxable under any municipal ordinance which was adopted pursuant to P. L. 1947, c. 71 (C. 40:48-8.15 et seq.) and was in effect on April 27, 1966 are

exempt from the tax imposed under the Sales and Use Tax Act subject to the following conditions:

a. To the extent that the tax that is or would be imposed under section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is greater than the tax imposed by such ordinance, such sales shall not be exempt under this section; and

b. To the extent permitted in the following schedule, irrespective of the rate of tax imposed by such ordinance:

(1) Through June 30, 1980, such sales shall be exempt only to the extent that they are subject to taxation under such ordinance at a rate not exceeding 5%;

(2) From July 1, 1980 through June 30, 1981, such sales shall be exempt only to the extent that they are subject to taxation under such ordinance at a rate not exceeding 4%.

This section shall expire on June 30, 1981.

Source: C. 54:32B-8(s).

C. 54:32B-8.20 Chemicals and catalysts.

32. (New section) Receipts from sales of materials, such as chemicals and catalysts, used to induce or cause a refining or chemical process, where such materials are an integral or essential part of the processing operation, but do not become a component part of the finished product are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(t).

C. 54:32B-8.21 School textbooks.

33. (New section) Receipts from sales of school textbooks for use by students in a school, college, university or other educational institution, approved as such by the Department of Education or by the Department of Higher Education, when the educational institution, upon forms and pursuant to regulations prescribed by the director, has declared the books are required for school purposes and the purchaser has supplied the vendor with the form at the time of the sale are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(u).

C. 54:32B-8.22 Contractors for exempt organizations.

34. (New section) Receipts from sales made to contractors, sub-contractors or repairmen of materials, supplies or services for exclusive use in erecting structures or building on, or otherwise improving, altering or repairing real property of organizations

described in subsections (a) and (b) of section 9 of the Sales and Use Tax Act (C. 54:32B-9) are exempt from the tax imposed under that act, provided any person seeking to qualify for this exemption shall do so pursuant to such rules and regulations and upon forms as shall be prescribed by the director.

Source: C. 54:32B-8(w).

C. 54:32B-8.23 Truck rentals.

35. (New section) Receipts from the renting, leasing, licensing or interchanging of trucks, tractors, trailers or semitrailers by persons not engaged in a regular trade or business offering such renting, leasing, licensing or interchanging to the public, are exempt from the tax imposed under the Sales and Use Tax Act, provided, that such renting, leasing, licensing or interchanging is carried on with persons engaged in a regular trade or business involving carriage of freight by such vehicles.

Source: C. 54:32B-8(x).

C. 54:32B-8.24 Cigarettes.

36. (New section) Receipts from sales of cigarettes subject to tax under the "Cigarette Tax Act," P. L. 1948, c. 65 (C. 54:40A-1 et seq.) are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(y).

C. 54:32B-8.25 Sacred scriptures.

37. (New section) Receipts from sales of the Bible or similar sacred scripture of a bona fide church or religious denomination are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(z).

C. 54:32B-8.26 U. S. A. and N. J. Flags.

38. (New section) Receipts from sales of the flag of the United States of America and of the flag of the State of New Jersey are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(aa).

C. 54:32B-8.27 Railroad rolling stock.

39. (New section) Receipts from sales of locomotives, railroad cars and other railroad rolling stock, including repair and replacement parts therefor, track materials, and communication, signal and power transmission equipment, to a railroad whose rates are regulated by the Interstate Commerce Commission or by the Board

of Public Utilities are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(bb).

C. 54:32B-8.28 Buses for public transportation.

40. (New section) Receipts from sales of buses for public passenger transportation, including repair and replacement parts therefor, to bus companies whose rates are regulated by the Interstate Commerce Commission or the Board of Public Utilities or to an affiliate of said bus companies or to common or contract carriers for their use in the transportation of children to and from school are exempt from the tax imposed under the Sales and Use Tax Act. For the purposes of this section "affiliate" means a corporation whose stock is wholly owned by the regulated bus company or whose stock is wholly owned by the same persons who own all the stock of the regulated bus company.

Source: C. 54:32B-8(cc).

C. 54:32B-8.29 Newspaper production machinery.

41. (New section) Receipts from sales of newspaper production machinery, apparatus and equipment for use and consumption directly and primarily in the publication of newspapers in the production departments of a newspaper plant, including, but not limited to: engraving, enlarging and development equipment, internal process cameras and news transmission equipment, composing and pressroom apparatus and equipment, type fonts, lead, mats, ink, plates, conveyors, stackers, sorting, bundling, stuffing, labeling and wrapping equipment and supplies for any of the foregoing are exempt from the tax imposed under the Sales and Use Tax Act; but sales of motor vehicles, typewriters, and other equipment and supplies otherwise taxable under this act are not exempt.

Source: C. 54:32B-8(dd).

C. 54:32B-8.30 Newspaper advertising.

42. (New section) Receipts from the sales of advertising to be published in a newspaper are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(ee).

C. 54:32B-8.31 Commercial motor vehicles.

43. (New section) Receipts from sales, renting or leasing of commercial motor vehicles, and vehicles used in combination therewith, as defined in R. S. 39:1-1 and registered in New Jersey for more than 18,000 pounds; or which are registered in New Jersey and

operated pursuant to a certificate or permit issued by the Interstate Commerce Commission; and repair and replacement parts therefor are exempt from the tax imposed under the Sales and Use Tax Act.

Source: C. 54:32B-8(ff).

C. 54:32B-8.32 Gold and silver futures contracts.

44. (New section) Receipts from the sales of gold or silver and storage thereof, in the form traded on any contract market or other board of trade or exchange licensed by the Federal Commodity Futures Trading Commission as defined in the Commodity Exchange Act, as amended are exempt from the tax imposed under the Sales and Use Tax Act; provided that the sale shall have been in fulfillment of the obligations of a contract for future delivery of gold or silver, or an option to purchase or sell such commodity, entered into on and in accordance with the rules of such licensed contract or options market; provided, further that this exemption shall not apply with respect to any gold or silver subsequently converted to use by a purchaser and in such event such purchaser shall be liable for the sales and use tax imposed thereunder.

Source: C. 54:32B-8(gg).

C. 54:32B-8.33 Solar energy devices.

45. (New section) Receipts from sales of solar energy devices or systems designed to provide heating or cooling, or electrical or mechanical power by collecting and transferring solar-generated energy and including mechanical or chemical devices for storing solar-generated energy are exempt from the tax imposed under the Sales and Use Tax Act. The Director of the Division of Energy Planning and Conservation in the Department of Energy shall establish standards with respect to the technical sufficiency of solar energy systems for purposes of qualification for exemption.

Source: C. 54:32B-8(hh).

Repealer.

46. Section 8 of the Sales and Use Tax Act (P. L. 1966, c. 30, s. 8, C. 54:32B-8) is repealed.

47. This act shall take effect immediately.

Approved September 11, 1980.

CHAPTER 106

AN ACT to amend and supplement "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1980 and regulating the disbursement thereof," approved June 29, 1979 (P. L. 1979, c. 120.)

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

1. The following sums are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

CLAIMS

200. DEPARTMENT OF THE TREASURY

Haskell Excavating Co., Inc., c/o Carmen Roberto, President, 35 Burnside Place, Haskell, New Jersey 07420 for refund of State motor fuels tax paid, upon a timely claim, an award in the amount of \$76 to be paid as a refund of Motor Fuels Tax revenues for 1979-80.

M. & R. Mechanical Contractors, c/o Richard P. Gill, President, Post Office Box 435, Highlands, New Jersey 07732 for refund of State motor fuels tax paid, upon a timely claim, an award in the amount of \$2,189 to be paid as a refund of Motor Fuels Tax revenue for 1979-80.

Wannock-Ryan Dodge, Inc., c/o Donald Wannock, President, 576 Route 10, Livingston, New Jersey 07039, for failure of the State to carry out payment provisions of a purchase contract in a timely manner

\$23,980*

400. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Muncy E. Funk, Jr., c/o Horuvitz, Perlow and Morris, 136 W. Broad Street, Bridgeton, New Jersey 08302 for injuries received while serving as a Deputy Conservation Officer on January 13, 1976 and the resultant consequences thereof, an award of \$57,600 is payable from funds available in the Hunters' and Anglers' License Fund.

540. DEPARTMENT OF HIGHER EDUCATION
RUTGERS, THE STATE UNIVERSITY

Edith Mark, 553 Hanson Avenue, Piscataway, New Jersey 08854, for payment of pension of deceased husband, an award in the amount of \$40,000 is payable from funds appropriated to Rutgers, The State University.

MISCELLANEOUS EXECUTIVE COMMISSIONS

911. PALISADES INTERSTATE PARK COMMISSION

Borough of Alpine, c/o Schneider, Schneider & Balt, Counsellors at Law, 1029 Teaneck Road, Teaneck, New Jersey 07666, Attention: C. Conrad Schneider, Esq.; Borough of Englewood Cliffs, c/o Melvin Gittleman, Esq., c/o William Hoinash, Tax Collector, P. O. Box 927, Englewood Cliffs, New Jersey 07632; and, Borough of Fort Lee, c/o Murphy, Ellis & McBride, Counsellors at Law, One University Plaza, Hackensack, New Jersey 07601, Attention: Joel M. Ellis, Esq., for payment of municipal taxes for land situated within their respective boroughs:

Borough of Alpine	\$19,300
Borough of Englewood Cliffs	26,200
Borough of Fort Lee	20,500

Payable by the Palisades Interstate Park Commission from the net share of revenues which it derives from the operations of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, \$66,000.

Total Appropriation, Claims	<u><u>\$23,980*</u></u>
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2. This act shall take effect immediately and be retroactive to July 1, 1979.

Approved September 11, 1980.

* This item was deleted by line item veto of the Governor. See Statement following.

STATEMENT TO SENATE BILL NO. 1310

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1310 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

On Page 1:

Lines 17-21 "Wannock-Ryan Dodge, Inc. c/o
Donald Wannock, President, 576 Route 10,
Livingston, New Jersey 07039, for failure of the
State to carry out payment provisions of a
purchase contract in a timely manner \$23,980"

This item is deleted in its entirety.

On Page 2:

Line 54 "Total Appropriation, Claims \$23,980"

This item is deleted in its entirety.

The claim of Wannock-Ryan Dodge, Inc. and consequently the total appropriation line item in this bill are being vetoed because the contract for sale of automobiles between the claimant and the State did not specify a date by which payment was due, and the period between delivery of the vehicles and payment was neither unusually long nor unreasonable. To grant interest for such a delay would be an expensive precedent for the operations of State government.

Respectfully,

[SEAL]

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary

/s/ BRENDAN BYRNE,
Governor

CHAPTER 107

AN ACT to revise and correct certain statutes.

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

1. Section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is amended to read as follows:

C. 54:32B-3 Imposition of sales tax.

3. Imposition of sales tax. On and after July 1, 1966 and continuing through February 28, 1970 there is hereby imposed and there shall be paid a tax of 3%, and on and after March 1, 1970 there is hereby imposed and there shall be paid a tax of 5% upon:

(a) The receipts from every retail sale of tangible personal property, except as otherwise provided in this act.

(b) The receipts from every sale, except for resale, of the following services:

(1) Producing, fabricating, processing, printing or imprinting tangible personal property, performed for a person who directly or indirectly furnishes the tangible personal property, not purchased by him for resale, upon which such services are performed.

(2) Installing tangible personal property, or maintaining, servicing, repairing tangible personal property not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to subsection (a) of section 8, (iii) services rendered with respect to trucks, tractors, trailers or semitrailers by a person who is not engaged, directly or indirectly through subsidiaries, parents, affiliates or otherwise, in a regular trade or business offering such services to the public, (iv) any receipts from laundering, dry cleaning, tailoring, weaving, pressing, shoe repairing and shoeshining, and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land.

(3) Storing all tangible personal property not held for sale in the regular course of business and the rental of safe deposit boxes or similar space.

(4) Maintaining, servicing or repairing real property, other than a residential heating system unit serving not more than three families living independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving such real property, by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding interior cleaning and maintenance services, garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days, other than window cleaning, and rodent and pest control.

(5) Advertising services except advertising services for use directly and primarily for publication in newspapers and magazines.

Wages, salaries and other compensation paid by an employer to an employee for performing as an employee the services described in this subsection are not receipts subject to the taxes imposed under this subsection (b).

Services otherwise taxable under paragraph (1) or (2) of this subsection (b) are not subject to the taxes imposed under this subsection where the tangible personal property upon which the services were performed is delivered to the purchaser outside this State for use outside this State.

(c) Receipts from the sale of food and drink in or by restaurants, taverns, vending machines or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

(1) In all instances where the sale is for consumption on the premises where sold;

(2) In those instances where the vendor or any person whose services are arranged for by the vendor, after the delivery of the food or drink by or on behalf of the vendor for consumption off the premises of the vendor, serves or assists in serving, cooks, heats or provides other services with respect to the food or drink, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to disabled persons, or meals prepared and served at a group-sitting at a location outside of the

home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization; and

(3) In those instances where the sale is for consumption off the premises of the vendor, and consists of a meal, or food prepared and ready to be eaten, of a kind obtainable in restaurants as the main course of a meal, including a sandwich, except where food other than sandwiches is sold in an unheated state and is of a type commonly sold in the same form and condition in food stores other than those which are principally engaged in selling prepared foods.

(4) Sales of food and beverages sold through coin-operated vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk which shall not be taxed. Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by subsection (i) of section 8.

The tax imposed by this subsection (c) shall not apply to food or drink which is sold to an airline for consumption while in flight.

(d) The rent for every occupancy of a room or rooms in a hotel in this State, except that the tax shall not be imposed upon (1) a permanent resident, or (2) where the rent is not more than at the rate of \$2.00 per day.

(e) (1) Any admission charge where such admission charge is in excess of \$0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theatres, except charges for admission to boxing, sparring, or wrestling matches or exhibitions which charges are taxed under any other law of this State or under R. S. 5:2-12, and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the

holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

(2) The amount paid as charge of a roof garden, cabaret or other similar place in this State, to the extent that a tax upon such charges has not been paid pursuant to subsection (c) hereof.

2. Section 14 of P. L. 1980, c. 105 (C. 54:32B-8.2) is amended to read as follows:

C. 54:32B-8.2 Exemptions: food and beverages.

14. Receipts from the following are exempt from the tax imposed under the Sales and Use Tax Act: sales of food, food products, beverages, dietary foods and health supplements, sold for human consumption off the premises where sold but not including a. candy and confectionery, and b. carbonated soft drinks and beverages all of which shall be subject to the retail sales and compensating use taxes, whether or not the item is sold in liquid form. The exemption in this section is not applicable to food and drink subject to tax under subsection (c) of section 3 of the Sales and Use Tax Act (C. 54:32B-3(c)).

C. 54:32B-8.34 Exemptions: alcoholic beverages.

3. (New section) Sales at retail of alcoholic beverages as defined in the Alcoholic Beverage Tax Law (R. S. 54:41-1 et seq.) are exempt from the tax imposed under the Sales and Use Tax Act.

4. This act shall take effect July 1, 1980.

Approved September 11, 1980.

CHAPTER 108

AN ACT concerning the sale or manufacture of weapons and amending N. J. S. 2C:39-9.

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

1. N. J. S. 2C:39-9 is amended to read as follows:

Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances.

2C:39-9. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances. a. Ma-

chine guns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any sawed-off shotgun is guilty of a crime of the third degree.

c. Firearm silencers. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any firearm silencer is guilty of a crime of the fourth degree.

d. Weapons. Any person who manufactures, causes to be manufactured, transports, ships, or disposes of any weapon including gravity knives, switchblade knives, daggers, dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs, slingshots, cestus or similar leather bands studded with metal filings, or in the case of firearms if he is not licensed or registered to do so as provided in chapter 58, is guilty of a crime of the fourth degree. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon or other device which projects, releases or emits tear gas or any other substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel or which is intended for use by financial and other business institutions as part of an integrated security system, placed at fixed locations, for the protection of money and property, by the duly authorized personnel of those institutions is guilty of a crime of the fourth degree.

e. Defaced firearms. Any person who defaces any firearm is guilty of a crime of the third degree. Any person who knowingly buys, receives, disposes of or conceals a defaced firearm, except an antique firearm, is guilty of a crime of the fourth degree.

2. This act shall take effect immediately.

Approved September 11, 1980.

CHAPTER 109

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, 1981 and regulating the disbursement thereof," approved June 30, 1980 (P. L. 1980, c. 56).

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

1. The following amount is appropriated from the General State Fund for the purpose specified:

DEPARTMENT OF HUMAN SERVICES

55. Related Social Service Programs

7570. Division of Youth and Family Services

18-7570. Social Services	\$1,900,000*
Additional Expanded Social Services ...	(\$1,900,000*)

2. This act shall take effect July 1, 1980.

Approved September 15, 1980.

* This item was reduced to \$1,000,000 by line item veto of the Governor. See Statement following.

STATEMENT TO SENATE BILL NO. 1322

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1322 at the time of signing it, this statement of the terms, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

On Page 1, section 1, lines 2A and 3:

Omit "\$1,900,000" insert "\$1,000,000."

This bill as passed by the Legislature would appropriate \$1.9 million to the Division of Youth and Family Services to allow for adjustments in Title XX purchase of service contracts.

While I understand that there has only been one 5% inflationary increase in Title XX social service contracts since fiscal year 1975 and I appreciate the need for these contracts to reflect increasing costs, I also recognize that there are an enormous number of needs unmet by the fiscal year 1981 State budget and that the State budget cap for fiscal year 1981 permits only \$10 million more to be appropriated. Furthermore, I understand that the State Department of Human Services has been in the process of developing a schedule of fees for day care services and intends to implement such a fee schedule beginning January 1, 1981.

Recognizing the need for contract adjustments, the State budget cap constraints and the likelihood of generating some additional revenues from fees which can be utilized to provide some increases in service contracts, I am reducing this \$1.9 million supplemental appropriation to \$1.0 million.

Respectfully,

[SEAL]

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary

/s/ BRENDAN BYRNE,
Governor

CHAPTER 110

AN ACT concerning temporary casino permits, amending and supplementing P. L. 1978, c. 7, and repealing sections 21 through 30 of P. L. 1978, c. 7.

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

1. Section 21 of P. L. 1978, c. 7 (C. 5:12-95.1) is amended to read as follows:

C. 5:12-95.1 Eligibility and Requirements.

21. Eligibility and Requirements. Notwithstanding any other provision of the Casino Control Act, the commission may grant a

temporary casino permit upon the filing by a casino license applicant of a formal request for same in accordance with such rules and regulations as may be promulgated by the commission and when, by the affirmative vote of four members, it finds by clear and convincing evidence:

a. That the applicant is a person, as defined in section 37 of P. L. 1977, c. 110 (C. 5:12-37);

b. That statements of compliance pursuant to section 81 of P. L. 1977, c. 110 (C. 5:12-81) have been issued to the applicant with respect to sections 82, 84(e), 85(a) and 85(b) of P. L. 1977, c. 110 (C. 5:12-82, 84(e), 85(a) and (b)) if the applicant is a corporation, and section 85(e) of P. L. 1977, c. 110 (C. 5:12-85(e)) if the applicant is other than a corporation;

c. That the proposed casino hotel facility is an approved hotel in accordance with the requirements of section 83 of P. L. 1977, c. 110 (C. 5:12-83);

d. That a voting trust agreement as provided in this article has been instituted in accordance with N. J. S. 14A:5-20 if the applicant is a corporation, or that a trust agreement as provided in this article has been instituted if the applicant is other than a corporation, and a statement of compliance pursuant to section 81 of P. L. 1977, c. 110 (C. 5:12-81) has been issued to the applicant with regard thereto;

e. That the applicant has deposited with the commission a fully executed copy of the voting trust agreement or the trust agreement; that if the applicant is a corporation, all outstanding shares have been surrendered to the applicant for cancellation, and duplicate legended shares have been reissued which are specifically made subject to the voting trust agreement in accordance with N. J. S. 14A:7-12 and N. J. S. 12A:8-101 et seq.; and that if the applicant is other than a corporation, all interests in such applicant have been assigned by the holder or holders thereof to the trustee or trustees pursuant to the provisions of the trust agreement;

f. That if the applicant is a corporation, all the shares of the corporate entity shall be subject to the voting trust agreement, and if the applicant is other than a corporation, all interests in such applicant shall be subject to the trust agreement;

g. That the voting trust agreement or the trust agreement may, at the discretion of the commission, become effective at such time as any person required to be qualified under the Casino Control Act as a condition of a casino license is found to be unqualified or at such time as any sanction whatsoever is imposed upon the

temporary casino permittee by the commission; provided, however, that, in considering whether to order the voting trust or the trust to be effective in the event of the imposition of a sanction in a particular case, the commission shall, among other things, consider:

(1) The risk to the public and to the integrity of gaming operations created by the conduct of the permittee;

(2) The seriousness of the conduct of the permittee, and whether the conduct was purposeful and with knowledge that it was in contravention of the provisions of the Casino Control Act as amended and supplemented or regulations promulgated hereunder;

(3) Any justification or excuse for such conduct by the permittee;

(4) The prior history of the particular permittee involved with respect to gaming activity;

(5) The corrective action taken by the permittee to prevent future misconduct of a like nature from occurring;

h. That the voting trust agreement or the trust agreement contains such conditions as the commission may deem necessary or desirable, including, but not limited to, the unencumbered ability of the trustee or trustees to vote the shares or exercise all rights incident to ownership of interests in the applicant;

i. That the term of the voting trust agreement or the trust agreement shall extend for the term of the temporary casino permit; and

j. That the temporary casino permit will best serve the interests of the public with particular reference to the policies and purposes enumerated in section 1 of this amendatory and supplementary act.

2. Section 21A of P. L. 1978, c. 7 (C. 5:12-95.2) is amended to read as follows:

C. 5:12-95.2 Selection of the Trustee or Trustees.

21A. Selection of the Trustee or Trustees. An applicant for a temporary casino permit shall propose the trustee or trustees of the voting trust agreement or the trust agreement, subject to the approval of and appointment by the commission. Said trustee or trustees shall satisfy the qualification criteria applicable to a casino key employee, except for residency and casino experience. The compensation for the services, costs, and expenses of said trustee or trustees shall be stated in the voting trust agreement or the trust agreement and shall be approved by the commission.

3. (New section) No temporary casino permit shall be issued after July 1, 1981, except that such a permit may be issued after July 1, 1981, but not later than December 31, 1981, to an applicant

who provides evidence that prior to February 21, 1980, the applicant entered into a contractual agreement for permanent or construction period financing which is specifically conditioned on the authority of the commission to grant a temporary casino permit. Any permit in effect on July 1, 1981 or, where relevant, December 31, 1981 may be renewed, subject to section 26 of P. L. 5:12-95.11) are repealed.

Repealer.

4. Sections 21 through 30 of P. L. 1978, c. 7 (C. 5:12-95.1 through 5:12-95.11) are repealed.

5. Sections 1 and 2 of this act shall take effect immediately. Section 3 shall take effect immediately and shall expire January 1, 1983. Section 4 shall take effect January 1, 1983.

Approved September 16, 1980.

CHAPTER 111

AN ACT to increase the compensation of district election board workers and amending R. S. 19:45-6.

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

1. 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, \$50.00 each time the primary election, the general election or any special election is held under this Title; provided, however, that 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 and, provided,

further, that in the other counties the compensation for services rendered at any special election held at the same time as any primary or general election shall be \$5.00;

In counties where the county board of elections does not mail out the sample ballots to each registered voter in the county, \$7.50 shall be paid each time members of the district board shall address and mail such sample ballots.

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 such member until 10 days after final order has been entered on any recount which may have been allowed affecting such district; and provided further, 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 section 19:6-4 of this Title.

2. This act shall take effect January 1, 1981.

Approved September 19, 1980.

CHAPTER 112

AN ACT concerning burglary and other criminal intrusion and amending sections 2C:18-1, 2C:18-2 and 2C:18-3 of the New Jersey Statutes.

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

1. N. J. S. 2C:18-1 is amended to read as follows:

"Structure" defined.

2C:18-1. In this chapter, unless a different meaning plainly is required, "structure" means any building, room, ship, vessel, car, vehicle or airplane, and also means any place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present.

2. N. J. S. 2C:18-2 is amended to read as follows:

Burglary defined.

2C:18-2. a. Burglary defined. A person is guilty of burglary if, with purpose to commit an offense therein he:

(1) Enters a structure, or a separately secured or occupied portion thereof, unless the structure was at the time open to the public or the actor is licensed or privileged to enter; or

(2) Surreptitiously remains in a structure or a separately secured or occupied portion thereof knowing that he is not licensed or privileged to do so.

It is an affirmative defense to prosecution for burglary that the structure was abandoned and that the actor's purpose was not to commit a crime or a disorderly persons offense.

b. Grading. Burglary is a crime of the second degree if in the course of committing the offense, the actor:

(1) Purposely, knowingly or recklessly inflicts, attempts to inflict or threatens to inflict bodily injury on anyone; or

(2) Is armed with or displays what appears to be explosives or a deadly weapon.

Otherwise burglary is a crime of the third degree if the defendant's purpose was to commit a crime or a disorderly persons offense. An act shall be deemed "in the course of committing" an offense if it occurs in an attempt to commit an offense or in immediate flight after the attempt or commission.

3. N. J. S. 2C:18-3 is amended to read as follows:

Unlicensed entry of structures.

2C:18-3. a. Unlicensed entry of structures. A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or surreptitiously remains in any structure, or separately secured or occupied portion thereof. An offense under this subsection is a crime of the fourth degree if it is committed in a dwelling. Otherwise it is a disorderly persons offense.

b. Defiant trespasser. A person commits a petty disorderly persons offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:

(1) Actual communication to the actor; or

(2) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

(3) Fencing or other enclosure manifestly designed to exclude intruders.

c. Defenses. It is an affirmative defense to prosecution under this section that:

(1) A structure involved in an offense under subsection a. was abandoned;

(2) The structure was at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the structure; or

(3) The actor reasonably believed that the owner of the structure, or other person empowered to license access thereto, would have licensed him to enter or remain.

4. This act shall take effect immediately.

Approved September 19, 1980.

CHAPTER 113

AN ACT concerning group and individual life insurance and health insurance, amending P. L. 1938, c. 366, P. L. 1940, c. 74, P. L. 1968, c. 305 and sections 17B:24-1 and 17B:26-2 of the New Jersey Statutes.

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

1. N. J. S. 17B:24-1 is amended to read as follows:

Insurable interest.

17B:24-1. a. Every individual has an insurable interest in his own life, body and health. The term "insurable interest" shall include only such an interest and the following interests in the life, body and health of other individuals:

(1) In the case of individuals related closely by blood or by law, a substantial interest engendered by love and affection;

(2) In the case of other persons, a lawful and substantial economic interest in having the life, health, or bodily safety of the individual insured continue, and

(3) A person heretofore or hereafter party to a contract or option for the purchase or sale of an interest in a business partnership or firm, or of shares of stock of a closed corporation or of an interest in such shares, has an insurable interest in the life,

body and health of each individual party to such contract for the purposes of such contract only, in addition to any insurable interest which may otherwise exist as to such individual.

b. No person shall procure or cause to be procured any insurance contract upon the life, body or health of another individual unless the benefits under such contract are payable to the individual insured or his personal representative, or to a person having, at the time when such contract was made, an insurable interest in the individual insured. A person liable for the support of a child or former wife or husband may procure a policy of insurance on such child or former wife or husband.

c. If the beneficiary, assignee, or other payee under any contract made in violation of this section receives from the insurer any benefits thereunder accruing upon the death, disablement, or injury of the individual insured, the individual insured or his executor or administrator, as the case may be, may maintain an action to recover such benefits from the person so receiving them.

d. An insurer shall be entitled to rely upon all statements, declarations and representations made by an applicant for insurance relating to the insurable interest of the applicant in the insured; and no insurer shall incur legal liability, except as set forth in the policy, by virtue of any untrue statements, declarations or representations so relied upon in good faith by the insurer.

e. This section shall not apply to group life insurance, group health insurance or blanket insurance.

2. N. J. S. 17B:26-2 is amended to read as follows:

Delivery or issuance of policy; requirements.

17B:26-2. a. No such policy of insurance shall be delivered or issued for delivery to any person in this State unless:

(1) The entire money and other considerations therefor are expressed therein; and

(2) The time at which the insurance takes effect and terminates is expressed therein; and

(3) It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed 19 years and any other person dependent upon the policyholder; and

(4) The style, arrangement and overall appearance of the policy give no undue prominence to any portion of the text, and unless

every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than 10-point with a lower-case unspaced alphabet length not less than 120-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions); and

(5) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in sections 17B:26-3 to 17B:26-31 inclusive, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such "exceptions," or "exceptions and reductions," provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(6) Each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(7) It contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

b. A policy under which coverage of a dependent of the policyholder terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such policyholder for support and maintenance, not so terminate while the policy remains in force and the dependent remains in such condition, if the policyholder has within 31 days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require an insurer to insure a dependent who is a mentally retarded or physically handicapped child where the policy is underwritten on evidence of insurability based on health factors set forth in the application or where such dependent does not satisfy the conditions of the policy as to any requirement for evidence of insurability or other provisions of the

policy, satisfaction of which is required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

c. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any optometric service which is within the lawful scope of practice of a duly licensed optometrist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed optometrist.

d. If any policy is issued by an insurer domiciled in this State for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection a. of this section and in sections 17B:26-3 to 17B:26-31 inclusive.

e. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any psychological service which is within the lawful scope of practice of a duly licensed psychologist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed psychologist.

f. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed chiropractor, the insured under such policy or the chiropractor rendering such service shall be entitled to reimbursement for such service, when the said service is performed by a chiropractor. The foregoing provision shall be liberally construed in favor of reimbursement of chiropractors.

g. All individual health insurance policies which provide coverage for a family member or dependent of the insured on an expense incurred basis shall also provide that the health insurance benefits applicable for children shall be payable with respect to a newly-born child of that insured from the moment of birth.

(1) The coverage for newly-born children shall consist of coverage of injury or sickness including the necessary care and treat-

ment of medically diagnosed congenital defects and birth abnormalities.

(2) If payment of a specific premium is required to provide coverage for a child, the policy may require that notification of birth of a newly-born child and payment of the required premium must be furnished to the insurer within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

h. All individual health insurance policies which provide coverage on an expense incurred basis but do not provide coverage for a family member or dependent of the insured on an expense incurred basis shall nevertheless provide for coverage of newborn children of the insured which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities, provided application therefor and payment of the required premium are made to the insurer to include in said policy coverage the same or similar to that of the insured, described in g. (1) above 31 days from the date of a newborn child.

i. Whenever, pursuant to the provisions of an individual or group contract issued by an insurer, the former spouse of a named insured is no longer entitled to coverage as an individual dependent by reason of divorce, separate coverage for such former spouse shall be made available by the insurer on an individual non-group basis under the following conditions:

(1) Application for such non-group coverage shall be made to the insurer by or on behalf of such former spouse no later than 31 days following the date his or her coverage under the prior certificate or contract terminated.

(2) No new evidence of insurability shall be required in connection with the application for such non-group coverage but any health exception, limitation or exclusion applicable to said former spouse under the prior coverage may, at the option of the insurer, be carried over to the new non-group coverage.

(3) The effective date of the new coverage shall be the day following the date on which such former spouse's coverage under the prior certificate or contract terminated.

(4) The benefits provided under the non-group coverage issued to such former spouse shall be at least equal to the basic benefits provided in contracts then being issued by the insurer to acceptable new non-group applicants of the same age and family status.

3. Section 6 of P. L. 1938, c. 366 (C. 17:48-6) is amended to read as follows:

C. 17:48-6 Contracts.

6. Every individual contract made by a corporation subject to the provisions of this chapter to furnish services to a subscriber shall provide for the furnishing of services for a period of 12 months, and no contract shall be made providing for the inception of such services at a date later than 1 year after the actual date of the making of such contract. Any such contract may provide that it shall be automatically renewed from year to year unless there shall have been at least 30 days' prior written notice of termination by either the subscriber or the corporation. In the absence of fraud or material misrepresentation in the application for a contract or for reinstatement, no contract with an individual subscriber shall be terminated by the corporation unless all contracts of the same type, in the same group or covering the same classification of persons are terminated under the same conditions.

No contract between any such corporation and a subscriber shall entitle more than one person to services, except that a contract issued as a family contract may provide that services will be furnished to a husband and wife, or husband, wife and their dependent child or children, or the subscriber and his (or her) dependent child or children. Adult dependent(s) of a subscriber may also be included for coverage under the contract of such subscriber.

Whenever, pursuant to the provisions of a subscription certificate or group contract issued by a corporation, the former spouse of a named subscriber under such a certificate or contract is no longer entitled to coverage as an eligible dependent by reason of divorce, separate coverage for such former spouse shall be made available by the corporation on an individual non-group basis under the following conditions:

(a) Application for such non-group coverage shall be made to the corporation by or on behalf of such former spouse no later than 31 days following the date his or her coverage under the prior certificate or contract terminated.

(b) No new evidence of insurability shall be required in connection with the application for such non-group coverage but any health exception, limitation or exclusion applicable to said former spouse under the prior coverage may, at the option of the corporation, be carried over to the new non-group coverage.

(c) The effective date of the new coverage shall be the day following the date on which such former spouse's coverage under the prior certificate or contract terminated.

(d) The benefits provided under the non-group coverage issued to such former spouse shall be at least equal to the basic benefits provided in contracts then being issued by the corporation to new non-group applicants of the same age and family status.

Family type contracts shall provide that the services applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse from the moment of birth. The services for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to provide services for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the service corporation within 31 days after the date of birth in order to have the coverage continue beyond such 31-day period.

Nonfamily type contracts which provide for services to the subscriber but not to family members or dependents of that subscriber, shall also provide services to newly-born children of the subscriber which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, provided that application therefor and payment of the required subscription amount are made to include in said contract the coverage described in the preceding paragraph of this section within 31 days from the date of birth of a newborn child.

A contract under which coverage of a dependent of a subscriber terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such subscriber for support and maintenance, not so terminate while the contract remains in force and the dependent remains in such condition, if the subscriber has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to

require a hospital service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such mentally retarded or physically handicapped child from coverage.

Every individual contract entered into by any such corporation with any subscriber thereto shall be in writing and a certificate stating the terms and conditions thereof shall be furnished to the subscriber to be kept by him. No such certificate form shall be made, issued or delivered in this State unless it contains the following provisions:

(a) A statement of the contract rate, or amount payable to the corporation by or on behalf of the subscriber for the original quarter-annual period of coverage and of the time or times at which, and the manner in which, such amount is to be paid; and a provision requiring 30 days' written notice to the subscriber before any change in the contract, including a change in the amount of subscription rate, shall take effect;

(b) A statement of the nature of the services to be furnished and the period during which they will be furnished; and if there are any services to be excepted, a detailed statement of such exceptions printed as hereinafter specified;

(c) A statement of the terms and conditions, if any, upon which the contract may be amended on approval of the commissioner or canceled or otherwise terminated at the option of either party. Any notice to the subscriber shall be effective if sent by mail to the subscriber's address as shown at the time on the plan's record, except that, in the case of persons for whom payment of the contract is made through a remitting agent, any such notice to the subscriber shall also be effective if a personalized notice is sent to the remitting agent for delivery to the subscriber, in which case it shall be the responsibility of the remitting agent to make such delivery. The notice to the subscriber as herein required shall be sent at least 30 days before the amendment, cancellation or termination of the contract takes effect. Any rider or endorsement accompanying such notice, and amending the rates or other provisions of the contract, shall be deemed to be a part of the contract as of the effective date of such rider or endorsement;

(d) A statement that the contract includes the endorsements thereon and attached papers, if any, and contains the entire contract for services;

(e) A statement that no statement by the subscriber in his application for a contract shall avoid the contract or be used in any legal proceeding thereunder, unless such application or an exact copy thereof is included in or attached to such contract, and that no agent or representative of such corporation, other than an officer or officers designated therein, is authorized to change the contract or waive any of its provisions;

(f) A statement that if the subscriber defaults in making any payment under the contract, the subsequent acceptance of a payment by the corporation or by one of its duly authorized agents shall reinstate the contract, but with respect to sickness and injury may cover such sickness as may be first manifested more than 10 days after the date of such acceptance;

(g) A statement of the period of grace which will be allowed the subscriber for making any payment due under the contract. Such period shall be not less than 10 days.

In every such contract made, issued or delivered in this State:

(a) All printed portions shall be plainly printed in type of which the face is not smaller than 10 point;

(b) There shall be a brief description of the contract on its first page and on its filing back in type of which the face is not smaller than 14 point;

(c) The exceptions of the contract shall appear with the same prominence as the benefits to which they apply; and

(d) If the contract contains any provision purporting to make any portion of the articles, constitution or bylaws of the corporation a part of the contract, such portion shall be set forth in full.

4. Section 5 of P. L. 1940, c. 74 (C. 17:48A-5) is amended to read as follows:

C. 17:48A-5 Period of payment; renewal; conditions for certain coverage.

5. Every individual contract made by any corporation subject to the provisions of this chapter to provide payment for medical services shall provide for the payment of medical services for a period of 12 months from the date of issue of the subscription certificate. Any such contract may provide that it shall be automatically renewed from year to year unless there shall have been 1 month's prior written notice of termination by either the subscriber or the corporation. In the absence of fraud or material

misrepresentation in the application for a contract or for reinstatement, no contract with an individual subscriber shall be terminated by the corporation unless all contracts of the same type, in the same group or covering the same classification of persons are terminated under the same conditions. No contract between such corporation and subscriber shall allow for the payment for medical services for more than one person, except that a family contract may provide that payment will be made for medical services rendered to a subscriber and any of those dependents defined in section 1 of this act.

Whenever, pursuant to the provisions of a subscription certificate or group contract issued by a corporation, the former spouse of a named subscriber under such a certificate or contract is no longer entitled to coverage as an eligible dependent by reason of divorce, separate coverage for such former spouse shall be made available by the corporation on an individual nongroup basis under the following conditions:

(a) Application for such nongroup coverage shall be made to the corporation by or on behalf of such former spouse no later than 31 days following the date his or her coverage under the prior certificate or contract terminated.

(b) No new evidence of insurability shall be required in connection with the application for such nongroup coverage but any health exception, limitation or exclusion applicable to said former spouse under the prior coverage may, at the option of the corporation, be carried over to the new nongroup coverage.

(c) The effective date of the new coverage shall be the day following the date on which such former spouse's coverage under the prior certificate or contract terminated.

(d) The benefits provided under the nongroup coverage issued to such former spouse shall be at least equal to the basic benefits provided in contracts then being issued by the corporation to new nongroup applicants of the same age and family status.

A contract under which coverage of a dependent of a subscriber terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such subscriber for support and maintenance, not so terminate while the contract remains in force and the dependent remains in such

condition, if the subscriber has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to require a medical service corporation to insure as a covered dependent any mentally retarded or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors, required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such mentally retarded or physically handicapped child from coverage.

5. Section 2 of P. L. 1968, c. 305 (C. 17:48C-2) is amended to read as follows:

C. 17:48C-2 Definitions.

2. As used in this act the following words and phrases shall have the stated meanings unless a different meaning clearly appears from the context:

(a) The term "dental service corporation" or "the corporation" shall mean a corporation which is (1) organized, without capital stock, and not for profit, for the purpose of establishing, maintaining and operating a nonprofit dental service plan, whereby the expense of dental services to subscribers and other covered dependents is paid in whole or in part by the corporation to participating dentists and to others as provided herein in return for premiums or other valuable considerations, and which (2) holds a certificate of authority issued under this act;

(b) The term "subscriber" shall mean a person to whom a subscription certificate is issued by the corporation and which sets forth the kinds and extent of the dental services for which the corporation is liable to make and which constitutes the contract between the subscriber and the corporation;

(c) The term "covered dependent" shall mean the spouse, former spouse for whose support the subscriber is legally liable, an adult dependent or a child of the subscriber who is named in the subscription certificate issued to the subscriber and with respect to whom appropriate premium is specified in the certificate;

(d) The term "participating dentist" shall mean any dentist authorized to practice dentistry under the laws of this State and who agrees in writing with the corporation to provide the dental services specified in the subscription certificates issued by the corporation and at such rates of compensation as shall be deter-

mined by its board of trustees and who agrees to abide by the by-laws, rules and regulations of the corporation applicable to participating dentists;

(e) The term "dental service" shall mean any and all general and special dental services ordinarily provided by such licensed dentists in accordance with accepted practices in the community at the time the service is rendered.

(f) The term "commissioner" shall mean the Commissioner of Insurance.

6. This act shall take effect immediately.

Approved September 19, 1980.

CHAPTER 114

AN ACT concerning the "Local Bond Law" and amending N. J. S. 40A:2-8.

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

1. N. J. S. 40A:2-8 is amended to read as follows:

Bond anticipation notes; issuance; capital notes; issuance.

40A:2-8. a. A local unit, in anticipation of the issuance of bonds, may borrow money and issue negotiable notes if the bond ordinance or subsequent resolution so provides. Any such note shall be designated "bond anticipation note" and shall contain a recital that it is issued in anticipation of the issuance of bonds. Such notes may be issued for a period of not exceeding 1 year and may be renewed from time to time for periods of not exceeding 1 year, but all such notes, including renewals, shall mature and be paid not later than the fifth anniversary of the date of the original notes provided, however, that no such notes shall be renewed beyond the third anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which said notes are issued, is paid and retired on or before said third anniversary date and, if such notes are renewed beyond the fourth anniversary date of the original notes, a like amount is paid or retired on or before said fourth anniversary date from funds other than the proceeds of obligations, except that:

1. Such notes shall mature and be paid not later than the first day of the fifth month following the close of the fifth fiscal year next following the date of the original notes, provided that, in addition to amounts paid and retired pursuant to paragraph a. above, an amount of such notes equal to not less than the first legally payable installment of the bonds in anticipation of which such notes are issued has been paid and retired not later than the end of said fifth fiscal year from funds other than the proceeds of obligations; and

2. Notes issued to finance local improvements and in an amount not exceeding the amount of special assessments then confirmed and unpaid and not delinquent may be renewed for periods of not exceeding 1 year but shall mature and be paid not later than the fifth anniversary of the date of the original notes.

b. A local unit may finance any improvement which it has power to finance by obligations issued under this chapter by the issuance of "capital notes." The aggregate amount of all such notes outstanding at any one time shall not exceed the lesser of \$200,000.00 or $\frac{1}{2}$ of 1% of the equalized valuation basis. Such notes shall be authorized in the same manner as bond anticipation notes and shall be payable from funds other than the proceeds of obligations within 5 years from the date of the issuance of the first of said notes and not less than 20% thereof shall be paid in each succeeding year. The local unit shall provide for the payment of the principal of, and interest on such notes falling due in each year.

c. The local finance board shall issue, in the manner prescribed by law, such rules and regulations as are necessary to the implementation and execution of this act.

2. This act shall take effect immediately.

Approved September 19, 1980.

CHAPTER 115

AN ACT concerning motor vehicles, amending P. L. 1974, c. 162 and P. L. 1979, c. 147.

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

1. Section 3 of P. L. 1974, c. 162 (C. 39:3-19.3) is amended to read as follows:

C. 39:3-19.3 Applicability of act.

3. The provisions of this act shall not apply to buses used in common carrier line service and school transportation service whose owner meets the qualifications prescribed in R. S. 39:3-19 or to any vehicle with a seating capacity of 16 or less which is solely used to transport children to or from summer day camps or summer residence camps from May 15 to September 15 of any year.

2. Section 2 of P. L. 1979, c. 147 (C. 39:3-19.4) is amended to read as follows:

C. 39:3-19.4 Inspection of vehicles used to transport children to or from summer camps; insurance coverage.

2. Notwithstanding the provisions of section 2 of P. L. 1974, c. 162 (C. 39:3-19.2) or of any other law, any vehicle with a seating capacity of 16 or less which is used to transport children to or from summer day camps or summer residence camps from May 15 to September 15 shall be inspected by the Division of Motor Vehicles prior to May 15 of any year in which the vehicle is to be used for those purposes for compliance with the minimum standards for small vehicles which have been adopted by the Department of Education and shall be covered by motor vehicle liability insurance coverage insuring against loss resulting from liability imposed by law for bodily injury or death sustained by any person arising out of the ownership, maintenance, operation or use of said vehicle wherein such coverage shall be at least in: a. an amount or limit of \$300,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident; and b. an amount or limit, subject to such limit for any one person so injured or killed, of \$500,000.00, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one accident.

3. This act shall take effect immediately.

Approved September 19, 1980.

CHAPTER 116

AN ACT to repeal "An act providing for the taxation of gross receipts derived from the sale of electric energy produced in the State and sold out of State, providing for the establishing of a utility Rate Stabilization Fund and the paying of subsidies to utility companies to reduce utility rate increases caused by the taxation of the sale of electric energy in New Jersey by other states," approved November 1, 1979 (P. L. 1979, c. 235).

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

Repealer.

1. P. L. 1979, c. 235 (C. 54:30A-80 et seq.) is repealed.
2. This act shall take effect immediately and shall be retroactive to November 1, 1979.

Approved September 19, 1980.

CHAPTER 117

AN ACT concerning the conduct of horse race meetings and pari-mutuel wagering; amending P. L. 1966, c. 206; amending the title of "An act making lawful the system of parimutuel betting at night horse race meetings, and supplementing 'An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing of horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system of pari-mutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act,' approved March 18, 1940 (P. L. 1940, c. 17), as said title was amended by chapter 137 of the laws of 1941, and providing for the submission of this act to the legal voters of the State for their

approval or rejection before the same shall become operative within this State," approved July 21, 1966 (P. L. 1966, c. 206), so that the same shall read "An act making lawful the conduct of horse racing and parimutuel wagering at Sunday and night horse race meetings; supplementing P. L. 1940, c. 17 (C. 5:5-22 et seq.); and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State"; and providing for the submission of this amendatory act to the legal voters of the State for their approval or rejection before the same shall become operative within this State.

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

Title amended.

1. The title of P. L. 1966, c. 206 (C. 5:5-84 et seq.) is amended to read as follows:

An act making lawful the conduct of horse racing and parimutuel wagering at Sunday and night horse race meetings; supplementing P. L. 1940, c. 17 (C. 5:5-22 et seq.); and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State.

2. Section 1 of P. L. 1966, c. 206 (C. 5:5-84) is amended to read as follows:

C. 5:5-84 Sunday horse racing authorized.

1. In addition to the hours for which the conduct of horse racing is authorized pursuant to the act to which this act is a supplement, the New Jersey Racing Commission, in issuing a permit to an otherwise qualified applicant, may authorize the conduct of horse race meetings on the days and during such hours between 12:00 o'clock noon and 1:00 o'clock A. M. the following day on every day of the week, as shall be specified in the permit.

3. Section 2 of P. L. 1966, c. 206 (C. 5:5-85) is amended to read as follows:

C. 5:5-85 Hours of wagering.

2. The conduct of the parimutuel system of wagering at horse race meetings on the days upon which such meetings are conducted is authorized and shall be lawful between the hours of 8 a.m. and

1 a.m. the following day on Mondays through Saturdays and between 12 noon and 1 a.m. the following day on Sundays, including wagering at any horse race meeting upon the result of any and all horse races held at such meeting when such wagering is during the hours when wagering is permitted pursuant to this act and prior to the conduct of any race held at said meeting, in the same manner and to the same extent as the parimutuel system of wagering is now authorized.

4. For the purpose of complying with the provisions of the State Constitution, this act shall be submitted to the people for their approval or rejection at the next general election to be held 35 or more days following the date of its enactment.

5. There shall be printed on each official ballot to be used at such election the following:

If you favor making the act described below operative within the State, make a cross (×), plus (+), or check (√), in the square opposite the word "Yes."

If you are opposed to making the act described below so operative, make a cross (×), plus (+), or check (√), in the square opposite the word "No."

	Yes.	<p style="text-align: center;">SUNDAY RACING AND THE EXTENSION OF SATURDAY RACING HOURS</p> <p>Shall chapter 117 of the laws of 1980 making it lawful to conduct horse racing and parimutuel wagering on Sundays between 12 noon and 1 a.m. the following day, and extending Saturday racing and wagering hours so that the close of racing and wagering is at 1 a.m. the following day rather than midnight Saturday, be approved and become operative?</p>
	No.	

The chapter number assigned to this act shall be inserted in the appropriate place in the foregoing question.

In any election district in which voting machines are used the question shall be placed upon the official ballot to be used upon the

voting machines with the foregoing instructions to the voters but with instructions to vote "Yes" or "No" by the use of such machines without marking as aforesaid.

6. If at such election a majority of all the votes cast both for and against the approval of this act shall be cast in favor of the approval thereof, then all of its provisions shall forthwith take effect throughout the State.

7. This section and sections 4, 5 and 6 of this act shall take effect immediately and the remainder of this act shall take effect as hereinbefore provided.

Approved September 19, 1980.

CHAPTER 118

AN ACT concerning taxation and supplementing Title 54 of the Revised Statutes.

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

C. 54:4-5.2 Remission or rebate received by taxing district.

1. No taxing district which has not actually received a remission or rebate of county taxes pursuant to R. S. 54:4-5 for any full tax year occurring prior to the effective date of this act, shall receive a remission or rebate under that section for the current tax year or any other tax year whether occurring prior to or after the effective date of this act. Nothing contained in this act shall affect any remission or rebate of county taxes to be received pursuant to that section by any taxing district which actually received a remission or rebate for a full tax year occurring prior to the effective date of this act.

2. This act shall take effect immediately.

Approved September 22, 1980.

CHAPTER 119

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$159,000,000.00 for buildings for public purposes, their planning, construction, reconstruction, development, erection, acquisition, extension, improvement, rehabilitation, demolition and equipment; providing the ways and means to pay the interest of said debt, and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election; and providing an appropriation therefor.

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

1. This act shall be known and may be cited as the "New Jersey Public Purpose Buildings Construction Bond Act of 1980."

2. The Legislature hereby finds that:

a. The State of New Jersey requires an immediate program to provide safe and humane facilities for persons who require institutionalization or extended care.

b. The State of New Jersey requires an immediate and integrated program for the improvement, rehabilitation, and construction of institutions for the aged, disabled veterans, the mentally ill, the mentally retarded, children in need of supervision and the incarcerated.

c. The State of New Jersey requires an immediate program to facilitate the construction of long-term care facilities in order to increase the number of beds available to Medicaid eligible persons in need of such facilities.

d. The State of New Jersey requires an immediate program for the construction of institutions for the mentally retarded in conjunction with the Federal program for Intermediate Care Facilities/Mentally Retarded.

e. The State of New Jersey requires an immediate program for the construction of additional long-term care facilities for veterans in conjunction with the Federal State Home Construction Program.

f. The State of New Jersey requires an immediate program for the construction of additional facilities for the incarcerated.

g. Implementation of such programs will be a substantial step toward meeting the immediate and critical needs of the people of the State, will substantially further the public interest, and can be most economically financed through a bond issue.

3. Except as the context may otherwise require:

a. "Commission" means the New Jersey Commission on Capital Budgeting and Planning.

b. "Construction" means the planning, erection, acquisition, improvement, rehabilitation, construction, reconstruction, development, extension, demolition, and equipment of public buildings or institutions including all equipment and facilities necessary to the operation thereof and includes the acquisition of land necessary for said purposes, and the guarantee of loans made by the Health Care Facilities Financing Authority or the Economic Development Authority for the development of long-term care facilities.

c. "Public purpose buildings" means (1) structures, institutions or facilities under the supervision or control of the Department of Corrections or the Department of Human Services; (2) structures, institutions or facilities necessary for the operation of State, county, municipal or private programs for the mentally retarded, the mentally ill, the developmentally disabled, or the aged; and (3) long-term care facilities licensed by the Department of Health which are in conformance with rules and regulations promulgated by the Department of Human Services.

4. The chief executive officer of any department designated pursuant to section 5 of this act to implement a portion of the construction provided for in this act shall issue and promulgate, pursuant to law, such rules and regulations as are necessary and appropriate to carry out the provisions of this act. Such chief executive officer 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 in the sum of \$159,000,000.00 are hereby authorized for the construction of public purpose buildings as defined herein. Of such total, the proceeds from the sale of bonds shall be allocated, to the maximum extent practicable and feasible, according to the following estimates of costs:

a. For construction and improvement of public buildings for the mentally retarded in conjunction with the Federal Program for

Intermediate Care Facilities/Mentally Retarded, to be implemented by the Department of Human Services—\$50 million.

b. For improvements and additions to facilities for the mentally ill, to be implemented by the Department of Human Services—\$21.5 million.

c. For improvements and additions to facilities for children in need of supervision, to be implemented by the Department of Human Services—\$3.5 million.

d. For construction of additional long-term care facilities for disabled veterans in conjunction with the Federal State Home Construction program, to be implemented by the Department of Human Services upon commitment of Federal matching funds—\$7 million.

e. For the establishment of a loan guarantee fund to encourage the construction of long-term care facilities which will provide additional Medicaid beds, to be implemented by the Department of Human Services pursuant to agreements with public authorities, which agreements provide for the guarantee of obligations issued by such public authorities to finance the construction of such long-term care facilities. Any long-term care facility participating in the loan guarantee program shall agree, through contracts with the Department of Human Services, to allocate no fewer than 75% of its beds for Medicaid recipients—\$10 million.

f. For repair, renovation and construction of facilities for the incarcerated, to be implemented by the Department of Corrections—\$67 million.

6. The bonds shall be serial bonds and shall be known as "Public Purpose Buildings Construction Bonds" and, as to each series, the last annual installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance, but may be issued in whole or in part for a shorter term.

The bonds shall be issued from time to time as the issuing officials herein named shall determine. No bonds may be issued for the amount and purposes specified in subsection e. of section 5 until legislation providing for the establishment of the loan guarantee program is reviewed by the commission and enacted by the Legislature.

7. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the pro-

visions of this act relating to the issuance of the bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by the person authorized by law to act in his place as a State official.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. The bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. The bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of issue or at the time of the delivery of the bonds to the purchaser.

10. a. The bonds shall recite that they are issued for the purposes set forth in section 5 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1980 and that it received the approval of the majority of votes cast for and against it at such election. The recital in the bonds shall be conclusive evidence of the authority of the State to issue the bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. The bonds shall be issued in denominations and in the form or forms, whether coupon or registered as to both principal and interest, and with or without provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the

issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. The bonds shall be issued and sold at a price not less than the par value thereof and accrued interest thereon, and under terms, conditions and regulations, as the issuing officials may prescribe, after notice of sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of 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 private sale at a price not less than the par value thereof and accrued interest thereon and under terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

13. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of permanent bonds temporary bonds in the form and with privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund and be deposited with such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "Public Purpose Buildings Construction Fund"; provided, however, that from the proceeds of the sale of bonds there shall be segregated the sum of \$10,000,000.00 to be held in a separate fund and to be deposited with such depositories as may be selected by him to the credit of the separate fund to be known as the "Long-Term Care Facilities Loan Guarantee Fund."

15. a. The moneys in the "Public Purpose Buildings Construction Fund" are specifically dedicated and shall be applied to the cost of

the purposes set forth in section 5 of this act, provided that the moneys segregated in the "Long-Term Care Facilities Loan Guarantee Fund" shall be pledged as security for obligations issued by the Health Care Facilities Financing Authority or the Economic Development Authority, pursuant to agreements between the Commissioner of Human Services and such authorities, and all such moneys are hereby appropriated for such purposes, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of 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 any available money in the treasury of the State to the credit of the "Public Purpose Buildings Construction Fund" such sum as he may deem necessary. The sum transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purpose provided in this act, moneys in the "Public Purpose Buildings Construction Fund" may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund shall be paid into the General State Fund.

16. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

17. Accrued interest received upon the sale of the bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of the bonds, by the State Treasurer upon warrant of the Comptroller

of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

19. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

20. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the collection of taxes as provided by the "Sales and Use Tax Act" (P. L. 1966, c. 30), or so much thereof as may be required; and

b. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which munici-

pal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in the event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection a. of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

21. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the

year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

22. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1980 be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (✓) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (✓) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	<p>PUBLIC PURPOSE BUILDINGS CONSTRUCTION BOND ISSUE</p> <p>Should the "Public Purpose Buildings Construction Bond Act of 1980" which authorizes the State to issue bonds in the amount of \$159,000,000.00 for construction and improvement of facilities serving the mentally retarded, mentally ill and children in need of supervision; for construction and improvement of correctional institutions; for construction of long-term care facilities for disabled veterans; and for the creation of a fund to encourage the construction of long-term care facilities for the aged and disabled; and to provide means to pay the principal and interest on these bonds, be approved?</p>
	No.	<p>INTERPRETIVE STATEMENT</p> <p>Approval of this act will authorize sale of \$159,000,000.00 in bonds to be used (1) to provide facilities for the mentally retarded and mentally ill which will improve the quality of care and allow the State to receive partial Federal reimbursement for such services; (2) for construction and improvement of correctional facilities to provide safe and humane conditions; (3) for improvements and additions to facilities for children in need of supervision; (4) for additional nursing homes for disabled veterans; and (5) for the establishment of a loan guarantee fund to encourage the construction of nursing homes for the aged and disabled, which will include additional beds for Medicaid recipients.</p>

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

23. There is hereby appropriated the sum of \$5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 22.

24. The chief executive officers of departments designated pursuant to section 5 of this act to implement construction provided for in this act 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 "Public Purpose Buildings Construction Fund" 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 "Public Purpose Buildings Construction Fund"; and an estimate of expenditures for the upcoming fiscal year.

25. Immediately following the submission to the Legislature of the Governor's Annual Budget Message the chief executive officer of each department designated pursuant to section 5 of this act 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 special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature, as reconstituted and continued by the Legislature from time to time, a copy of the plan called for under section 24 of

this act, together with such changes therein as may have been required by the Governor's budget message.

26. Not less than 30 days prior to entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act, the chief executive officer of any department designated pursuant to section 5 of this act shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

27. This section and sections 22 and 23 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 22.

Approved September 22, 1980.

CHAPTER 120

AN ACT concerning the netting of fish and taking of shellfish, amending P. L. 1941, c. 211, P. L. 1966, c. 52, R. S. 50:2-9 and R. S. 50:4-2; supplementing P. L. 1941, c. 211; and repealing section 11 of P. L. 1966, c. 52 and sections 23:5-34, 23:5-35 and 50:3-17 through 50:3-20 of the Revised Statutes.

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

1. Section 1 of P. L. 1941, c. 211 (C. 23:5-24.1) is amended to read as follows:

C. 23:5-24.1 License for net fishing.

1. No person shall fish with, set, fix, fasten, draw, or drift any net of any description whatsoever, from or in the inland marine waters, bays, coves, rivers, or creeks, or in the Atlantic ocean within 3 nautical miles of the coast line, unless he shall first have procured a license as hereinafter provided or as otherwise provided by this Title, and shall have received the required license and have it in possession at the time of fishing.

2. Section 2 of P. L. 1941, c. 211 (C. 23:5-24.2) is amended to read as follows:

C. 23:5-24.2 Schedule of license fees.

2. A person intending to take fish with a net in the waters aforesaid shall, except as hereinafter provided, apply to the 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 as follows:

(a) Haul seines, the mesh of which shall not be smaller than $2\frac{3}{4}$ inches stretched, and not to exceed 70 fathoms in length, whether singly or attached, for all species, except those specifically protected. November 1 to April 30. Fee, \$25.00.

(b) Fykes, the length of which including leaders, shall not exceed 30 fathoms and no part of net or leaders to be larger than 3 inches stretched mesh, for all species, except those specifically protected. November 1 to April 30. Fee, \$30.00.

(c) Special fyke for flounder only, the length of the net not to exceed 30 fathoms and the mesh of which shall not be less than 4 inches stretched. October 1 to April 30. Fee, \$4.00.

(d) Miniature fykes or pots for the taking of catfish, suckers and eels, the same not to exceed 16 inches in diameter in the marine waters of this State except the Delaware bay. March 15 to December 15. Fee, \$1.00 per pot or fyke.

(e) Run around net the smallest mesh of which shall be $2\frac{3}{4}$ inches stretched and the length of which net shall not exceed 200 fathoms, for all species, except those specifically protected. March 15 to December 15. Fee, \$20.00. This net shall be used in the Atlantic ocean and the Delaware bay and its tributaries only. The limit shall be one run around net per boat.

(f) Shad nets, either drifting, staked or anchored, the smallest mesh of which shall be 5 inches stretched, for all species, except those specifically protected. February 1 to May 15. Fee, \$20.00. These nets shall be used in the Atlantic ocean and the Delaware bay and its tributaries. Staked or anchored nets may be used in Raritan bay and Sandy Hook bay.

(g) Bait seines, over 50 feet long and not exceeding 150 feet. Fee, \$3.00.

(h) Bait seines, not more than 50 feet long and cast nets, not more than 20 feet in diameter, may be used without application for or granting of license.

(i) Dip nets, not to exceed 24 inches in diameter, may be used for the taking of herring for live bait without application for or granting of license.

(j) Drifting gill net, the smallest mesh of which shall be $2\frac{3}{4}$ inches stretched and the length of which net shall not exceed 200 fathoms and staked and anchored gill nets, the smallest mesh of which shall be $2\frac{3}{4}$ inches stretched and the length of which shall not exceed 30 fathoms, for all species, except shad and those specifically protected. Fee, \$20.00 for the drifting gill net and \$3.00 for the staked or anchored gill net. These nets shall be used in the Atlantic ocean and the Delaware bay and its tributaries only. March 1 to December 15 for the Atlantic ocean and Delaware bay. March 1 to May 15 and July 15 to December 15 for the tributaries of the Delaware bay.

(k) Pound net, the smallest mesh of which shall be 2 inches stretched for all species except those specifically protected. February 15 to May 15. Fee, \$100.00. These nets shall be used in the Delaware bay only, except as otherwise provided by law.

(l) Wire pound net which does not extend into the Delaware bay more than 300 feet from the mean low water mark or 300 feet from the outside of the flats which fall bare at low water, which may be set and used in the Delaware bay only. March 1 to December 31. Fee, \$25.00.

(m) Parallel nets, the mesh of which shall not be smaller than $3\frac{1}{2}$ inches stretched. September 1 to May 31.

The commissioner may adopt any rules and regulations which he deems necessary to carry out the purposes of this section.

3. R. S. 50:2-9 is amended to read as follows:

Revocation of license; grounds.

50:2-9. When the person in charge of any boat or vessel licensed under the provisions of this Title, or any person holding a tonger's license, is hailed or signaled by any officer of the department and refuses to stop and permit such officer or officers to board his boat, vessel or other craft and examine the oysters, oyster shells and other material thereon or if having permitted the officer or officers to board, and a violation of R. S. 50:2-7 or R. S. 50:2-8 having been found, refuses to comply with an order that he recall such oysters and oyster shells or immediately throw them upon the beds or grounds from which they were taken, the commissioner, in addition to the penalties provided in section 73 of P. L. 1979, c. 199 (C. 23:2B-14), may revoke the license of such boat or vessel and the license of the tonger and the department may seize and secure any such boat, vessel and equipment and shall immediately there-

after give notice thereof to a county district court or Superior Court which shall summarily hear and determine whether there was a violation of this section, and if it does so determine, it may direct the confiscation and forfeiture of the vessel, boat and equipment for the use of the department. The commissioner may dispose of such confiscated and forfeited property at his discretion.

4. Section 13 of P. L. 1966, c. 52 (C. 50:3-16.13) is amended to read as follows:

C. 50:3-16.13 Areas 2 and 3 legal catch.

13. It shall be lawful to catch and take oysters, clams and crabs in that portion of the Delaware bay, hereinbefore described as Areas Nos. 2 and 3, upon compliance with the provisions of this Title and any rules and regulations issued pursuant thereto.

5. Section 14 of P. L. 1966, c. 52 (C. 50:3-16.14) is amended to read as follows:

C. 50:3-16.14 Special license required.

14. No person shall catch or take any shellfish from the natural shellfish beds, contained within said Areas Nos. 2 and 3, unless there shall have been first issued by the council for each boat or vessel, so to be used or employed therein, a special license authorizing the catching or taking of shellfish within said areas, which shall be issued for a term not longer than 1 year and shall contain an agreement on the part of the holder thereof:

(a) That any person or officer authorized by regulation of said council to make inspections of such areas may board said boat or vessel to inspect shellfish therein contained, and

(b) That such holder will deliver or cause to be delivered to said council the shells taken in said areas in the process of opening or shucking, from 40% of all of the oysters taken from under the tidal waters of said areas and delivered by such holder or for his account to any shucking houses, pursuant to chapter 39 of the laws of 1945, at the times and in the manner prescribed therein,

(c) That such holder will, in the case of oysters packed and shipped or otherwise sold in the shells by him to persons not required to be licensed under this act, pay to the State of New Jersey the true, fair, cash market value of the oyster shells so packed and shipped and otherwise sold, as fixed by the Council of Shell Fisheries, under the provisions of this act, on the basis of one bushel of shells for each bushel of oysters so sold or shipped which payments shall be made as statements are submitted.

All licenses issued under this act shall be numbered.

6. Section 18 of P. L. 1966, c. 52 (C. 50:3-16.18) is amended to read as follows:

C. 50:3-16.18 Exception.

18. No oyster, which shall measure less than 3 inches from hinge to bill, shall at any time be taken from the waters of Areas Nos. 2 and 3 or be possessed by any person after being so taken, except spats or blisters, adhering so closely as to be impossible to remove without destruction, not amounting in any case to more than 10% of any catch or cargo.

7. Section 19 of P. L. 1966, c. 52 (C. 50:3-16.19) is amended to read as follows:

C. 50:3-16.19 Dates and times for harvesting or dredging.

19. No shellfish shall be dredged for or harvested in Areas Nos. 2 and 3 except between the hours of 6 o'clock ante meridian and 2:30 o'clock post meridian, Standard Time, on the days of the week, except Saturdays and Sundays, during the months beginning with the month of October in 1 year and ending with the month of April in the next year.

8. Section 20 of P. L. 1966, c. 52 (C. 50:3-16.20) is amended to read as follows:

C. 50:3-16.20 Restrictions.

20. No person shall use any dredge for the purpose of catching or taking shellfish from said Areas Nos. 2 and 3, the tooth bar of which dredge measures more than 54 inches across from center of bolt hole to center of bolt hole where the frame thereof is fastened to the tooth bar, or any dredge which measures more than 5 feet 2 inches in width from the extreme outside to outside of frame, or any dredge which measures more than 21 inches from center of tooth bar to center of cross bar, or any dredge the bag of which contains more than 17 rows of 2-inch rings, or any dredge the rings of which are less than 2 inches in diameter, inside measurement, or any dredge the bag of which measures more than 5 feet around the bag from center of tooth bar to center of cross bar, or any dredge which weighs more than 190 pounds.

9. R. S. 50:4-2 is amended to read as follows:

Dredge, drag or scrape prohibited upon natural beds; exceptions.

50:4-2. No person shall use or cause to be used any dredge with bag or pocket, drag or scrape upon any of the natural oyster or

clam beds under the tidal waters of the Atlantic seaboard of this State and tributaries thereof, except Delaware bay, and no license shall be issued by the commissioner contrary to this section; but this section shall not prohibit the use of any fork, hoe or drag used by hand in the taking of soft clams; nor shall it prohibit the catching of oysters with hand power dredges from the natural oyster grounds of this State north of Shrewsbury river; nor shall it prohibit the taking of crabs with dredges; nor shall it prohibit the taking of clams with power dredges from specified leased lands under said waters, except Delaware bay, with the approval of the Commissioner of Environmental Protection and under such conditions and supervision as he may prescribe, and under rules and regulations of the Shell Fisheries Council.

C. 23:5-35.2 Taking of edible crabs; license; rules and regulations.

10. (New section) No person shall take or attempt to take edible crabs from any of the tidal waters of this State in any manner except by rod, hand line, scoop net operated by hand, or a collapsible trap continuously tended by hand, without a license obtained from the commissioner. The commissioner may grant and set fees for these licenses under such rules and regulations as he may establish and he shall also have the power to propose, adopt, amend and repeal rules and regulations for any taking or any attempt to take and for the protection and propagation of edible crabs in the tidal waters of this State.

Repealer.

11. Section 11 of P. L. 1966, c. 52 (C. 50:3-16.11), R. S. 23:5-34, R. S. 23:5-35 and R. S. 50:3-17 through 50:3-20 are repealed.

12. This act shall take effect immediately.

Approved September 26, 1980.

CHAPTER 121

AN ACT concerning redevelopment and amending P. L. 1949, c. 306,
and P. L. 1956, c. 212.

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

1. Section 5 of P. L. 1949, c. 306 (C. 40:55C-5), is amended to read as follows:

C. 40:55C-5 Definitions.

5. The following terms wherever used or referred to in this act shall have the following respective meanings unless a different meaning clearly appears from the context:

(a) "Agency" shall mean a redevelopment agency or a regional development agency created pursuant to this act.

(b) "Municipality" shall mean any city of any class, town, township, village, borough or any municipality, or subdivision of the State, other than a county or school district.

(c) "Governing body" shall mean in the case of a municipality the common council, board of finance, or the board of commissioners or other body having charge of its finances.

(d) "Federal Government" shall mean the United States of America or any department, administration, instrumentality, authority, agency, agent or officer thereof, or any corporation created thereby.

(e) "State" shall mean the State of New Jersey, or any agency or instrumentality, corporate or otherwise, thereof.

(f) "Planning Board" or "Board" shall mean a planning board or other planning agency established under any State law, or authorized by the municipality.

(g) "Project" shall mean any work or undertaking pursuant to a master plan or redevelopment plan; such undertaking may include any buildings, land (including demolition, clearance or removal of buildings from land), equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and administrative, community, health, recreational, educational, and welfare facilities.

(h) "Project area" shall mean all or a portion of a redevelopment area.

(i) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by an agency pursuant to this act.

(j) "Obligee of the Agency" or "Obligee" shall include any bondholder, trustee or trustees for any bondholder, or lessor demising to the agency property used in connection with a project or any assignees of such lessor's interest or any part thereof, and

the Federal Government or State when a party to any contract with the agency.

(k) "Real property" shall mean all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and indebtedness secured by such liens.

(l) "Redevelopment" shall mean clearance, replanning, development and redevelopment; the rehabilitation of any improvements, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces 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 incidental or appurtenant thereto, in accordance with a master plan or any part thereof approved by the governing body of a municipality or a redevelopment plan approved by said governing body.

(m) "Redevelopment plan" shall mean a plan as it exists from time to time for the redevelopment of all or any part of a redevelopment area, which plan shall be sufficiently complete to indicate its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities, and other public improvements; and to indicate proposed land uses and building requirements in the redevelopment area.

(n) "Redeveloper" shall mean any person, firm, corporation or public agency that shall enter into or propose to enter into a contract with an agency for the redevelopment of an area or any part thereof under the provisions of this act.

(o) "Redevelopment area" shall mean an area of a municipality which the governing body thereof finds is a blighted area, or is an area in need of rehabilitation so as to prevent the existence of blighted conditions, whose redevelopment is necessary to effectuate the public purposes declared in this act. A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

2. Section 12 of P. L. 1949, c. 306 (C. 40:55C-12), is amended to read as follows:

C. 40:55C-12 Agency's additional powers.

12. An agency shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the agency; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this act, to carry into effect its powers and purposes.

(b) To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(c) Borrow moneys from any source and issue its bonds therefor and give or issue such security therefor or for such bonds, including but not limited to bonds, bonds and mortgages, or other assets of the agency, or pledge or assignment thereof or mortgage or other encumbrance on any of its property, real, personal, or mixed, and pay such rate of interest thereon not exceeding 6% per annum as the agency may deem for the best interest of the public.

(d) To invest in an obligee the right in the event of a default by the agency to foreclose and take possession of the project covered by said mortgage or apply for the appointment of a receiver.

(e) To provide for the refunding of any of its bonds, by the issuance of such obligations, in such manner and form, and upon such terms and conditions, as it shall deem in the best interests of the public.

(f) Consent to the modification of any contract, bond indenture, mortgage or other instrument entered into by it.

(g) Pay or compromise any claim arising on, or because of any agreement, bond indenture, mortgage or instrument.

(h) Subordinate, waive, sell, assign or release any right, title, claim, lien or demand however acquired, including any equity or right of redemption, foreclose, sell or assign any mortgage held

by it, or any interest in real or personal property; and purchase at any sale, upon such terms and at such prices as it determines to be reasonable and to take title to property, real, personal or mixed, so acquired and similarly to sell, exchange, assign, convey or otherwise dispose of any such property.

(i) Complete, administer, operate, obtain and pay for insurance on, and maintain, renovate, repair, modernize, lease or otherwise deal with any property acquired or held pursuant to this act.

(j) Acquire, by condemnation, any land or buildings which are located in an area determined by the governing body of a municipality, pursuant to the provisions of P. L. 1949, c. 187 (C. 40:55-21.1 et seq.), to be a blighted area, and which are necessary for a project under this act. In such case the agency shall proceed pursuant to the provisions of chapter 1 of Title 20 of the Revised Statutes relating to eminent domain and acquire a fee simple or such lesser interest in said lands as it shall deem necessary.

(k) To extend credit or make loans to redevelopers for the planning, designing, acquiring, constructing, reconstructing, improving, equipping and furnishing any project or redevelopment work.

3. Section 15 of P. L. 1949, c. 306 (C. 40:55C-15), is amended to read as follows:

C. 40:55C-15 Planning and development of blighted area; powers and duties of agency.

15. With the approval of the governing body or governing bodies of the municipality or municipalities, an agency may proceed with the clearance, replanning, development and redevelopment of a blighted area after same has been determined as such by said municipality and in order to carry out and effectuate the purposes of this act, said agency may: (a) acquire or contract to acquire from any person, firm, or corporation, public or private, by contribution, gift, grant, bequest, devise, purchase, condemnation or otherwise, real or personal property or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in a redevelopment area and in any area designated by the governing body as necessary for carrying out the relocation of the residents, industry and commerce displaced from a redevelopment area; (b) clear any area acquired and install, construct or reconstruct streets, facilities, utilities and site improvements essential to the preparation of sites for use in accordance with the redevelopment plan; (c) relocate or arrange for the relocation of residents of an area;

(d) dispose of land so acquired at its fair value for the uses specified in the redevelopment plan as determined by it to any person, firm, or corporation or to any public agency by sale, lease or exchange; (e) request the planning board, if any, to recommend and the governing body pursuant to existing law to designate blighted areas in need of redevelopment and to make recommendations for such development; (f) to study the recommendations of the planning board for redevelopment of any area and to make its own investigations and recommendations as to current trends in the municipality, blighted areas and blighting factors, to the governing body of the municipality thereon; (g) to publish and disseminate information; (h) to prepare or arrange by contract for preparation of plans by registered architects or licensed professional engineers or planners for the carrying out of redevelopment projects; (i) to arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies for the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area; (j) to arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of any redevelopment area, and to have such other agency provide and maintain parks, recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas; (k) to enter upon any building or property in any redevelopment area in order to conduct investigations or make surveys, soundings or test borings necessary to carry out the purposes of this act; (l) to arrange or contract with a public agency for the relocation of residents, industry or commerce displaced from a redevelopment area; (m) to conduct examinations and investigations, hear testimony and take proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of the State, unable to attend, or excused from attendance; (n) to autho-

rize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths, take affidavits and issue subpoenas or commissions; and (o) to do all things necessary or convenient to carry out its powers.

With the approval of the governing body or governing bodies of the municipality or municipalities, an agency may proceed with the clearance, replanning, development and redevelopment of an area other than a blighted area, but which is in need of rehabilitation so as to prevent the existence of blighted conditions, and may with respect to a project located in any such area perform any of the actions hereinabove described; provided, however, that with respect to such a project no agency shall have the power to take or acquire private property by condemnation.

4. Section 17 of P. L. 1949, c. 306 (C. 40:55C-17), is amended to read as follows:

C. 40:55C-17 Redevelopment plan; conditions to proceed.

17. No agency shall proceed with a redevelopment plan unless: (a) the municipality has first determined that the area to which said plan refers is blighted, which determination shall be made by the governing body of said municipality as provided by chapter 187 of the laws of 1949, or is an area in need of rehabilitation so as to prevent the existence of blighted conditions, which determination may take into consideration the existence of blighted areas elsewhere in the municipality, deterioration of housing stock, age of housing stock, supply of and demand for housing in the municipality, and arrearage in real property taxes due on residential properties; and (b) the governing body of the municipality has first, by ordinance, approved a redevelopment plan after study and recommendation of its planning board, if any, finds that said plan provides an outline for the replanning, development or redevelopment of said area sufficient to indicate: (1) its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements; (2) proposed land uses and building requirements in the area; (3) provision for the temporary and permanent relocation of persons living in such areas; by arranging for (unless already available) decent, safe and sanitary dwelling units at rents within the means of the persons displaced from said areas.

5. Section 2 of P. L. 1956, c. 212 (C. 40:55C-31), is amended to read as follows:

C. 40:55C-31 Agency's additional authority.

2. In addition to its authority under provisions of the act to which this act is a supplement, an agency is hereby authorized to plan, initiate and carry out a redevelopment project as herein defined. As used in this act, a "redevelopment project" shall mean any undertakings and activities for the elimination (and for the prevention of the development or spread) of blighted, deteriorated, or deteriorating areas, or areas otherwise in need of rehabilitation to prevent the existence of blighted conditions, and may involve any work or undertaking for such purpose constituting a redevelopment project as authorized by the act to which this act is a supplement, or any conservation or rehabilitation work, or any combination of such redevelopment projects and such conservation or rehabilitation work or undertaking. For this purpose "conservation or rehabilitation work" may include (1) carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements; (2) acquisition of real property and demolition, removal, or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the redevelopment project; and (4) the disposition, for uses in accordance with the objectives of the redevelopment project, of any property or part thereof acquired in the area of such project; provided that such disposition shall be in the manner prescribed in the act to which this act is a supplement for the disposition of property in a redevelopment project area. As used in this act the term "blighted, deteriorated or deteriorating area" may include an area determined by the municipality to be blighted in accordance with the provisions of chapter 187 of the laws of 1949 and, in addition, areas which are determined by the municipality, pursuant to the same procedures as provided in said chapter, to be blighted, deteriorated or deteriorating because of structures or improvements which are dilapidated or characterized by disrepair, lack of ventilation or light or sanitary facilities, faulty arrangement, location, or design, or other unhealthful or unsafe

conditions, or otherwise in need of rehabilitation to prevent the existence of blighted conditions.

6. This act shall take effect immediately, and be retroactive to January 1, 1979.

Approved September 29, 1980.

CHAPTER 122

AN ACT concerning government purchase of automobiles assembled in the United States and supplementing chapter 32 of Title 52 of the Revised Statutes.

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

C. 52:32-1.1 Purchase, lease or acquisition of automobiles assembled in United States.

1. Notwithstanding any other provision of law, and unless the head of the department or other public officer charged with the duty by law shall determine it to be inconsistent with the public interest or the cost to be unreasonable, only automobiles assembled in the United States shall be purchased, leased or otherwise acquired for public use.

This section shall not apply with respect to automobiles assembled in the United States to be purchased, leased or otherwise acquired for public use if automobiles of the class or kind to be used are not assembled in the United States in commercial quantities and of a satisfactory quality.

C. 52:32-1.2 Effective date; application of act.

2. This act shall take effect immediately, apply to all contracts awarded after the effective date of the act and expire 2 years after its effective date.

Approved October 7, 1980.

CHAPTER 123

AN ACT concerning county boards of taxation and amending R. S. 54:3-14.

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

1. R. S. 54:3-14 is amended to read as follows:

Adoption of standardized petitions of appeal, rules, regulations and procedures.

54:3-14. Each board shall adopt such standardized petitions of appeal, rules, regulations and procedures as are prescribed by the Director of the Division of Taxation, and issue such directions as may be necessary to carry into effect the provisions of this title. Each board may record any or all proceedings before it involving tax appeals, and, if recorded, shall furnish a transcript of the record of any appeal to any party to that appeal upon request and upon payment of a reasonable fee to be fixed by the board.

2. This act shall take effect immediately and shall be retroactive to January 1, 1980.

Approved October 7, 1980.

CHAPTER 124

AN ACT temporarily prohibiting the implementation of a revaluation of real property in cities of the first class having a population in excess of 300,000.

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

1. Notwithstanding any provisions of law or any judicial order to the contrary, no revaluation of real property shall be implemented in a city of the first class having a population in excess of 300,000 for the tax years 1981 to 1982, inclusive.

2. This act shall take effect immediately.

Approved October 16, 1980.

CHAPTER 125

AN ACT concerning simple, clear, understandable and easily readable language in consumer contracts.

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

C. 56:12-1 Definitions.

1. As used in this act:

“Consumer contract” means a written agreement in which a natural person:

- a. Leases or licenses real or personal property;
- b. Obtains credit;
- c. Obtains insurance coverage, except insurance coverage contained in policies subject to the “Life and Health Insurance Policy Language Simplification Act” (P. L. 1979, c. 167, C. 17B:17-17 et seq.);
- d. Borrows money;
- e. Purchases real or personal property;
- f. Contracts for services including professional services, for cash or on credit and the money, property or services are obtained for personal, family or household purposes. “Consumer contract” includes writings required to complete the consumer transaction.

“Primary State regulator” means a State agency or person that has licensing or general regulatory authority over a creditor, seller, insurer or lessor.

C. 56:12-2 Consumer contract contents in a simple, clear and easily readable way.

2. A consumer contract entered into on or after the effective date of this act shall be written in a simple, clear, understandable and easily readable way. In determining whether a consumer contract has been written in a simple, clear, understandable and easily readable way as a whole, a court or primary State regulator shall take into consideration the guidelines set forth in section 10 of this act. Use of technical terms or words of art shall not in and of itself be a violation of this act.

C. 56:12-3 Liability for noncompliance.

3. A creditor, seller, insurer or lessor who fails to comply with section 2 of this act shall be liable to a consumer who is a party

to the consumer contract for actual damages sustained plus punitive damages in an amount up to \$50.00. The creditor, seller, insurer or lessor shall also be liable for the consumer's reasonable attorney's fees and costs.

C. 56:12-4 Class actions.

4. Class actions may be brought under the provisions of this act, but the amount of punitive damages shall be limited to \$10,000.00 against any one seller, lessor, insurer or creditor.

C. 56:12-5 Liability limited.

5. There shall be no liability under sections 3 and 4 if: a. both parties to the contract have performed their obligations under the contract, b. the creditor, seller, insurer or lessor attempts in good faith to comply with this act in preparing the consumer contract, c. the contract is in conformity with a rule, regulation, or the opinion or interpretation of a State official authorized by section 8 of this act to issue approvals of the form of the contract, or d. the consumer supplied the contract or the portion of the contract to which the consumer objects.

C. 56:12-6 Specific language permitted by laws or rules.

6. The use of specific language in a consumer contract required, permitted or approved by a law, regulation, rule or published interpretation of a State or Federal agency shall not violate this act.

C. 56:12-7 Claims.

7. This act shall not preclude a debtor, buyer, insured or lessee from making any claims which would have been available to him if this act were not in effect.

C. 56:12-8 Request for opinion; fee for processing; opinion by State regulator.

8. A creditor, seller, insurer or lessor may request an opinion from a primary State regulator as to whether a consumer contract complies with this act. A reasonable fee may be charged by the State regulator for processing the request. The Commissioner of Banking may render an opinion to any banking institution which has a Federal charter.

A creditor, seller or lessor who does not have a State regulator may request an opinion from the Division of Consumer Affairs.

The State regulator shall furnish the opinion within a reasonable period of time. A refusal to approve shall be in writing and shall state the reasons for the refusal. The failure of a creditor, seller, insurer or lessor to apply for an opinion under this section

shall not be used as evidence in an action brought for a violation of this act.

C. 56:12-9 Applicability of act.

9. This act shall not apply to consumer contracts involving amounts of more than \$50,000.00, but no dollar limitation shall apply to consumer contracts involving real estate or insurance.

C. 56:12-10 Guidelines.

10. a. To insure that a consumer contract shall be simple, clear, understandable and easily readable, the following are examples of guidelines that a court or primary State regulator may consider in determining whether a consumer contract as a whole complies with this act:

- (1) Cross references that are confusing;
- (2) Sentences that are of greater length than necessary;
- (3) Sentences that contain double negatives and exceptions to exceptions;
- (4) Sentences and sections that are in a confusing or illogical order;
- (5) The use of words with obsolete meanings or words that differ in their legal meaning from their common ordinary meaning;
- (6) Frequent use of Old English and Middle English words and Latin and French phrases.

b. The following are examples of guidelines that a court or regulator shall consider in determining whether the consumer contract as a whole complies with this act:

- (1) Sections shall be logically divided and captioned;
- (2) A table of contents or alphabetical index shall be used for all contracts with more than 3,000 words;
- (3) Conditions and exceptions to the main promise of the agreement shall be given equal prominence with the main promise, and shall be in at least 10 point type.

C. 56:12-11 Waiver of rights; violation of act.

11. No consumer contract shall contain a waiver of any rights under this act. A violation of this act will not render any consumer contract void or voidable, or serve as a defense in an action to enforce the consumer contract for breach thereof.

C. 56:12-12 Injunctive relief; fees and costs.

12. The Office of the Attorney General, the Division of Consumer Affairs, the Department of the Public Advocate, or any interested person may seek injunctive relief. The court may authorize reasonable attorney's fees and court costs in such a proceeding.

C. 56:12-13 Partial invalidity.

13. If any provision of this act, or its application to any person or circumstances, is held invalid, the remainder of the act and its application to other persons or circumstances shall not be affected.

14. This act shall take effect immediately, but shall remain inoperative until 1 year after its enactment, except that the act shall remain inoperative for 2 years with regard to all contracts of insurance during which time a State regulator may receive and process requests for and render opinions as to whether consumer contracts comply with this act.

Approved October 16, 1980.

CHAPTER 126

AN ACT to validate certain proceedings of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S. 18A:24-16 was not prepared and filed as required by N. J. S. 18A:24-17; provided, however, that a supplemental debt statement has heretofore been made, sworn to, and filed in the places required by N. J. S. 18A:24-16 and N. J. S. 18A:24-17; and provided further, that no action, suit or other proceeding of any nature to contest the validation of such proceeding has heretofore been instituted prior to the date upon which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved October 17, 1980.

CHAPTER 127

AN ACT to amend "An act concerning the annual salaries of the justices and judges of State and county courts and the establishment of salary ranges for certain offices and positions in the judicial branch of the State Government, and repealing P. L. 1970, c. 105," approved June 28, 1974 (P. L. 1974, c. 57).

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

1. Section 1 of P. L. 1974, c. 57 (C. 2A:1A-6) is amended to read as follows:

C. 2A:1A-6 Annual salaries of justices and judges.

1. Annual salaries of the following justices and judges are fixed and established as follows:

Title	Column 1	Column 2
	Salary June 28, 1980	Salary April 14, 1981
Chief Justice of the Supreme Court	\$62,000.	\$65,500.
Associate Justice of the Supreme Court ...	59,500.	63,000.
Judge of the Superior Court, Appellate Division	56,500.	60,000.
Judge of the Superior Court, Assignment Judge	54,500.	58,000.
Judge of the Superior Court	51,500.	55,000.
Judge of the county district court	51,500.	55,000.
Judge of the juvenile and domestic relations court	51,500.	55,000.

2. This act shall take effect as to Column 1 on June 28, 1980 and as to Column 2 on April 14, 1981.

Approved October 17, 1980.

CHAPTER 128

AN Act concerning certificates of marriage, amending R. S. 37:1-17 and N. J. S. 2A:82-12 and supplementing chapter 1 of Title 37 of the Revised Statutes.

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

1. R. S. 37:1-17 is amended to read as follows:

Marriage certificate; form; contents; signatures of witnesses.

37:1-17. On the marriage license shall be the form for the certificate of marriage in quadruplicate, to which the licensing officer shall have set forth particularly therein the name, age, parentage, race, birthplace, residence and condition (whether single, widowed or divorced) of each of the married persons, and the names and country of birth of their parents. The person by whom or the religious society, institution, or organization by or before which, the marriage was solemnized, shall personally or by legally authorized agent subscribe where indicated on the form the date and place of the marriage. Each certificate of marriage shall also contain the signature and residence of at least two witnesses who were present at the marriage ceremony.

C. 37:1-17.1 Copies of certificate.

2. (New section) The license and the original certificate shall be transmitted pursuant to R. S. 26:8-41. One copy of the certificate shall be retained by the local registrar and one copy shall be given to the persons contracting the marriage. The remaining copy shall be retained by the person solemnizing the marriage.

C. 37:1-17.2 Recording of marriage by filing delayed report.

3. (New section) Any marriage which has occurred or which may hereafter occur and which is not recorded with the State Registrar as required by this chapter, may be recorded by filing a delayed report with the State Registrar, documented by a copy of the application for the license. The delayed report shall contain an affidavit of the person performing the marriage or if he is deceased or not available, of one or both witnesses to the marriage ceremony confirming that the ceremony was performed and the date and place of the marriage.

When it is impossible to secure the affidavit of the officiant or either of the witnesses, the affidavit may be made by a person who

was present at the marriage ceremony, or the contracting parties, provided additional documentary evidence is presented.

The State Registrar may require evidence of the correctness of the information in a delayed report and may refuse to accept a delayed report if the evidence is not submitted.

4. N. J. S. 2A:82-12 is amended to read as follows:

Certified copies of records prima facie evidence.

2A:82-12. Any certificate of marriage issued pursuant to R. S. 37:1-17, marriage license and consent to the marriage of minors, or any part thereof, and any copy of the record of any marriage, certified to be a true copy under the hand of the State Registrar of Vital Statistics, any original certificate of birth or death, or any copy thereof, or any copy of the record thereof, certified to be a true copy under the hand of the State Registrar; any transcript of return of death, marriage or birth, made by any person according to law, to any officer or board empowered by law to receive the same or of the record of such return, such transcript being a copy of the return as originally made or a copy of the record thereof as recorded according to law, when such transcript shall be signed by the officer required by law to return or record the same as the case may be and, by him certified to be a true copy of said return or record, shall be received as prima facie evidence of the facts therein stated in all courts and places.

5. This act shall take effect January 1, 1981.

Approved October 17, 1980.

CHAPTER 129

AN ACT to amend "An act for the establishment of a police and firemen's retirement system for police, firemen and certain other law enforcement officers," approved May 23, 1944 (P. L. 1944, c. 255, C. 43:16A-1 et seq.), as said title was amended by P. L. 1976, c. 139.

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

1. Section 3 of P. L. 1944, c. 255 (C. 43:16A-3) is amended to read as follows:

C. 43:16A-3 Membership as condition of employment.

3. (1) After the date of the establishment of this retirement system, any person becoming a full-time policeman or fireman in a county or municipality or fire district located in a township where, prior to the date this act takes effect, a pension under chapter 16 of Title 43 or article 4 of chapter 10 of Title 43 of the Revised Statutes for policemen or firemen has been established, shall become a member of this retirement system as a condition of his employment; he will be enrolled provided, that his age at becoming such full-time policeman or fireman is not over 35 years or if such person shall have met the requirements at the announced closing date of a civil service examination for such position and was appointed during the existence of the civil service list promulgated as a result of such examination; and further provided, that he shall furnish such evidence of good health at the time of becoming a member as the retirement system shall require.

(2) After the date upon which this act becomes effective in any county, municipality or political subdivision thereof, pursuant to a referendum as hereinafter provided (a) any person becoming a full-time policeman or fireman in any such county, municipality or political subdivision shall become a member of this retirement system as a condition of his employment; he will be enrolled provided, that his age at becoming such full-time policeman or fireman is not over 35 years; and provided further, that he shall furnish such evidence of good health at the time of becoming a member as the retirement system shall require; and (b) any person in service as a full-time policeman or fireman in any such county, municipality or political subdivision on the date this act becomes effective therein who, within the time and in the manner permitted by this act, elects to become a member of this retirement system, shall become such member.

(3) Should any member withdraw his aggregate contributions, or become a beneficiary or die, or if more than 2 years have elapsed from the date of his last contributions to the system, he shall thereupon cease to be a member.

(4) Should any member resign or be dismissed from the police or fire service of the employing agency and not make application for the return of his aggregate contributions, the retirement system shall upon receiving conclusive advice of such separation, terminate the membership. The employees' contributions from memberships so terminated shall be held by the retirement system and returned

to the employee without interest when application for such return is made.

(5) If a member of the retirement system has been discontinued from service through no fault of his own or through leave of absence granted by his employer or permitted by any law of this State and he has not withdrawn his accumulated deductions, his membership may continue, notwithstanding any provisions of this article if such member returns to service within a period of 5 years from the date of his discontinuance from service.

2. This act shall take effect immediately and be retroactive to July 1, 1979.

Approved October 17, 1980.

CHAPTER 130

AN ACT to validate certain proceedings for the issuance of bonds of fire districts and any bonds or other obligations 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*:

Validating act.

1. All proceedings heretofore had or taken by any board of fire commissioners or at any fire district meeting or election for the authorization or issuance of bonds or other obligations of the fire district for the acquisition of fire apparatus from a volunteer fire company and any bonds or other obligations of the fire district issued or to be issued pursuant to a resolution of the board of commissioners of such fire district therefor approved by the legal voters at such fire district election, are hereby ratified, validated and confirmed, notwithstanding that the purpose for which the bonds or other obligations of the fire district have or are to be issued might or does constitute a violation or violations of the Local Public Contracts Law (P. L. 1971, c. 198, C. 40A:11-1 et seq.); and notwithstanding that notices relating to such election were not published as required by the "Absentee Voting Law (1953)" (P. L. 1953, c. 211, C. 19:57-1 et seq.) as amended and supplemented; provided, however, 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, or is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved October 17, 1980.

CHAPTER 131

AN ACT concerning county park commissions and supplementing chapter 37 of Title 40 of the Revised Statutes.

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

C. 40:37-132.2 Conveyance and transfer of parklands or parkways; release of moneys.

1. When, in any county having a county park commission governed by the provisions of R. S. 40:37-96 to 40:37-174, inclusive, the park commission has heretofore transferred and conveyed or shall hereafter transfer and convey parklands or parkways to the State of New Jersey for State highway purposes, an amount not to exceed \$50,000.00 of the moneys received in payment therefor may be released, annually, by the governing body of the county for expenditure by the county park commission for the operation and maintenance of its existing park or parkway lands. The balance of such moneys, if any, shall be applied, in the manner determined by the governing body of the county, to the retirement of any outstanding and unpaid county bonds issued for the purpose of the acquisition and original improvement of the parklands or parkways so transferred or conveyed to the State; and any remaining balance shall be set aside by said park commission as a capital improvement fund which, with the concurrence of the governing body of the county, may be used from time to time by the commission for the acquisition of additional lands for park or parkway purposes and the development and improvement of such lands or parkways or the public parks under the jurisdiction of the commission.

2. This act shall take effect immediately.

Approved October 20, 1980.

CHAPTER 132

AN ACT to amend "An act concerning shellfish, regulating the taking of sea clams (*macra solidissima*), providing for licenses, imposing penalties, and supplementing Title 50 of the Revised Statutes," approved July 6, 1950 (P. L. 1950, c. 310).

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

1. Section 2 of P. L. 1950, c. 310 (C. 50:2-6.2) is amended to read as follows:

C. 50:2-6.2 Licensed dredging operation; limitation.

2. Any such licensed dredging operation shall be limited to the use of a single dredge at a time in any one boat, and such dredge shall conform to the dimensions established by the commissioner by regulation. Notwithstanding any other provision of law, the commissioner may adopt regulations fixing the hours during which dredging will be permitted. No such dredging operation shall be permitted at any time between June 1 and September 30 in each year, within 1 mile of the ocean front mean low watermark, unless changed by emergency order or regulation. Unless otherwise provided by regulation, all surf clams harvested within the waters of New Jersey (3 nautical miles) shall not be taken into another state or the waters thereof until said clams have been first landed in New Jersey. It shall be prima facie evidence of a violation of this section if a harvest vessel is observed by radar or other means leaving the waters of New Jersey and entering the waters of another state any time prior to landing.

2. This act shall take effect immediately.

Approved October 21, 1980.

CHAPTER 133

A SUPPLEMENT to the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226, C. 24:21-1 et seq.), and repealing P. L. 1955, c. 277.

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

C. 24:21-46 Definitions.

1. 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 in violation of the provisions of the act to which this act is a supplement. 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; 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; e. scales and balances used or intended for use in weighing or measuring controlled dangerous substances; f. diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled dangerous substances; g. separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana; h. blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled dangerous substances; i. capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled dangerous substances; j. containers and other objects used or intended for use in storing or concealing controlled dangerous substances; k. objects

used or intended for use in ingesting, inhaling, or otherwise introducing marihuana, 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 marihuana 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; c. the existence of any residue of illegally possessed controlled dangerous substances 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.

C. 24:21-47 Possession with intent to use; violation of act.

2. 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 in violation of the provisions of the act to which this act is a supplement. Any person who violates this section is guilty of a disorderly persons offense.

C. 24:21-48 Distribution; violation of act.

3. 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 in violation of the provisions of the act to which this act is a supplement. Any person who violates this section commits a crime of the fourth degree.

C. 24:21-49 Advertisement; violation of act.

4. 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.

C. 24:21-50 Delivery of drug paraphernalia to persons under 18.

5. Any person 18 years of age or over who violates section 3 of this act by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his junior commits a crime of the third degree.

C. 24:21-51 Hypodermic syringes or needles; disposition or sale; violation of act.

6. a. No person shall sell, furnish, or give to any person or persons other than a duly licensed physician, dentist, veterinarian, undertaker, nurse, podiatrist, registered pharmacist, or a hospital, sanitarium, clinical laboratory or any other medical institution, or a State or governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or intern of a hospital, sanitarium or other medical institution, an instrument commonly known as a hypodermic syringe, hypodermic needle or any instrument adapted for the use of controlled dangerous substances as defined in P. L. 1970, c. 226 (C. 24:21-1 et seq.) by subcutaneous injections without a written prescription of a duly licensed physician, dentist or veterinarian. Such prescription shall contain the name and address of the patient, the description of the instrument prescribed and the number of instruments prescribed.

b. Every person who disposes of, or sells, or furnishes, or gives away a hypodermic syringe or a hypodermic needle or an instrument adapted for the use of controlled dangerous substances

by subcutaneous injections, upon the written prescription of a duly licensed physician, dentist, or veterinarian, shall record upon the face of the prescription, over his signature, the date of the sale or furnishing of the instrument. This prescription shall be retained on file for a period of 2 years and shall be opened to inspection by any public officer or employee engaged in the enforcement of this section. A prescription filed in accordance with this section shall be sufficient authority, without the necessity of a renewal or reissuance, to permit subsequent sales or the furnishing of hypodermic syringes or hypodermic needles or instruments adapted for the use of controlled dangerous substances by subcutaneous injections to the person to whom the prescription was issued, for a period of 6 months from the date of its original issuance.

c. It shall be unlawful for any person or persons, except a duly licensed physician, dentist, veterinarian, nurse, podiatrist, hospital, sanitarium or other medical institution, or a resident physician or intern of a hospital, sanitarium or other medical institution, to have under control or possess, a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of controlled dangerous substances by subcutaneous injections with intent to use such syringe, needle or instrument for such purpose, unless such possession be obtained upon a valid written prescription form, and such use be authorized or directed by a duly licensed physician or veterinarian. For the purposes of this subdivision no such prescription shall be valid, which has been outstanding for more than 6 months.

d. Any person who violates this section is guilty of a disorderly persons offense.

C. 24:21-52 Subject to forfeiture.

7. Drug paraphernalia seized in violation of this act shall be subject to the forfeiture provisions of Chapter 64 of the "New Jersey Code of Criminal Justice" (N. J. S. 2C:64-1 et seq.).

C. 24:21-53 Partial invalidity.

8. If any provisions of sections 2, 3, 4, 5, 6 and 7 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 sections 2, 3, 4, 5, 6 and 7 are severable.

Repealer.

9. P. L. 1955, c. 277 (C. 2A:170-77.3 to 2A:170-77.7) is repealed, but this repealer shall not revive any act repealed thereby.

10. This act shall take effect 120 days from the date of enactment.

Approved October 27, 1980.

CHAPTER 134

AN ACT concerning eligibility lists for positions and employments in certain counties, municipalities and school districts and supplementing Title 11 of the Revised Statutes.

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

C. 11:22-34.1 Extension of eligibility list.

1. When the commission has established a promotional eligibility list for a position or employment in the service of a county, municipality or school district which has adopted the provisions of Title 11 (Civil Service) of the Revised Statutes and which has adopted an ordinance, resolution, rule or regulation temporarily barring promotions for economic reasons, the list shall remain in effect for the established term of eligibility and for 1 year beyond its original expiration date. An officer or employee included on an eligibility list so extended shall be eligible for appointment notwithstanding that the officer or employee may have been demoted or temporarily demoted for reasons of economy during the period that such ordinance, resolution, rule or regulation was in effect.

2. This act shall take effect immediately.

Approved October 27, 1980.

CHAPTER 135

AN ACT to validate certain proceedings of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S. 18A:24-16 was not prepared and filed as required by N. J. S. 18A:24-16 and N. J. S. 18A:24-17; provided, however, that a supplemental debt statement shall have been made, sworn to, and filed in the places required by N. J. S. 18A:24-16 and N. J. S. 18A:24-17 prior to the issuance of such bonds; and provided further, that no action, suit or other proceeding of any nature to contest the validation of such proceeding has heretofore been instituted prior to the date upon which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved October 27, 1980.

CHAPTER 136

AN ACT concerning Police and Firemen's Retirement System pension rights of certain police officers in certain municipalities establishing police departments.

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

C. 43:16A-48.8 Transfer of contributions.

1. Notwithstanding any other provision of law regarding the Police and Firemen's Retirement System or the Public Employees' Retirement System, when any police officer member of the Police and Firemen's Retirement System transfers his employment to a municipality which has within 1 year of the transfer first established a police department and has not at the time of the transfer adopted the Police and Firemen's Retirement System, so that the police officer is thereby required to transfer to membership in the Public Employees' Retirement System, and the municipality thereafter adopts the Police and Firemen's Retirement System and the police officer elects to transfer back to membership in that system, the full amount of the police officer's contributions and the full amount of the contributions made by the police officer's former employers shall be transferred by the Public Employees' Retirement System to the Police and Firemen's Retirement System.

C. 43:16A-48.9 Credits, rights and benefits.

2. When a police officer transfers back to the Police and Firemen's Retirement System under the circumstances set forth in section 1 of this act, the police officer and the employing municipality shall be required to make such contributions, on the basis of rates established by the actuary of the Police and Firemen's Retirement System, which, when added to the funds transferred pursuant to section 1 of this act and any prior contributions made by or on behalf of the transferring police officer retained by the Police and Firemen's Retirement System, will obtain for the police officer the same credits, rights and benefits of membership in the Police and Firemen's Retirement System as would have accrued had the police officer continued to be a member of that system during his entire employment as a police officer.

3. This act shall take effect immediately and shall be retroactive to January 21, 1980.

Approved October 29, 1980.

CHAPTER 137

AN ACT to validate certain proceedings of school districts and any bond or other obligation issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S. 18A:24-16 was not prepared and filed as required by N. J. S. 18A:24-17, or notwithstanding that a notice of election was not published and posted pursuant to N. J. S. 18A:14-19, or notwithstanding that a statement and certificate of result and correctness was not prepared and filed pursuant to N. J. S. 18A:14-57 and N. J. S. 18A:14-61; provided, however, that a supplemental debt statement has heretofore been made, sworn to, and filed in the place required by N. J. S. 18A:24-16 and N. J. S. 18A:24-17; and provided that the results of the election have been certified pursuant to R. S. 19:17-1 et seq. and certified copies thereof are forwarded by the county clerk to the secretary of the school district for appropriate handling pursuant to N. J. S. 18A:14-61 and N. J. S. 18A:14-62; and provided further, that no action, suit or proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved November 10, 1980.

CHAPTER 138

AN ACT to amend and supplement the "Casino Control Act," approved June 2, 1977 (P. L. 1977, c. 110).

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

1. Section 52 of P. L. 1977, c. 110 (C. 5:12-52) is amended to read as follows:

C. 5:12-52 Appointment and terms of commission members.

52. Appointment and Terms of Commission Members. a. Initial appointments to the commission made pursuant to this amendatory and supplementary act shall be for terms as follows:

- (1) One member for 2 years;
- (2) One member for 3 years;
- (3) One member for 4 years; and
- (4) One member for 5 years.

b. The term of each of the members first appointed pursuant to this amendatory and supplementary act shall be designated by the Governor.

c. After the initial appointments, all members shall be appointed for terms of 5 years; provided, however, that no member shall serve more than two terms of 5 years each.

d. Appointments to the commission and designation of the chairman shall be made by the Governor with the advice and consent of the Senate. Prior to nomination, the Governor shall cause an inquiry to be conducted by the Attorney General into the nominee's background, with particular regard to the nominee's financial stability, integrity, and responsibility and his reputation for good character, honesty, and integrity.

e. Appointments to fill vacancies on the commission shall be for the unexpired term of the member to be replaced.

f. The member designated by the Governor to serve as chairman shall serve in such capacity throughout such member's entire term and until his successor shall have been duly appointed and qualified. No such member, however, shall serve in such capacity for more than 10 years. The chairman shall be the chief executive officer of the commission. All members shall devote full time to their duties of office and shall not pursue or engage in any other business, occupation or other gainful employment.

g. A commissioner may be removed from office for misconduct in office, willful neglect of duty, or other conduct evidencing unfitness for his office, or for incompetence. A proceeding for removal may be instituted by the Attorney General in the Superior Court. Notwithstanding any provision of this or any other act, any commissioner or employee of the commission shall automatically forfeit his office or position upon conviction of any crime. Any commissioner or employee of the commission shall be subject to the duty to appear and testify and to removal from his office, position or employment in accordance with the provisions of P. L. 1970, c. 72 (C. 2A:81-17.2a et seq.).

h. Each member of the commission shall serve for the duration of his term and until his successor shall be duly appointed and qualified, subject to the limitations in subsections c. and f. of this section; provided, however, that in the event that a successor is not duly appointed and qualified within 120 days after the expiration of the member's term, a vacancy shall be deemed to exist.

2. (New section) The Senate shall consent to or reject any person designated by the Governor on or after November 15, 1980 as initial chairman of the commission under P. L. 1980, c. 28, within 45 days of such designation. If the first such initial designee is neither consented to nor rejected, by recorded vote, within 45 days, he or she shall be deemed consented to by the Senate. If the Senate shall reject the first such initial designee within 45 days, the provisions of this section shall apply to all subsequent initial designees until one is consented to.

3. This act shall take effect immediately.

Approved November 12, 1980.

CHAPTER 139

AN ACT to validate certain proceedings for the authorization, sale and issuance of bonds of school districts and any bonds 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*:

Validating act.

1. All proceedings heretofore had or taken by any school district for the authorization, sale or issuance of bonds of the school

district, and any bonds of the school district issued or to be issued in pursuance of such proceedings are hereby ratified, validated and confirmed, notwithstanding that notice of sale of such bonds was not published as required by N. J. S. 18A:24-36, in a newspaper published in the county in which the school district is located and having a substantial circulation in the school district; provided, however, that notice of sale of such bonds was published as required by N. J. S. 18A:24-36 at least 7 days prior to such sale in a publication carrying municipal bond notices and devoted primarily to financial news or the subject of state and municipal bonds, published in New York City or the State of New Jersey; and provided further that no action, suit or other proceeding to contest the validity of such bonds, of the sale thereof or the failure to publish such notice of sale has heretofore been instituted prior to the date on which this act takes effect.

2. This act shall take effect immediately.

Approved November 12, 1980.

CHAPTER 140

AN ACT concerning school boards and amending N. J. S. 18A:10-3.

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

1. N. J. S. 18A:10-3 is amended to read as follows:

Annual reorganization.

18A:10-3. Each board of education shall organize annually at a regular meeting held not later than at 8 p.m. at which time new members shall take office:

a. In type I districts on May 16, or on the following day if that day be Sunday;

b. In all type II districts on any day of the first week following the annual school election.

If the organization meeting cannot take place on that day by reason of lack of a quorum or for any other reason, said meeting shall be held within 3 days thereafter.

2. This act shall take effect immediately.

Approved November 12, 1980.

CHAPTER 141

AN ACT concerning the taxation of certain companies transacting the business of insurance and amending and supplementing P. L. 1945, c. 132.

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

1. Section 1 of P. L. 1945, c. 132 (C. 54:18A-1) is amended to read as follows:

C. 54:18A-1 Payment of annual tax.

1. (a) Every stock, mutual and assessment insurance company organized or existing under any general or special law of this State, and every stock, mutual and assessment insurance company organized or existing under the laws of another state or foreign country and transacting business in this State shall annually on or before March 1, file with the Director of the Division of Taxation, in the form as the director and the Commissioner of Insurance may prescribe, a return under oath or affirmation signed by a duly authorized officer or agent of the company, containing such information as may be deemed necessary and shall at the same time pay to the director an annual tax, in each calendar year, in the amount specified in sections 2 and 3 of the act to which this act is amendatory (C. 54:18A-2 and 3). At the same time, a duplicate original of the return shall be filed with the Commissioner of Insurance. The tax shall be based on net premiums on contracts of insurance covering property and risks located within this State written during the calendar year ending December 31 next preceding.

(b) Effective for calendar years ending on December 31, 1980 and thereafter, every insurance company subject to the provisions of subsection (a) of this section, shall pay to the Director, Division of Taxation on or before March 1, 1981, and on or before March 1 of each year thereafter an amount equal to $\frac{1}{2}$ of the tax payable under subsection (a) hereof on the company's business done during the preceding calendar year. Each such payment shall be in addition to the tax payable under subsection (a) hereof and shall be considered as a partial payment of the tax which will become due under subsection (a) hereof, upon the following March 1. Nothing in this subsection requiring a partial payment of tax shall be deemed to apply to premiums for fire insurance risks on properties

in this State paid to an insurer which is not organized under the laws of this State or to premiums for marine insurance risks.

In the calculation of the tax due in accordance with subsection (a) hereof, every insurance company shall be entitled to a credit in the amount of the tax paid under this subsection as a partial payment in the preceding calendar year and shall be entitled to the return of any amount so paid which shall be found to be in excess of the total amount payable in accordance with this section.

2. Section 8 of P. L. 1945, c. 132 (C. 54:18A-8) is amended to read as follows:

C. 54:18A-8 Annual report.

8. Every insurance company subject to the provisions of this act shall, on or before the first day of March of each year, make to the Commissioner of Insurance an annual report, signed and sworn to by an officer of the company, or by its United States manager, if a company of a foreign country, in such form and containing such matters as may be necessary for the carrying out of the provisions of this act.

C. 54:18A-1.1 Extension of time for filing.

3. (New section) The director may for reasonable cause extend the time, not to exceed 30 days, for filing any return under the 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 to the director. 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 case the corporation shall pay, in addition to the unpaid portion of the tax, interest thereon at the rate as provided in the state tax uniform procedure law, subtitle 9 of Title 54 of the Revised Statutes, from the time when the return originally was required to be filed to the date of actual payment under the extension; provided, that if the unpaid portion of the tax is not paid within the time fixed under the extension, the interest on the unpaid portion shall be computed at the rate as provided in the state tax uniform procedure law, subtitle 9 of Title 54 of the Revised Statutes, from the date the tax was originally due to the date of actual payment.

C. 54:18A-1.2 Applicability of State tax uniform procedure law.

4. (New section) The administration, collection and enforcement of the tax imposed by P. L. 1945, c. 132 shall be subject to the

provisions of the state tax uniform procedure law as therein provided (subtitle 9 of Title 54 of the Revised Statutes).

C. 54:18A-1.3 Audit or investigation; deficiencies; assessment.

5. (New section) (a) After a final return in due form is filed, the director and the Commissioner of Insurance shall cause the same to be examined and may make any further audit or investigation or reaudit as they may deem necessary, and if therefrom the director shall determine that there is a deficiency with respect to the payment of any tax due under P. L. 1945, c. 132, he shall assess or reassess the additional taxes, penalties and interest due the State, give notice of the assessment or reassessment to the taxpayer, and make demand upon him for payment. There shall be added to the amount of any deficiency assessment or reassessment interest at the rate as provided in the state tax uniform procedure law, subtitle 9 of Title 54 of the Revised Statutes. If the director is satisfied that the deficiency was not due to fraud or evasion, he may remit or waive the payment of any interest charge as provided in the state tax uniform procedure law, subtitle 9 of Title 54 of the Revised Statutes.

(b) Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than 5 years from the date of the filing of a return; provided, that where no return has been filed as provided by law, the tax may be assessed at any time. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that the period may be extended, the amount of additional tax due may be determined at any time within the extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

6. This act shall take effect immediately and shall be applicable to taxes due and payable in the year 1981 and in each year thereafter.

Approved November 12, 1980.

CHAPTER 142

A SUPPLEMENT to the "Municipal Land Use Law," approved January 14, 1976 (P. L. 1975, c. 291; C. 40:55D-1 et seq.).

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

C. 40:55D-73.1 Written inquiries; response within 45 days.

1. Inquiries as to whether a proposed land use is permissible under the zoning ordinance or official zoning map shall be submitted in writing to the board of adjustment which shall issue a written response within 45 days after the next meeting following receipt of the request or within such additional time as may be consented to by the inquirer.

2. This act shall be applicable to written inquiries, pursuant to section 1, submitted prior to the effective date of this act; provided, however, that the time limits for responding to such inquiries, set forth in section 1, shall be reckoned from the effective date of this act.

3. This act shall take effect immediately.

Approved November 12, 1980.

CHAPTER 143

AN ACT concerning the regulation of traffic and parking on county roads and amending P. L. 1957, c. 69 and R. S. 39:4-201.

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

1. Section 1 of P. L. 1957, c. 69 (C. 39:4-197.2) is amended to read as follows:

C. 39:4-197.2 Regulation of traffic and parking.

1. Any municipality, which maintains a paid police force, may, by ordinance, resolution, or regulation, pursuant to R. S. 39:4-197 and with the consent of the governing body of the county, regulate traffic and parking along and upon any county road or part thereof,

lying within its corporate limits, in the same manner and to the same extent that it is authorized by law to regulate the same upon municipal roads and streets.

2. R. S. 39:4-201 is amended to read as follows:

Adoption of resolutions or ordinances; prescription of penalties; enforcement.

39:4-201. No governing body of any county in this State may adopt resolutions or ordinances on a matter covered by or which alters or in any way nullifies the provisions of this chapter or of any supplement thereto except that ordinances or resolutions may be passed by a governing body for the supervision and regulation of traffic on any county roads of the county upon the subject matters and within the limitations prescribed in section 39:4-197 of this Title, and the governing body may prescribe penalties for violations of the resolutions or ordinances provided, however, that a fine of not less than \$50.00 be imposed upon the violator of an ordinance, resolution, or regulation, as the case may be, establishing parking spaces for the handicapped.

Matters pertaining to the supervision and regulation of traffic to be established by ordinance or resolution pursuant to R. S. 39:4-197, shall in counties operating under the "Optional County Charter Law" (P. L. 1972, c. 154, C. 40:41A-1 et seq.) be established by ordinance.

No ordinance or resolution adopted pursuant to this section shall be effective unless due notice to the public is given as provided in section 39:4-198 of this Title.

The penalties may be enforced by the proper method of procedure before a magistrate. In default of the payment of the penalty, the magistrate may commit the offender to the county jail for a period not exceeding 5 days.

3. This act shall take effect immediately.

Approved November 12, 1980.

CHAPTER 144

AN ACT concerning the "Public School Contracts Law," and amending sections 18A:18A-3, 18A:18A-4, 18A:18A-7, 18A:18A-8, and 18A:18A-18 of the New Jersey Statutes.

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

1. N. J. S. 18A:18A-3 is amended to read as follows:

Purchases, contracts and agreements not requiring advertising.

18A:18A-3. Purchases, contracts and agreements not requiring advertising. Any purchase, contract or agreement for the performance of any work or the furnishing or hiring of materials or supplies, the cost or price of which, together with any other sums expended or foreseeably to be expended for the performance of any work or services in connection with the same project or the furnishing of similar materials or supplies during the same fiscal year paid with or out of school funds, does not exceed the total sum of \$4,500.00 in the fiscal year or, in the case of purchases that are not annually recurring, in a period of 1 year may be made, negotiated and awarded by a contracting agent when so authorized by resolution of the board of education without public advertising for bids and bidding therefor.

2. N. J. S. 18A:18A-4 is amended to read as follows:

Contracts and agreements requiring advertising.

18A:18A-4. Contracts and agreements requiring advertising. Every contract or agreement for the performance of any work or the furnishing or hiring of any materials or supplies, the cost or the contract price whereof is to be paid with or out of school funds, not included within the terms of N. J. S. 18A:18A-3, shall be made and awarded only by the board of education after public advertising for bids and bidding therefor, except as is provided otherwise in this chapter or specifically by any other law.

No work, materials or supplies shall be undertaken, acquired or furnished for a sum exceeding in the aggregate \$4,500.00 except by contract or agreement.

3. N. J. S. 18A:18A-7 is amended to read as follows:

Emergency purchases and contracts.

18A:18A-7. Emergency purchases and contracts. Any purchase, contract or agreement may be made, negotiated or awarded for a board of education without public advertising for bids and bidding therefor notwithstanding that the cost or contract price will exceed \$4,500.00 when an emergency affecting the health or safety of occupants of school property requires the immediate delivery of the articles or the performance of the service, provided that the awarding or making of such purchases, contracts or agreements are made in the following manner:

a. A written requisition for the performance of such work or labor, or the furnishing of materials, supplies or services is filed with the contracting agent or his deputy in charge describing the nature of the emergency, the time of its occurrence and the need for invoking this section, certified by the employee in charge of the building, facility or equipment wherein the emergency occurred.

The contracting agent, or his deputy in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work or labor, materials, supplies or services.

b. Upon the furnishing of such work or labor, materials, supplies or services, in accordance with the terms of the contract or agreement, the contractor furnishing such work or labor, materials, supplies or services, shall be entitled to be paid therefor and the board of education shall be obligated for said payment. The board of education shall take such action as shall be required to provide for the payment of the contract price.

c. The State Board of Education shall prescribe rules and procedures to implement the requirements of this section.

4. N. J. S. 18A:18A-8 is amended to read as follows:

Contracts not to be divided.

18A:18A-8. Contracts not to be divided. No purchase, contract or agreement, which is single in character or which necessarily or by reason of the quantities required to effectuate the purpose of the purchase, contract or agreement, includes the furnishing of additional services or equipment or buying materials or supplies or the doing of additional work, shall be subdivided, so as to bring it or any of the parts thereof under the maximum price or cost limitation of \$4,500.00 thus dispensing with the requirement of public advertising and bidding therefor. In purchasing or contracting for, or agreeing for the furnishing of, any services, equipment, materials or supplies, the doing of any work included in or incident to the performance or completion of any project, which is single in character or inclusive of the furnishing of additional services or equipment or buying materials or supplies or the doing of additional work, or which requires the furnishing of more than one article of equipment or buying materials or supplies, all of the services, materials or supplies requisite for the completion of such project shall be included in one purchase, contract or agreement.

5. N. J. S. 18A:18A-18 is amended to read as follows:

Separate plans for various types of work; bids; contracts.

18A:18A-18. Separate plans for various types of work; bids; contracts. In the preparation of plans and specifications for the construction, alteration or repair of any building by a board of education, when the entire cost of the work and materials will exceed \$4,500.00, separate plans and specifications shall be prepared for each of the following, and all work and materials kindred thereto to be performed or furnished in connection therewith:

- a. The plumbing and gas fitting work;
- b. The heating and ventilating systems and equipment;
- c. The electrical work, including any electrical power plant;
- d. The structural steel and ornamental iron work;
- e. All other work and materials required for the completion of the project.

The board of education or its contracting agent shall advertise for and receive, in the manner provided by law, (1) separate bids for each of said branches of work, and (2) bids for all the work and materials required to complete the building to be included in a single overall contract. There will be set forth in the bid the name or names of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the furnishing of plumbing and gas fitting, and all kindred work, and of the heating and ventilating systems and equipment, and electrical work, structural steel and ornamental iron work, each of which subcontractors shall be qualified in accordance with this chapter.

Contracts shall be awarded to the lowest responsible bidder. The 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 board of education shall award separate contracts for each of such branches to the lowest responsible bidder therefor, but if the sum total of the amount bid by the lowest responsible bidder for each branch is not less than the amount bid by the lowest responsible bidder for all the work and materials, the board of education 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 (2) 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.

6. This act shall take effect immediately.

Approved November 12, 1980.

CHAPTER 145

AN ACT concerning counties, municipalities, or agencies thereof in relation to certain group insurance programs and amending N. J. S. 40A:10-17 and N. J. S. 40A:10-19.

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

1. N. J. S. 40A:10-17 is amended to read as follows:

Contracts for group insurance.

40A:10-17. Contracts for group insurance. Any local unit or agency thereof, herein referred to as employers, may:

a. Enter into contracts of group life, accidental death and dismemberment, hospitalization, dental, medical, surgical, major medical expense, or health and accident insurance with any insurance company or companies authorized to do business in this State, or may contract with a nonprofit hospital service or medical service or dental service corporation with respect to the benefits which they are authorized to provide respectively. The contract or contracts shall provide any one or more of such coverages for the employees of such employer and may include their dependents;

b. Enter into a contract or contracts to provide drug prescription and other health care benefits, or enter into a contract or contracts to provide drug prescription and other health care benefits as may be required to implement a duly executed collective negotiations agreement, or as may be required to implement a determination by a local unit to provide such benefit or benefits to employees not included in collective negotiations units.

Nothing herein contained shall be deemed to authorize coverage of dependents of an employee under a group life insurance policy or to allow the issuance of a group life insurance policy under which the entire premium is to be derived from funds contributed by the insured employees.

2. N. J. S. 40A:10-19 is amended to read as follows:

Limitations, exclusions, exceptions to be contained in contract.

40A:10-19. Limitations, exclusions, exceptions to be contained in contract. Any contract or contracts permitted under this subarticle shall contain limitations, exclusions or exceptions so as to avoid duplication of benefits or services otherwise available pursuant to accidental death and dismemberment, hospitalization, dental, medical, surgical, major medical expense, or health and accident coverage under any other law of this State or the coverage afforded under the laws of the United States, such as the Federal Medicare Program, and at the option of the employer and the carrier, group insurance or any other arrangement of coverage for individuals in a group, whether on an insured or uninsured basis.

Any contract permitted under this subarticle may condition the eligibility of any employee upon satisfying a waiting period stated in the contract.

3. This act shall take effect immediately.

Approved November 12, 1980.

CHAPTER 146

AN ACT to promote the conservation of energy and amending the "Municipal Land Use Law," approved January 14, 1976 (P. L. 1975, c. 291).

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

1. 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 arrangements;
- j. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- 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; and
- n. To promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources.

2. 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 where appropriate, the following elements:

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element (a) taking into account the other master plan elements and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands, (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes, and (c) including a statement of the standards of population density and development intensity recommended for the municipality;

(3) A housing plan element, including but not limited to, residential standards and proposals for the construction and improvement of housing;

(4) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality;

(5) A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities;

(6) A community facilities plan element showing the location and type of educational or cultural facilities, historic sites, libraries, hospitals, fire houses, police stations and other related facilities, including their relation to the surrounding areas;

(7) A recreation plan element showing a comprehensive system of areas and public sites for recreation;

(8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to

the extent appropriate, open space, water, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, wildlife and other natural resources;

(9) An energy conservation plan element which systematically analyzes the impact of each other component and element of the master plan on the present and future use of energy in the municipality, details specific measures contained in the other plan elements designed to reduce energy consumption, and proposes other measures that the municipality may take to reduce energy consumption and to provide for the maximum utilization of renewable energy sources; and

(10) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements.

c. The master plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located and (3) any comprehensive guide plan pursuant to section 15 of P. L. 1961, c. 47 (C. 13:1B-15.52).

3. 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, within the limits of practicability and feasibility 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; and

(7) Protection and conservation of soils from erosion by wind or water or from excavation or grading;

c. Provisions governing the standards for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, street lights, shade trees, fire hydrants and water, and drainage and sewerage facilities and other improvements as shall be found necessary and provisions ensuring that such facilities shall be completed either prior to or subsequent to final approval of the subdivision or site plan;

d. Provisions ensuring that when a municipal zoning ordinance is in effect, a subdivision or site plan shall conform to the applicable provisions of the zoning ordinance, and where there is no zoning ordinance, appropriate standards shall be specified in an ordinance pursuant to this article; and

e. Provisions ensuring performance in substantial accordance with the final development plan; provided that the planning board may permit a deviation from the final plan if caused by change of conditions beyond the control of the developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the master plan and zoning ordinance.

4. 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; and
- e. Conservation of energy and use of renewable energy sources.

5. Section 52 of P. L. 1975, c. 291 (C. 40:55D-65) is amended to read as follows:

C. 40:55D-65 Contents of zoning ordinance.

52. Contents of zoning ordinance. A zoning ordinance may:

a. Limit and restrict buildings and structures to specified districts and regulate buildings and structures according to their type and the nature and extent of their use, and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes.

b. Regulate the bulk, height, number of stories, orientation, and size of buildings and the other structures, and require that buildings and structures use renewable energy sources, within the limits of practicability and feasibility, in certain places; the percentage of lot or development area that may be occupied by structures; lot sizes and dimensions; and for these purposes may specify floor area ratios and other ratios and regulatory techniques governing the intensity of land use and the provision of adequate light and air.

c. Provide districts for planned developments; provided that an ordinance providing for approval of subdivisions and site plans by the planning board has been adopted and incorporates therein the provisions for such planned developments in a manner consistent with article 6 of this act. The zoning ordinance shall establish standards governing the type and density, or intensity of land use, in a planned development. Said standards shall take into account that the density, or intensity of land use, otherwise allowable may not be appropriate for a planned development. The standards may vary the type and density, or intensity of land use, otherwise

applicable to the land within a planned development in consideration of the amount, location and proposed use of common open space; the location and physical characteristics of the site of the proposed planned development; and the location, design and type of dwelling units and other uses. Such standards may, in order to encourage the flexibility of housing density, design and type, authorize a deviation in various residential clusters from the density, or intensity of use, established for an entire planned development. The standards and criteria by which the design, bulk and location of buildings are to be evaluated, shall be set forth in the zoning ordinance and all standards and criteria for any feature of a planned development shall be set forth in such ordinance with sufficient certainty to provide reasonable criteria by which specific proposals for a planned development can be evaluated.

d. Establish, for particular uses or classes of uses, reasonable standards of performance and standards for the provision of adequate physical improvements including, but not limited to, off-street parking and loading areas, marginal access roads and roadways, other circulation facilities and water, sewerage and drainage facilities; provided that section 41 of this act shall apply to such improvements.

e. Designate and regulate areas subject to flooding (1) pursuant to P. L. 1972, c. 185 (C. 58:16A-55 et seq.) or (2) as otherwise necessary in the absence of appropriate flood hazard area designations pursuant to P. L. 1962, c. 19 (C. 58:16A-50 et seq.) or floodway regulations pursuant to P. L. 1972, c. 185 or minimum standards for local flood fringe area regulation pursuant to P. L. 1972, c. 185.

f. Provide for conditional uses pursuant to section 54 of this act.

g. Provide for senior citizen community housing.

h. Require that as a condition for any approval which is required pursuant to such ordinance and the provisions of this chapter, that no taxes or assessments for local improvements are due or delinquent on the property for which any application is made.

6. 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 6 years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare a report on the findings of such reexamination, a copy of which shall be sent to the county planning board and the

municipal clerks of each adjoining municipality. The 6-year period shall commence with the adoption or termination of the last general reexamination of such plan and regulations. The first such reexamination shall be completed within 6 years after the effective date of this act.

Such report shall state:

a. The major problems and objectives relating to land development in the municipality at the time of such adoption, last revision or reexamination, if any.

b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.

c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, and changes in State, county and municipal policies and objectives.

d. The specific changes recommended for such plan or regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

7. This act shall take effect immediately.

Approved November 20, 1980.

CHAPTER 147

AN ACT concerning the term of office of municipal clerks and amending sections 40:81-11, 40:87-15, 40:125-3, 40:132-3 and 40:158-4 of the Revised Statutes, and N. J. S. 40A:9-133, supplementing chapter 9 of Title 40A of the New Jersey Statutes and repealing R. S. 40:125-10.

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

1. R. S. 40:87-15 is amended to read as follows:

Borough officers; appointment; duties; terms; residency; exemptions.

40:87-15. In addition to the officers to be elected there shall be appointed a clerk. In boroughs, with a population of less than

10,000, the elected tax collector may also be appointed the clerk. There may be appointed a borough treasurer, a borough attorney, a borough engineer, a borough building inspector, one or more marshals, a poundkeeper, a superintendent of highways, and such other officers as the council may deem necessary. They shall perform the duties required by law and the ordinances of the council. All of these officers, except the borough attorney, borough engineer, borough building inspector, borough poundkeeper and, in boroughs with a population of less than 2,500, the clerk and the borough treasurer, where such officeholders do not at the same time occupy a second office for which residency is required, shall be residents of the borough, and all of them shall hold office during the pleasure of the council unless a specific term is generally provided by law; however, all exemptions from residency requirements shall only be made pursuant to the adoption of a municipal ordinance to that effect. No officer shall be removed without being afforded an opportunity to be heard. Unless sooner removed, however, they shall hold office for 1 year, or for such specific term as is generally provided by law, and until their successors shall have qualified.

2. R. S. 40:125-3 is amended to read as follows:

C. 40:125-3 Appointment of officers; terms.

40:125-3. The treasurer, attorney, chief of police, chief engineer of the fire department, surveyor and pound-keepers shall be appointed by the council in the manner and for the terms hereinafter provided. In towns having a population not in excess of 25,000, the clerk, collector and members of the board of assessors shall be appointed by a majority vote of the mayor and council, for such respective terms as the council may fix by ordinance, unless a specific term is generally provided by law. The term of office of any appointed officer not otherwise provided for may be fixed by the council by ordinance. The council may by ordinance appoint such other subordinate officers as it may deem necessary, fix their terms of office and compensation, and define their duties.

3. R. S. 40:132-3 is amended to read as follows:

Appointment of town clerk, collector and members of board of assessors.

40:132-3. In all incorporated towns having a population not in excess of 25,000 inhabitants the town clerk, collector, and members of the board of assessors shall be appointed by the mayor and council by a majority vote of said mayor and council, and the appointments of town clerk, collector and members of the board of assessors respectively shall be for such respective terms as the

town council may fix by ordinance, unless a specific term is generally provided by law.

4. R. S. 40:158-4 is amended to read as follows:

Appointment of treasurer and clerk; terms; compensation.

40:158-4. The board of trustees shall appoint at its annual meeting or as soon thereafter as possible a treasurer and a clerk. They shall each hold office for 1 year from the date of the annual meeting, unless a specific term is generally provided by law, and until their successors are appointed and shall receive such compensation as the trustees shall fix and determine. The board may appoint a resident and voter of the village or one of its own members as clerk and one as treasurer, but no trustee shall serve as treasurer after the expiration of his term as trustee.

5. N. J. S. 40A:9-133 is amended to read as follows:

Municipal clerk; term of office.

40A:9-133. In every municipality there shall be a municipal clerk. When so provided by law the municipal clerk shall be elected, otherwise he shall be appointed by the governing body of the municipality. His term of office shall be 3 years. If elected, his term shall commence on January 1 following his election and when appointed, his term shall run from January 1 in the year in which he was appointed.

6. (New section) Nothing contained in this act shall be deemed to affect the term of office of any municipal clerk serving on the effective date of this act a specified term of more than 3 years during such term.

7. R. S. 40:81-11 is amended to read as follows:

Appointment of officers by municipal council; terms.

40:81-11. The municipal council shall appoint a municipal manager, an assessor, or where required by law a board of assessors, an auditor, a treasurer, a clerk, and an attorney. One person may be appointed to two or more such offices, except that the offices of municipal manager and auditor or assessors shall not be held by the same person. In municipalities containing more than 10,000 inhabitants the municipal attorney must have been admitted in the State of New Jersey to practice as an attorney-at-law for a period of 5 years or more. All such officers appointed by the council shall hold office during the pleasure of the council, unless a specific term is generally provided by law.

Repealer.

8. R. S. 40:125-10 is repealed.

9. This act shall take effect immediately.

Approved November 22, 1980.

CHAPTER 148

A SUPPLEMENT to “An act concerning public school buses, amending and supplementing Title 39 of the Revised Statutes, and repealing ‘An act concerning public school buses, and supplementing chapter 14 of Title 18 of the Revised Statutes,’ approved June 12, 1948 (P. L. 1948, c. 133),” approved June 21, 1965 (P. L. 1965, c. 119; 39:3B-1 et seq.).

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

C. 39:3B-8 “Van type II school vehicle” defined.

1. As used herein “van type II school vehicle” is a vehicle transporting pupils, under the jurisdiction of a local board of education, manufactured after April 1, 1977, and having a pupil capacity of not less than 10 nor more than 16.

C. 39:3B-9 Identification as school vehicle.

2. In addition to owner identification, lettering shall be permitted on van type II school vehicles to identify the vehicles as school vehicles and all such vehicles shall be painted school bus yellow and equipped with warning lights.

With respect to any such vehicle transporting handicapped pupils, the national symbol for the handicapped may also be imprinted on the lower right side of the rear door.

3. This act shall take effect immediately.

Approved November 22, 1980.

CHAPTER 149

AN ACT concerning the Division of the State Library, Archives and History and supplementing chapter 73 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:73-35.1 Purchase of library materials and binding services without advertising for bids.

1. The State Librarian may, within the limits of funds appropriated or otherwise made available to the Division of the State Library, Archives and History, purchase the following without advertising for bids: library materials including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter, and audiovisual and other materials of a similar nature and necessary binding or rebinding of library materials.

2. This act shall take effect immediately.

Approved November 22, 1980.

CHAPTER 150

AN ACT concerning the purchase of certain materials for State college libraries and supplementing chapter 64 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:64-6.7 Purchase of library materials and binding services without advertising for bids.

1. The board of trustees of a State college may, within the limits of funds appropriated or otherwise made available to the board, purchase the following without advertising for bids: library materials including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or

graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter, and audiovisual and other materials of a similar nature and necessary binding or rebinding of library materials.

2. This act shall take effect immediately.

Approved November 22, 1980.

CHAPTER 151

AN ACT to repeal “An act providing for joint action by the States of Delaware, New Jersey, and New York and the Commonwealth of Pennsylvania in developing, utilizing, controlling, and conserving the water resources of the Delaware river basin in order to assure an adequate water supply; authorizing the Governor, for these purposes, to enter into a compact on behalf of the State of New Jersey with the States of Delaware and New York and the Commonwealth of Pennsylvania and to apply on behalf of the State of New Jersey to the Congress of the United States for its consent thereto; creating the Delaware River Basin Water Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of bonds; providing for the appointment of the State of New Jersey members of the said commission; approving an integrated water project; requiring the commission to prepare and report plans and specifications for specific projects; and requiring certain prior approvals by the Legislatures of the compacting States,” approved June 25, 1951 (P. L. 1951, c. 283).

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

Repealer.

1. “An act providing for joint action by the States of Delaware, New Jersey, and New York and the Commonwealth of Pennsylvania in developing, utilizing, controlling, and conserving the water resources of the Delaware river basin in order to assure an ade-

quate water supply; authorizing the Governor, for these purposes, to enter into a compact on behalf of the State of New Jersey with the States of Delaware and New York and the Commonwealth of Pennsylvania and to apply on behalf of the State of New Jersey to the Congress of the United States for its consent thereto; creating the Delaware River Basin Water Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of bonds; providing for the appointment of the State of New Jersey members of the said commission; approving an integrated water project; requiring the commission to prepare and report plans and specifications for specific projects; and requiring certain prior approvals by the Legislatures of the compacting States," approved June 25, 1951 (P. L. 1951, c. 283; C. 32:20-11 to C. 32:20-33) is repealed.

2. This act shall take effect immediately.

Approved November 22, 1980.

CHAPTER 152

AN ACT to amend the "Department of Energy Act," approved July 11, 1977 (P. L. 1977, c. 146) and repealing section 20 thereof.

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

1. Section 19 of P. L. 1977, c. 146 (C. 52:27F-21) is amended to read as follows:

C. 52:27F-21 Violation of act or rules, regulations or orders; penalty.

19. a. Upon a violation of this act or of any rules, regulations, or orders promulgated hereunder, the commissioner, the county prosecutor of the county in which the violation occurs if he has the approval of the commissioner, or any aggrieved person shall be entitled to institute a civil action in a court of competent jurisdiction for injunctive relief to restrain such violation and for such other relief as the court shall deem proper. The court may proceed in a summary manner.

b. Except as otherwise specifically provided, any person who violates the provisions of this act or any rule, regulation or order adopted pursuant to this act shall be liable to a penalty of not more than \$300.00 for the first offense and not more than \$3,000.00

for the second or any subsequent 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. The Superior Court shall also have jurisdiction to enforce "the penalty enforcement law." If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

c. The department may compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

2. Section 22 of P. L. 1977, c. 146 (C. 52:27F-24) is amended to read as follows:

C. 52:27F-24 Violations of section 15; penalties; recommendation to suspend or revoke license; collection of penalties.

22. a. Any person who violates any provision of section 15 (C. 52:27F-17) of this act, or any rule, regulation or order adopted pursuant thereto, shall be liable to a penalty of not more than \$500.00 for the first offense and not more than \$5,000.00 for the second or any subsequent offense.

b. In addition to any other penalties provided under this or any other act, the commissioner may recommend to the appropriate agency the suspension or revocation of the license of any retail dealer, gasoline jobber, wholesale dealer, distributor, or supplier of fuel, who has violated this act or any rules, regulations, or orders promulgated hereunder.

c. All penalties imposed pursuant to this section shall be collected in a civil action by a summary proceeding under "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.). If the violation is of a continuing nature, each day during which it continues shall constitute an additional and separate offense. In addition to the jurisdiction conferred by N. J. S. 2A:58-2, the municipal court and the Superior Court shall have jurisdiction of proceedings initiated on or after June 20, 1979 for the enforcement of the penalties provided by this section.

d. The department may compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

Repealer.

3. Section 20 of P. L. 1977, c. 146 (C. 52:27F-22) is repealed.

4. This act shall take effect immediately.

Approved November 22, 1980.

CHAPTER 153

AN ACT concerning pupil truancy and amending N. J. S. 18A:38-31.

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

1. N. J. S. 18A:38-31 is amended to read as follows:

Failure to comply with provisions of article; fine.

18A:38-31. A parent, guardian or other person having charge and control of a child between the ages of 6 and 16 years, who shall fail to comply with any of the provisions of this article relating to his duties, shall be deemed to be a disorderly person and shall be subject to a fine of not more than \$25.00 for a first offense and not more than \$100.00 for each subsequent offense, in the discretion of the court.

In any such proceeding, the summons issuing therein, or in special circumstances a warrant, shall be directed to the alleged disorderly person and the child.

2. This act shall take effect immediately.

Approved November 24, 1980.

CHAPTER 154

AN ACT providing for an endowed chair at an institution 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:72E-1 Richard J. Hughes Chair for Constitutional and Public Law and Service, creation.

1. There is created at the Seton Hall University School of Law a distinguished chair which shall be known as The Richard J. Hughes Chair for Constitutional and Public Law and Service.

C. 18A:72E-2 Selection of scholar.

2. Subject to available appropriations, Seton Hall shall select an outstanding scholar to fill the chair on such terms and conditions as may be agreed upon, subject to the approval of the Chancellor of Higher Education. The person appointed to the Hughes Chair maybe granted tenure on appointment.

C. 18A:72E-3 Utilization of funds.

3. Seton Hall University may utilize funds appropriated for the purposes of this act for the provision of equipment, supplies, clerical and research assistants and such other appropriate support as is necessary for the research conducted by the holder of the Hughes Chair, and for development and scholarly use of the Hughes Archives.

C. 18A:72E-4 N. J. S. 18A:62-2 inapplicable.

4. The provisions of N. J. S. 18A:62-2 shall not be applicable to this act.

5. This act shall take effect immediately.

Approved November 26, 1980.

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, 1981 and regulating the disbursement thereof," approved June 30, 1980 (P. L. 1980, c. 56).

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

1. There is appropriated from the General State Fund the following amount for the purpose indicated:

DEPARTMENT OF COMMUNITY AFFAIRS

Economic Planning, Development and Security

55. Related Social Service Programs—State Aid

05-8050 Human Services	\$150,000
State Aid:	
Cultural development for ethnic groups	(\$150,000)
	<hr/>
Total Appropriation	\$150,000

2. This act shall take effect immediately.

Approved November 26, 1980.

CHAPTER 156

A SUPPLEMENT to “An act establishing a tax on wholesale sales of alcoholic beverages,” approved July 7, 1980 (P. L. 1980, c. 62, C. 54:32C-1 et seq.).

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

1. Notwithstanding any provisions of the act to which this act is a supplement to the contrary, the tax imposed thereunder on the receipts from sales of alcoholic beverages, except draught beer sold by the barrel, by any wholesaler to any retail licensee, which beverages are taxable under any municipal ordinance heretofore adopted pursuant to P. L. 1947, c. 71 (C. 40:48-8.15 et seq.), shall be:

- a. 2.5% through June 30, 1981 and
- b. 6.5% thereafter.

2. This act shall take effect on the first day of the first month following enactment.

Approved November 26, 1980.

CHAPTER 157

AN ACT concerning certain access improvement projects in connection with air and marine terminal facilities of the Port Authority of New York and New Jersey and amending P. L. 1947, c. 43 and P. L. 1947, c. 44.

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

C. 32:1-35.27b Findings and determinations; purpose of act.

1. The States of New York and New Jersey find and determine that:

a. Each air and marine terminal facility operated by the Port Authority of New York and New Jersey within the Port of New York district serves the entire district, and the problem of furnishing property and adequate air and marine terminal facilities is a regional and interstate problem;

b. The continued development of such air and marine terminal facilities would be assisted by the provision of railroad freight projects within the Port of New York District related or of benefit to these terminal facilities, which development is vital and essential to the preservation of the economic well-being of the northern New Jersey-New York metropolitan area;

c. It is the purpose of this act to authorize the Port Authority of New York and New Jersey to participate in the development of railroad freight projects related or of benefit to these air and marine terminal facilities or which are necessary, convenient or desirable in the opinion of the port authority for the protection or promotion of the commerce of the Port District, as part of a unified plan and with the single object of preserving and developing the economic well-being of the northern New Jersey-New York metropolitan area, and this undertaking is found to be in the public interest.

2. Section 3 of P. L. 1947, c. 43 (C. 32:1-35.3) is amended to read as follows:

C. 32:1-35.3 Definitions.

3. The following terms as used herein shall mean:

“Air terminals” shall mean developments consisting of runways, hangars, control towers, ramps, wharves, bulkheads, build-

ings, structures, parking areas, improvements, facilities or other real property necessary, convenient or desirable for the landing, taking off, accommodation and servicing of aircraft of all types, including but not limited to airplanes, airships, dirigibles, helicopters, gliders, amphibians, seaplanes, or any other contrivance now or hereafter used for the navigation of or flight in air or space, operated by carriers engaged in the transportation of passengers or cargo, or for the loading, unloading, interchange or transfer of such passengers or their baggage, or such cargo, or otherwise for the accommodation, use or convenience of such passengers, or such carriers or their employees (facilities and accommodations at sites removed from landing fields and other landing areas, however except as otherwise provided in this section, to be limited to ticket stations and passenger stations for air passengers, to express and freight stations for air express and air freight, and to beacons and other aids to air navigation), or for the landing, taking off, accommodation and servicing of aircraft owned or operated by persons other than carriers. It shall also mean facilities providing access to an air terminal, consisting of rail, rapid transit or other forms of mass transportation which furnish a connection between the air terminal and other points in the port district, including appropriate mass transportation terminal facilities at and within the air terminal itself and suitable offsite facilities for the accommodation of air passengers, baggage, mail, express, freight and other users of the connecting facility. It shall also mean such highway project or projects in the vicinity of an air terminal providing improved access to such air terminal as shall be designated in legislation adopted by the two states. Notwithstanding any contrary provision of law, it shall also mean railroad freight projects related or of benefit to an air terminal or which are necessary, convenient or desirable in the opinion of the Port Authority for the protection or promotion of the commerce of the Port District, consisting of railroad freight transportation facilities or railroad freight terminal facilities, and any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property in connection therewith or incidental thereto, deemed necessary or desirable in the opinion of the Port Authority, whether or not now in existence or under construction, for the undertaking of railroad freight projects.

“Air terminal bonds” shall mean bonds issued by the Port Authority for air terminal purposes.

“Air terminal purposes” shall mean the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of air terminals owned, leased or operated by the Port Authority of New York and New Jersey (including airports operated under revocable permits) or operated by others pursuant to agreements with the port authority.

“Bonds” shall mean bonds, notes, securities or other obligations or evidences of indebtedness.

“General Reserve Fund” shall mean the General Reserve Fund of the Port Authority authorized by chapter 48 of the laws of New York of 1931 as amended, and chapter 5 of the laws of New Jersey of 1931, as amended.

“General Reserve Fund statutes” shall mean chapter 48 of the laws of New York of 1931 as amended, and chapter 5 of the laws of New Jersey of 1931, as amended.

“Municipality” shall mean a county, city, borough, village, township, town, public agency, public authority or political subdivision.

“Real property” shall mean lands, structures, franchises and interests in land, including air space and air rights, waters, lands under water and riparian rights, and any and all things and rights included within the said term, and includes not only fees simple absolute but also any and all lesser interests, including but not limited to easements, rights of way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages or otherwise.

3. Section 3 of P. L. 1947, c. 44 (C. 32:1-35.30) is amended to read as follows:

C. 32:1-35.30 Definitions.

3. The following terms as used herein shall mean:

“Marine terminals” shall mean developments, consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, railroad connections, side tracks, sidings or other buildings, structures, facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels and their cargoes or passengers. It shall also include such highway projects in the vicinity of a marine terminal providing improved access

to such marine terminal as shall be designated in legislation adopted by the two states. Notwithstanding any contrary provision of law, it shall also mean railroad freight projects related or of benefit to a marine terminal or which are necessary, convenient or desirable in the opinion of the Port Authority for the protection or promotion of the commerce of the Port District, consisting of railroad freight transportation facilities or railroad freight terminal facilities, and any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property in connection therewith or incidental thereto, deemed necessary or desirable in the opinion of the port authority, whether or not now in existence or under construction, for the undertaking of railroad freight projects.

“Marine terminal purposes” shall mean the effectuation, establishment, acquisition, construction, rehabilitation, improvement, maintenance or operation of marine terminals.

“Municipality” shall mean a county, city, borough, village, township, town, public agency, public authority or political subdivision.

“Real property” shall mean lands, structures, franchises and interests in land, including waters, lands under water and riparian rights, and any and all things and rights usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, including but not limited to easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages or otherwise.

C. 32:1-35.27c Authorization to Port Authority to participate in railroad freight projects.

4. In furtherance of the aforesaid findings and determinations and in partial effectuation of the comprehensive plan heretofore adopted by the two states for the development of terminal and transportation facilities in the Port of New York District, it is the intent of the two states to authorize the Port Authority of New York and New Jersey to participate as limited in section 5 of this act in the effectuation of railroad freight projects pursuant to chapter 802 of the laws of New York, 1947, as amended, and chapter 43 of the laws of New Jersey, 1947, as amended, and chapter 631 of the laws of New York, 1947, as amended, and chapter 44 of the laws of New Jersey, 1947, as amended or any of the foregoing.

C. 32:1-35.27d Authorization to enter into agreements.

5. The Port Authority of New York and New Jersey is authorized to enter into an agreement or agreements upon such terms or conditions as it may deem in the public interest with the United States, the State of New York, the State of New Jersey, or any agency, department, commission, public authority, board or division of any of the foregoing, or any municipality or other public corporation in either state, or any person, firm, partnership, association, company or corporation, or other legal entities, or any two or more of the foregoing, to effectuate any railroad freight project pursuant to this act.

An agreement or agreements relating to any railroad freight project pursuant to this act may provide for the construction, reconstruction, ownership, improvement, maintenance or operation of any portion or portions of the project by either State, or by any agency, department, commission, public agency, board or division of either State, or by any one or more of the foregoing. Either State or any agency, department, commission, public authority, board or division thereof, or any municipality or other public corporation thereof, or any two or more of the foregoing, is authorized to enter into an agreement or agreements with the port authority, the United States or any department, agency or instrumentality thereof, or any person, firm, association, company or corporation, or any two or more of the foregoing, to effectuate any railroad freight project pursuant to this act.

6. This act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect with this act, but if the State of New York has already enacted such legislation, this act shall take effect immediately.

Approved November 26, 1980.

CHAPTER 158

AN ACT to supplement "An act concerning medical service corporations and regulating the establishment, maintenance and operation of medical service corporations, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'Medical Service Corporations,' " approved May 29, 1940 (P. L. 1940, c. 74; C. 17:48A-1 et seq.), as said title was amended by P. L. 1977, c. 95.

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

C. 17:48A-33 Services of licensed chiropractor; benefits to eligible individual.

1. Notwithstanding any other provision of P. L. 1940, c. 74 (C. 17:48A-1 et seq.), benefits shall not be denied to any eligible individual for eligible services when such services are performed or rendered such persons by a licensed chiropractor within the scope of his practice. The practice of chiropractic shall be deemed to be within the provisions of P. L. 1940, c. 74 and duly licensed chiropractors shall have the privileges and benefits in the scope of their practice under the act as are afforded to licensed physicians and surgeons in the scope of their practice.

2. This act shall take effect immediately.

Approved December 1, 1980.

CHAPTER 159

AN ACT concerning the regulation and control of casinos and amending P. L. 1977, c. 110, P. L. 1980, c. 28 and P. L. 1980, c. 69.

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

1. Section 102 of P. L. 1977, c. 110 (C. 5:12-102) is amended to read as follows:

C. 5:12-102 Junkets and Complimentary Services.

102. Junkets and Complimentary Services. a. No junkets may be organized or permitted except in accordance with the provisions of this act. No person may act as a junket representative except in accordance with this section. For purposes of this section, the term "junket representative" shall mean any person who is responsible for or directly engaged in the creation, organization, or operation of a junket, regardless of whether or not such junket is engaged in or organized within the State of New Jersey.

b. A junket representative shall be licensed as a casino key employee in accordance with the provisions of this act; provided, however, that said licensee need not be a resident of this State. No casino licensee may employ or otherwise engage a junket representative who is not so licensed.

c. A casino licensee shall be responsible for the conduct of any junket representative associated with it and for the terms and conditions of any junket engaged in on its premises, regardless of the employment status of any junket representative associated therewith.

d. Each casino licensee shall either:

(1) Submit to the commission, in accordance with its rules, a report in advance of any junket which shall include the names of the participants, the terms of the junket, the origin and dates of the junket, and such other information as may be required by the commission, including, without limitation, acknowledgments by the participants that they understand the terms of the particular junket; or

(2) Submit to the commission, in accordance with its rules, proposals for junkets, which proposals may be approved by the commission for continued use upon the condition that no material aspect of any proposal will be changed except as to participants and that quarterly reports regarding such junkets shall be submitted to the commission, including such information as it may require.

e. A casino licensee shall be responsible for any violation or deviation from the terms of a junket. Notwithstanding any other provisions of this act, the commission may, after hearings in accordance with this act, order restitution to junket participants, assess penalties for such violations or deviations, prohibit future junkets by the casino licensee or junket representatives, and order such further relief as it deems appropriate.

f. Each casino licensee shall maintain a regulated complimentary service account and shall submit a quarterly report to the commission based upon such account and covering all complimentary services offered or engaged in by the licensee during the immediately preceding quarter. Such reports shall include identification of the regulated complimentary services and their respective costs, the number of persons by category of service who received same, and such other information as the commission may require.

g. As used in this subsection "person" means any State officer or employee subject to financial disclosure by law or executive order and any other State officer or employee with responsibility for matters affecting gambling; any special State officer or employee with responsibility for matters affecting gambling; the Governor; any member of the Legislature or full time member of the Judiciary; any full-time professional employee of the Office of the

Governor, the Administrative Office of the Courts, or the Legislature; the head of a principal department; the assistant or deputy heads of a principal department, including all assistant and deputy commissioners; the head of any division of a principal department; any member of the governing body, or the municipal judge or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional planner or consultant regularly employed or retained by such planning board or zoning board of adjustment.

No casino applicant or licensee shall provide directly or indirectly to any person, any complimentary service or discount which is other than such service or discount that is offered to members of the general public in like circumstance.

2. Section 10 of P. L. 1980, c. 28 is amended to read as follows:

10. This act shall take effect immediately, but shall remain inoperative until Senate Bill No. 1369, now pending in the Legislature, is enacted into law.

3. Section 5 of P. L. 1980, c. 69 (C. 5:12-117.1) is amended to read as follows:

C. 5:12-117.1 Employment of persons prohibited from accepting employment; violation of act.

5. a. No applicant or person or organization licensed by or registered with the commission shall employ or offer to employ any person who is prohibited from accepting employment from a licensee or applicant or any holding or intermediary company under subsection b. of section 5 of P. L. 1971, c. 182 (C. 52:13D-16) or section 3 of P. L., c. (now pending before the Legislature as Senate Bill No. 1369).

b. An applicant or person or organization who violates the provisions of this section is guilty of a crime of the fourth degree.

4. This act shall take effect immediately.

Approved December 1, 1980.

CHAPTER 160

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

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

1. Notwithstanding the provisions of P. L. 1966, c. 217, s. 27 (C. 43:15A-57.2), any former member of the public employees' retirement system employed as a municipal superintendent of public works for a period of 15 years and who has been granted a retirement allowance for any cause other than disability but who is reemployed within 6 months of his retirement by the same employer and in the same position from which he retired, shall be reenrolled in the retirement system and shall contribute thereto at the same rate established for him prior to retirement. Upon repayment into the retirement system of the amount of the retirement allowance he received, together with interest at a rate to be established by the Division of Pensions, he shall have all the benefits and obligations of membership in the retirement system that he would have had had his service not been interrupted except that he shall receive no service credit for the period he was in retirement.

The member shall make application for reenrollment to the board of trustees of the system within 90 days of the effective date of this act.

2. This act shall take effect immediately.

Approved December 1, 1980.

CHAPTER 161

AN ACT concerning the licensure of casino hotel employees and amending section 91 of the "Casino Control Act," P. L. 1977, c. 110.

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

1. Section 91 of P. L. 1977, c. 110 (C. 5:12-91) is amended to read as follows:

C. 5:12-91 Casino Hotel Employee Licenses.

91. Casino Hotel Employee Licenses. a. No person may commence employment as a casino hotel employee unless he is the holder of a valid casino hotel employee license or temporary casino hotel employee license issued pursuant to the provisions of this section.

b. Any applicant for a casino hotel employee license must, prior to the issuance of any such license, produce sufficient information, documentation and assurances to meet the qualification criteria, including New Jersey residency, contained in subsections b. (1), b. (2) and b. (4) of section 89 of this act and any additional residency requirement imposed under subsection c. of this section. No casino hotel employee license shall be issued to any person disqualified on the basis of the criteria contained in section 86 of this act.

c. The commission may, by regulation, require that all applicants for casino hotel employee licenses be residents of this State for a period not to exceed 3 months immediately prior to the issuance of such license, but application may be made prior to the expiration of the required period of residency. The commission shall waive the required residency period for an applicant upon a showing that the residency period would cause undue hardship upon the casino licensee which intends to employ said applicant, or upon a showing of other good cause.

d. Notwithstanding the provisions of subsection b. of this section, no applicant shall be denied a casino hotel employee license on the basis of a conviction of any of the offenses enumerated in this act as disqualification criteria, provided that the applicant has affirmatively demonstrated his rehabilitation. In determining whether the applicant has affirmatively demonstrated his rehabilitation the commission shall consider the following factors:

- (1) The nature and duties of the position applied for;
- (2) The nature and seriousness of the offenses;
- (3) The circumstances under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the applicant when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;
- (7) Any social conditions which may have contributed to the offense;

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

e. The commission may waive any disqualification criterion for a casino hotel employee consistent with the public policy of this act and upon a finding that the interests of justice so require.

f. Upon petition by the holder of a casino license or temporary casino permit, a temporary casino hotel employee license shall be issued to each applicant for a casino hotel employee license named therein, provided that the petition certifies that each such applicant has filed a completed application for a casino hotel employee license as required by the commission. A temporary casino hotel employee license shall be subject to revocation by the commission at any time in accordance with the provisions of this act.

Unless otherwise terminated pursuant to this act, a temporary license issued pursuant to this subsection shall expire 1 year from the date of its issuance.

2. This act shall take effect immediately.

Approved December 1, 1980.

CHAPTER 162

AN ACT to amend the "Additional State School Building Aid Act," approved July 13, 1978 (P. L. 1978, c. 74).

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

1. Section 5 of P. L. 1978, c. 74 (C. 18A:58-33.26) is amended to read as follows:

C. 18A:58-33.26 Board's determination; bond proposal or ordinance; endorsement.

5. a. If the State Board of Education shall find that any such school district is not able to provide the suitable educational facilities described hereinabove the State Board of Education shall by resolution determine (1) that such school district is entitled to

receive additional State school building aid pursuant to this act, (2) the number of pupils in resident enrollment in such school district on September 30, 1976 for purposes of computation under this act or the number of handicapped pupils between the ages of 13 and 21 whose vocational education needs were not met prior to the enactment of this act, (3) the principal amount of bonds (which amount is hereinafter sometimes referred to as the "entitlement") which are to be entitled to the benefits of the provisions of this act, and (4) the maturity schedule for such principal amount of bonds approved by said board.

b. At any time within 2 years after the adoption by the State Board of Education of the resolution referred to in subsection a. with respect to a particular school district, said school district may submit to the Commissioner of Education a copy of a proposal or ordinance authorizing the issuance of bonds entitled to the benefits of this act in accordance with said resolution, provided that such ordinance or proposal had not been adopted, approved or become effective prior to January 1, 1978, and to make or provide any and all investigations, determinations, endorsements, certifications, considerations, approvals, restrictions, limitations, consents, resolutions, estimates or approvals, which may be required or provided by this act with respect to any such ordinance or proposal, school district or school district projects or educational facilities, as if such ordinance or proposal had not been adopted, approved or become effective, and any bonds authorized by such ordinance or proposal shall be entitled to all the benefits of this act. If no such proposal or ordinance is submitted within 2 years the said resolution shall be of no further force and effect and the commissioner shall so notify said school district. The Commissioner of Education shall be and is hereby authorized to endorse upon any copy of such proposal or ordinance a certification thereof as being the proposal or ordinance as to which a determination of the State Board of Education has been made as aforesaid, and such endorsement shall be made in such form or manner as said commissioner shall determine.

2. This act shall take effect immediately.

Approved December 1, 1980.

CHAPTER 163

AN Act concerning the expungement of adjudications of juvenile delinquency, supplementing chapter 52 of Title 2C of the New Jersey Statutes and amending P. L. 1973, c. 306.

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

C. 2C:52-4.1 Expungement.

1. a. Any person adjudged a juvenile delinquent may have such adjudication expunged as follows:

(1) Pursuant to N. J. S. 2C:52-2, if the act committed by the juvenile would have constituted a crime if committed by an adult;

(2) Pursuant to N. J. S. 2C:52-3, if the act committed by the juvenile would have constituted a disorderly or petty disorderly persons offense if committed by an adult; or

(3) Pursuant to N. J. S. 2C:52-4, if the act committed by the juvenile would have constituted an ordinance violation if committed by an adult.

For purposes of expungement, any act which resulted in a juvenile being adjudged a delinquent shall be classified as if that act had been committed by an adult.

b. Additionally, any person who has been adjudged a juvenile delinquent may have his entire record of delinquency adjudications expunged if:

(1) Five years have elapsed since the final discharge of the person from legal custody or supervision or 5 years have elapsed after the entry of any other court order not involving custody or supervision;

(2) He has not been convicted of a crime, or a disorderly or petty disorderly persons offense, or adjudged a delinquent, or in need of supervision, during the 5 years prior to the filing the petition, and no proceeding or complaint is pending seeking such a conviction or adjudication;

(3) He was never adjudged a juvenile delinquent on the basis of an act which if committed by an adult would constitute a crime not subject to expungement under N. J. S. 2C:52-2;

(4) He has never had an adult conviction expunged; and

(5) He has never had adult criminal charges dismissed follow-

ing completion of a supervisory treatment or other diversion program.

c. Any person who has been charged with an act of delinquency and against whom proceedings were dismissed may have the filing of those charges dismissed pursuant to the provisions of N. J. S. 2C:52-6.

2. Section 26 of P. L. 1973, c. 306 (C. 2A:4-67) is amended to read as follows:

C. 2A:4-67 Sealing of records.

26. Sealing of records. a. On motion of a person who has been the subject of a complaint filed under this act or on its own motion, the juvenile and domestic relations court may vacate its order and findings and order the nondisclosure of social, medical, psychological, legal and other records of the court and probation services, and records of law enforcement agencies if it finds:

(1) Two years have elapsed since the final discharge of the person from legal custody or supervision, or 2 years have elapsed after the entry of any other court order not involving custody or supervision; and

(2) He has not been convicted of a crime, or a disorderly persons offense or adjudged delinquent, or in need of supervision, during the 2 years prior to the filing of the motion, and no proceeding or complaint is pending seeking such conviction or adjudication.

b. In any case wherein an adjudication has been entered upon the status of a juvenile under 18 years of age, and said juvenile intends to enlist in any branch of the Armed Forces of the United States, he may at any time after the date of such adjudication present a duly verified petition to the court wherein such adjudication was entered, setting forth all the facts in the matter, including his intention to enlist in said armed forces, and praying for the relief provided in this section and subject to the limitations hereinafter provided in this section, an order may be granted to seal all the records concerning such adjudication including records of the court, probation services and law enforcement agencies.

c. Reasonable written notice of the motion shall be given to:

(1) The Attorney General and the county prosecutor;

(2) The authority granting the discharge if the final discharge was from an institution, parole, or probation; and

(3) The law enforcement office, department, and central depository having custody of the files and records if such files and records are included in the motion.

d. Upon the entry of the order, the proceedings in the case shall be sealed and all index references shall be marked "not available" or "no record" and law enforcement officers and departments shall reply and the person may reply to any inquiry that there is no record with respect to such person, except that records may be maintained for purposes of prior offender status. This section shall not apply to reports required under the Controlled Dangerous Substances Registry Act of 1970, P. L. 1970, c. 227 (C. 26:2G-17 et seq.). Copies of the order shall be sent to each agency or official named therein.

Inspection of the files and records included in the order may thereafter be permitted by the court only upon motion and only to those persons named in the motion; provided, however, the court, in its discretion, may by special order in an individual case permit inspection by or release of information in the records to any clinic, hospital, or agency which has the person under care or treatment or to individuals or agencies engaged in fact-finding or research.

e. Any adjudication of delinquency or in need of supervision or conviction of a crime subsequent to sealing shall have the effect of nullifying the sealing order.

f. Expungement of juvenile records shall be governed by the provisions of chapter 52 of Title 2C.

3. This act shall take effect 30 days following enactment.

Approved December 10, 1980.

CHAPTER 164

AN ACT authorizing counties to make payments to municipalities for vacated streets under certain circumstances and supplementing article 1 of chapter 67 of Title 40 of the Revised Statutes.

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

C. 40:67-22.1 Municipal streets; vacating or relinquishing rights; reimbursement by county.

1. When any county acquires real property for use as a public park or other recreational facility in excess of 500 acres and a portion of such property has been (a) designated as a municipal public

street, whether or not actually opened or improved, and (b) the municipality agrees to vacate the said public street or portion thereof, by ordinance adopted pursuant to chapter 67 of Title 40 of the Revised Statutes, such county may, by resolution of the governing body, or in the case of counties organized pursuant to the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.) by ordinance of the governing body, make payment to such municipality in return for vacating said street upon such terms as shall be agreed upon by the governing bodies of the county and municipality.

2. This act shall take effect immediately.

Approved December 10, 1980.

CHAPTER 165

AN ACT to amend "An act concerning cancellation and nonrenewal of automobile liability, physical damage or collision insurance policies," approved July 12, 1968 (P. L. 1968, c. 158).

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

1. Section 3 of P. L. 1968, c. 158 (C. 17:29C-8) is amended to read as follows:

C. 17:29C-8 Notice of cancellation; effective date.

3. No notice of cancellation of a policy to which section 2 applies shall be effective unless mailed or delivered by the insurer to the named insured at least 20 days prior to the effective date of cancellation; provided, however, that where cancellation is for nonpayment of premium at least 15 days' notice of cancellation accompanied by the reason therefor shall be given. Unless the reason accompanies or is included in the notice of cancellation, the notice of cancellation shall state or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than 15 days prior to the effective date of cancellation, the insurer will specify the reason for such cancellation.

This section shall not apply to nonrenewal.

2. Section 5 of P. L. 1968, c. 158 (C. 17:29C-10) is amended to read as follows:

C. 17:29C-10 Certified mail requirement.

5. No written notice of cancellation or of intention not to renew sent by an insurer to an insured in accordance with the provisions of an automobile insurance policy shall be effective unless a. (1) it is sent by certified mail or (2) at the time of the mailing of said notice, by regular mail, the insurer has obtained from the Post Office Department a date stamped proof of mailing showing the name and address of the insured and b. the insurer has retained a duplicate copy of the mailed notice which is certified to be a true copy.

3. This act shall take effect 90 days after its enactment.

Approved December 10, 1980.

CHAPTER 166

AN ACT to amend "An act concerning practice and procedure of administrative agencies of the State," approved January 14, 1969 (P. L. 1968, c. 410).

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

1. Section 2 of P. L. 1968, c. 410 (C. 52:14B-2) is amended to read as follows:

C. 52:14B-2 Definitions.

2. As used in this act:

(a) "State agency" or "agency" shall include each of the principal departments in the executive branch of the State Government, and all boards, divisions, commissions, agencies, departments, councils, authorities, offices or officers within any such departments now existing or hereafter established and authorized by statute to make, adopt or promulgate rules or adjudicate contested cases, except the office of the Governor, the Division of Workers' Compensation in the Department of Labor and Industry, the Department of Defense, and any boards, divisions, commissions, councils, agencies, departments, authorities, offices or officers there-

in, and all agencies the primary responsibility of which is the management or operation of a State educational, medical, mental, rehabilitative, custodial, penal or correctional institution or program, insofar as the acts of such agency relate to the internal affairs of such institution or program.

(b) "Contested case" means a proceeding, including any licensing proceeding, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations, or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing, but shall not include any proceeding in the Division of Taxation, Department of the Treasury, which is reviewable de novo by the Tax Court.

(c) "Administrative adjudication" or "adjudication" includes any and every final determination, decision or order made or rendered in any contested case.

(d) "The head of the agency" means and includes the individual or group of individuals constituting the highest authority within any agency authorized or required by law to render an adjudication in a contested case.

(e) "Administrative rule" or "rule," when not otherwise modified, means each agency statement of general applicability and continuing effect that implements or interprets law or policy, or describes the organization, procedure or practice requirements of any agency. The term includes the amendment or repeal of any rule, but does not include: (1) statements concerning the internal management or discipline of any agency; (2) intraagency and interagency statements; and (3) agency decisions and findings in contested cases.

(f) "License" includes the whole or part of any agency license, permit, certificate, approval, chapter, registration or other form of permission required by law.

(g) "Secretary" means the Secretary of State.

(h) "Director" shall mean the Director of the Division of Administrative Procedure, unless otherwise indicated by context.

2. This act shall take effect immediately.

Approved December 10, 1980.

CHAPTER 167

AN ACT to amend the "State Medical Examiner Act," approved November 20, 1967 (P. L. 1967, c. 234).

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

1. Section 9 of P. L. 1967, c. 234 (C. 52:17B-86) is amended to read as follows:

C. 52:17B-86 Investigation of deaths; causes.

9. An investigation shall be conducted in the manner hereinafter described in the case of all human deaths from the following causes:

a. Violent deaths, whether apparently homicidal, suicidal or accidental, including but not limited to death due to thermal, chemical, electrical or radiation injury and deaths due to criminal abortion, whether apparently self-induced or not;

b. Deaths not caused by readily recognizable disease, disability or infirmity;

c. Deaths under suspicious or unusual circumstances;

d. Deaths within 24 hours after admission to a hospital or institution;

e. Deaths of inmates of prisons;

f. Deaths of inmates of institutions maintained in whole or in part at the expense of the State or county, where the inmate was not hospitalized therein for organic disease;

g. Deaths from causes which might constitute a threat to public health;

h. Deaths related to disease resulting from employment or to accident while employed; and

i. Sudden or unexpected deaths of infants and children under 3 years of age and fetal deaths occurring without medical attendance.

2. Section 11 of P. L. 1967, c. 234 (C. 52:17B-88) is amended to read as follows:

C. 52:17B-88 Findings of medical examiner; autopsy; performance.

11. If the cause of such death shall be established beyond a reasonable doubt, the county medical examiner shall reduce his findings to writing and promptly make a full report thereof to the State Medical Examiner and to the county prosecutor on forms to

be prescribed by the State Medical Examiner for such purpose. If, however, in the opinion of the county medical examiner, the State Medical Examiner, an assignment judge of the Superior Court, the county prosecutor or the Attorney General, an autopsy is necessary, or if, in cases where the suspected cause of death is sudden infant death syndrome and an investigation has been conducted under the provisions of section 9 of this act, the parent, parents or legal guardian of the child request an autopsy, the same shall be performed by (1) the State Medical Examiner or an assistant designated by him or by (2) the county medical examiner or a deputy or assistant county medical examiner provided either has the recognized training or experience in forensic pathology or by (3) such competent forensic pathologists as may be authorized by the State Medical Examiner. A detailed description of the findings written during the progress of such autopsy, and the conclusions drawn therefrom shall thereupon be filed in the offices of the State Medical Examiner, the county medical examiner and the county prosecutor, and where the suspected cause of death of a child under 3 years of age is sudden infant death syndrome, the findings and conclusions shall be reported to the State Department of Health within 48 hours after the death of the child. A copy of the findings and conclusions shall be made available to the parents or legal guardian of the child, upon request. It shall be the duty of any county medical examiner to call upon the State Medical Examiner or an assistant State medical examiner, or other person authorized and designated by the State Medical Examiner, to make an examination or perform an autopsy whenever he deems it necessary or desirable, and it shall be the duty of the State Medical Examiner or assistant State medical examiner to perform such examination, except in such cases as a competent pathologist is so authorized by the State Medical Examiner to perform such autopsy. The necessary expenses for transportation of a body for autopsy by the State Medical Examiner or an assistant State medical examiner or an authorized pathologist and such reasonable fee payable to the authorized pathologist as has been approved by the State Medical Examiner for each autopsy such authorized pathologist may perform shall be paid by the State.

3. This act shall take effect immediately.

Approved December 11, 1980.

CHAPTER 168

AN ACT concerning boards of education of county vocational schools and amending N. J. S. 18A :54-16.

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

1. N. J. S. 18A :54-16 is amended to read as follows:

Board of education; membership; appointment; terms; vacancies.

18A :54-16. For each county system of vocational schools established in accordance with this chapter, there shall be a board of education consisting of the county superintendent of schools and four persons to be appointed; provided, however, that a county of the first class which has adopted the county executive 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 having the office of county supervisor the four appointive members of such board shall be appointed by the county supervisor. In counties of the first class having the county executive form of government which, by ordinance, have established a board consisting of seven persons to be appointed, the seven appointive members shall be appointed by the county executive. In all other counties of the first class, in all counties of the second class, and in counties of the third and fifth classes having populations in excess of 120,000, the four appointive members of the board shall be appointed by the director of the board of chosen freeholders, with the advice and consent of that board. Not more than two members appointed in any such county of the second, third or fifth class shall be members of the same political party, but no changes for adjustment of party representation shall be made in a board except as vacancies occur. In other counties, the four appointive members of the board shall be appointed by the judge of the county court or in counties where there is more than one judge by a majority of them.

In making the first appointments to a board, one person shall be appointed to serve for 1 year, one for 2 years, one for 3 years and one for 4 years from November 1 next succeeding the date of their respective appointments. In a county of the first class having the

county executive form of government which, by ordinance, has established a board with seven appointive members, the county executive shall make the first appointments to the board in the following manner: two shall be appointed to serve for 1 year, two for 2 years, two for 3 years, and one for 4 years from November 1 next succeeding the date of their respective appointments. The persons so appointed shall also serve from the date of their respective appointments until November 1 next ensuing.

Annually during the month of October a member or members, as the case may be, of the board shall be appointed to serve for a term of 4 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 caused by the death, resignation or removal of a member, or in any other manner, shall be reported forthwith by the secretary of the board to the county supervisor, county executive, director of the board of chosen freeholders, or the judge or judges, as the case may be, who, within 30 days thereafter, and in the manner herein prescribed for making appointments for a full term, shall appoint a person to fill the vacancy for the unexpired term.

2. This act shall take effect immediately.

Approved December 17, 1980.

CHAPTER 169

AN ACT to establish offenses of hazing and aggravated hazing and supplementing Title 2C of the New Jersey Statutes.

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

C. 2C:40-3 Hazing.

1. Hazing. a. A person is guilty of hazing, a disorderly persons offense, if, in connection with initiation of applicants to or members of a student or fraternal organization, he knowingly or recklessly organizes, promotes, facilitates or engages in any conduct, other

than competitive athletic events, which places or may place another person in danger of bodily injury.

b. A person is guilty of aggravated hazing, a crime of the fourth degree, if he commits an act prohibited in subsection a. which results in serious bodily injury to another person.

C. 2C:40-4 Consent not available.

2. Notwithstanding any other provision of Title 2C of the New Jersey Statutes to the contrary, consent shall not be available as a defense to a prosecution under this Act.

C. 2C:40-5 Prosecution of conduct constituting offense.

3. Conduct constituting an offense under this Act may, at the discretion of the prosecuting attorney, be prosecuted under any other applicable provision of Title 2C of the New Jersey Statutes.

4. This act shall take effect immediately.

Approved December 18, 1980.

CHAPTER 170

AN ACT to allow certain public officers to secure fuel oil for tenants where a landlord of a residential rental property fails to supply heat in certain cases and to provide for payment therefor and to provide penalties for violations of this act and amending section 2 of P. L. 1974, c. 50 (C. 46:8-28).

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

C. 26:3-31.4 Short title.

1. (New section) This act shall be known and may be cited as "The Emergency Fuel Oil Delivery Act."

C. 26:3-31.5 Local public officers to act as agents for landlords in fuel oil delivery; conditions.

2. (New section) The governing body of any municipality may provide, by ordinance, that the local health officer or other officer designated in the ordinance shall, whenever necessary to protect the health and safety of residential tenants, act as an agent for a landlord in engaging a fuel oil dealer to deliver fuel oil at a reasonable price per gallon and to refire the burner to restore the proper heating of any residential property rented by said landlord;

provided, however, that at least 12 hours have elapsed, if the outside air temperature is between 33° and 55° F., inclusive, or at least 4 hours have elapsed, if the outside air temperature is 32° F. or less, since the tenant has lodged a complaint with any municipal officer or agency, prior to which complaint a bona fide attempt has been made by the tenant or his representative to notify the landlord of the lack of heat, and the landlord has failed to take appropriate action. Lack of heat means maintaining less heat than required by R. S. 26:3-31.

C. 26:3-31.6 Billing to landlord or municipality.

3. (New section) Any fuel oil dealer who delivers fuel oil or refires the burner in accordance with section 2 of this act may bill the landlord directly, or the municipality in which the rental property is located may issue a voucher to the fuel oil dealer who delivered the fuel oil for the money amount due on the fuel oil delivered and the service charge for refiring the burner, if any. The voucher shall be paid in the manner provided for the approval and payment of claims pursuant to N. J. S. 40A :5-17.

C. 26:3-31.7 Liability of landlord or agent due to negligence; penalty enforcement.

4. (New section) Any landlord or his agent whose negligence or failure to act results in municipal action pursuant to section 2 of this act shall be liable to a civil penalty of not more than \$300.00 for each affected dwelling unit in the residential property. Such penalty shall be recoverable by the municipality in a civil action by a summary proceeding under "the penalty enforcement law" (N. J. S. 2A :58-1 et seq.). Any action to collect or enforce any such penalty shall be brought in the Superior Court, county district court or municipal court. The amount of such penalty shall be paid to the municipality to be used for general municipal purposes.

C. 26:3-31.8 Reimbursement to municipality for costs.

5. (New section) In any penalty enforcement proceeding brought pursuant to this act the court shall also order the landlord or his agent to reimburse the municipality for the actual costs incurred for any fuel oil delivered and the service charge for refiring the burner, if any, and for reasonable attorney's fees and costs. The court shall further be empowered to issue any appropriate injunctive orders, and to authorize immediate collection of reimbursable costs due the municipality out of the goods and chattels of the landlord, including all sums due, or which may come due, as present or future rents. Any landlord who prevails in such an action shall be entitled to reimbursement by the municipality for

all reasonable costs and expenses. Such landlord, however, shall still remain responsible for the cost of any fuel oil delivered and any charge for refiring the burner incurred by the municipality.

C. 26:3-31.9 Liability for damages.

6. (New section) No municipality or its employees shall be liable for any damages to any person or property in enforcing this act except for the gross negligence or malfeasance of any municipal official, officer or employee, and under no circumstances shall a municipality be held liable for damages from the lack of heat in the residential property.

C. 26:3-31.10 Applicability of provisions of act.

7. (New section) The provisions of this act shall not apply to owner-occupied residential rental properties containing five units or less.

8. Section 2 of P. L. 1974, c. 50 (C. 46:8-28) is amended to read as follows:

C. 46:8-28 Statement filed by landlord; contents.

2. Every landlord shall, within 30 days following the effective date of this act, or at the time of the creation of the first tenancy in any newly constructed or reconstructed building, file with the clerk of the municipality in which the residential property is situated, a statement which shall contain the following information:

a. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons;

b. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation;

c. If the address of any record owner is not located in the county in which the premises are located, the name and address of a person who resides in or has an office in the county in which the premises are located and is authorized to accept notice from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;

d. The name and address of the managing agent of the premises, if any;

e. The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any;

f. The name, address and telephone number of an individual representative of the record owner or managing agent who may be

reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith;

g. The name and address of every holder of a recorded mortgage on the premises;

h. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

Every landlord hereby required to file a registration statement as described in this section hereinabove shall file an amended registration statement within 7 days after any change in the foregoing information required to be included thereon.

9. This act shall take effect immediately.

Approved December 18, 1980.

CHAPTER 171

AN ACT to amend the "New Jersey Mortgage Finance Agency Law," approved May 4, 1970 (P. L. 1970, c. 38) and amending P. L. 1975, c. 160.

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

1. Section 2 of P. L. 1970, c. 38 (C. 17:1B-5) is amended to read as follows:

C. 17:1B-5 Legislature's findings.

2. The Legislature hereby finds: that the drastic decline in new housing starts, together with the existing large number of substandard dwellings, has produced a critical shortage of adequate housing in this State adversely affecting the economy of this State and the well-being of its residents; that there exists a need for adequate, safe, sanitary and energy-efficient housing for New Jersey's residents; that a large and significant number of New Jersey residents have and will be subject to hardship in finding adequate, safe, sanitary and energy-efficient housing

unless new facilities are constructed and existing housing, where appropriate, is rehabilitated; that unless the supply of housing and the ability of our residents to obtain mortgage financing is increased significantly and expeditiously, a large number of residents of this State will be compelled to live in unsanitary, overcrowded, unsafe and energy inefficient conditions to the detriment of the health, welfare and well-being of these persons and of the whole community of which they are a part; that by increasing the housing supply of this State and the ability of our residents to obtain mortgage financing, the clearance, replanning, development and redevelopment of blighted areas will be aided, the critical shortage of adequate housing will be ameliorated, and the available supply of energy for housing in the State will be increased.

It is hereby found that a major cause of this housing crisis is the lack of funds available to finance housing by the private mortgage lending institutions of the State; it is further found that this lack of funds has frustrated the sale and purchase of existing residences in the State.

The Legislature has determined that to aid in remedying these conditions, to promote the expansion of the supply of funds available for residential mortgages and thereby help alleviate the shortage of adequate housing, a corporate agency of the State shall be created with power to raise funds from private investors in order to make those funds available for residential mortgage loans in this State. The Legislature has further determined that by utilizing such powers the agency created shall help develop the financial resources available to meet the housing needs of its residents. This purpose is best accomplished through a program whereby mortgage lending institutions make the needed residential mortgage loans through the use of proceeds of loans made available by the agency on terms designed to assure the expansion of available mortgage funds while protecting against the realization by these mortgage lending institutions of an excessive financial return or benefit.

The Legislature further finds that the authority and powers conferred under this act and the expenditure of public moneys pursuant thereto constitutes a serving of a valid public purpose and that the enactment of the provisions hereinafter set forth is in the public interest and is hereby so declared to be such as a matter of express legislative determination.

2. Section 3 of P. L. 1970, c. 38 (C. 17:1B-6) is amended to read as follows:

C. 17:1B-6 Definitions.

3. The following words or terms as used in this act shall have the following meanings unless a different meaning clearly appears from the context:

(a) "Act" means this New Jersey Mortgage Finance Agency Law.

(b) "Agency" means the New Jersey Mortgage Finance Agency created by section 4 of the act.

(c) "Bonds" means bonds issued by the agency pursuant to the act.

(d) "Mortgage lender" means any bank or trust company, savings bank, national banking association, savings and loan association, or building and loan association maintaining an office in the State, or any insurance company authorized to transact business in the State.

(e) "New residential loan" means: (1) a loan made by a mortgage lender or mortgage seller and secured by a mortgage constituting a first lien upon real property (or a lease of the fee of real property) located in the State and improved by a residential building or unimproved if the proceeds of such loan shall be used for the purpose of erecting a residential building thereon, or (2) a loan made for the rehabilitation or improvement of a residence whether or not secured by a mortgage; provided that such loan shall be made from the proceeds of a loan made by the agency to such mortgage lender or from the proceeds of a purchase of eligible mortgages by the agency from such mortgage seller, as the case may be, all pursuant to the act.

(f) "Notes" means notes issued by the agency pursuant to the act.

(g) "State" means the State of New Jersey.

(h) "Eligible loan" means: (1) a loan made or owned by a mortgage seller and secured by a mortgage on real property (or lease of the fee of real property) located in the State and improved by a residential building or unimproved if the proceeds of such loan shall be used for the purpose of erecting a residential building thereon, or (2) a loan made for the rehabilitation or improvement of a residence which is not secured by a mortgage provided that such a loan satisfies agency regulations promulgated pursuant to this act. Any undivided interest in a loan secured by a mortgage shall qualify as an eligible loan.

(i) "Mortgage seller" means any bank or trust company, savings bank, national banking association, savings and loan association, or building and loan association maintaining an office in the State, or any insurance company or any mortgage banking firm or mortgage banking corporation authorized to transact business in the State, or any agency or instrumentality of the United States or the State or a political subdivision of the State, which is authorized to make residential mortgage, rehabilitation, or home improvement loans.

(j) "Persons and families of low and moderate income" means persons and families, irrespective of race, creed, national origin or sex, determined by the agency to require assistance through any mortgage interest subsidy program or other special program established by the agency therefor on account of personal or family income not sufficient to afford adequate housing. In making such determination the agency shall take into account the following: (1) the amount of the total income of such persons and families available for housing needs, (2) the size of the family, (3) the cost and condition of housing facilities available, (4) the eligibility of such persons and families to compete successfully in the normal housing market and to pay the amounts at which private enterprise is providing sanitary, decent and safe housing. In the case of Federally subsidized mortgages with respect to which income limits have been established by any agency of the Federal Government having jurisdiction thereover for the purpose of defining eligibility of low and moderate income families, the agency may determine that the limits so established shall govern. In all other cases income limits for the purpose of defining low or moderate income persons shall be established by the agency in its rules and regulations. Such rules and regulations shall provide that, in the case of energy saving improvements and solar heating or cooling system improvements, the above limitations shall not serve to disqualify persons from applying for or receiving loans.

(k) "Energy saving improvement" means the construction, purchase and installation in existing housing of any of the following, designed to reduce the amount of energy from nonrenewable sources needed for heating and cooling that housing: Insulation, storm windows and doors, replacement burners, replacement high efficiency heating and air conditioning units, including modular boilers and furnaces, water heaters, central air conditioners with or without heat recovery to make domestic hot water. The foregoing list shall not be construed to be exhaustive, and shall not serve to

exclude other improvements consistent with the legislative intent of this amendatory act.

(1.) "Solar heating or cooling system improvement" means the construction or purchase and installation in housing under construction or in existing housing of any system which captures solar radiation to heat a fluid which passes over or through the collector element of that system and then transfers that fluid to a point within the system where the heat is withdrawn from the fluid for direct usage or storage. Such systems shall include but not necessarily be limited to, systems incorporating flat plate, evacuated tube or focusing solar collectors.

3. Section 1 of P. L. 1975, c. 160 (C. 17:1B-5.1) is amended to read as follows:

C. 17:1B-5.1 Legislature's findings and determinations.

1. The Legislature hereby finds that national economic conditions have caused the persistence of a critical shortage of adequate housing in this State and a drastic decline in new housing starts; that as a result an increasingly large number of New Jersey residents will be subjected to hardship in finding adequate, safe, sanitary and energy-efficient housing unless new housing is constructed and existing housing, where appropriate, rehabilitated or improved; that unless the supply of housing and the availability to residents of this State of residential mortgage, rehabilitation, and improvement financing is increased over present levels, a large number of residents of this State will continue to be compelled to live in unsanitary, overcrowded, unsafe, energy inefficient conditions to the detriment of the health, welfare and well-being of these residents and of the whole community of which they are a part; and that an increase in the housing supply of this State will assist in the clearance, replanning, development and redevelopment of blighted areas, will ameliorate the critical shortage of adequate housing, and will increase the available supply of energy for housing in the State.

It is hereby found that existing programs of the New Jersey Mortgage Finance Agency will not be sufficient in the future to meet the demands for available funds to assist in the financing of the new residential mortgage loans and, where appropriate, the rehabilitation or improvement of existing housing which is needed to remedy the continuing housing crisis.

The Legislature hereby determines that in order to more effectively promote the expansion of the supply of funds available for

residential mortgage, rehabilitation and improvement loans and thus help alleviate the shortage of adequate housing in this State, the New Jersey Mortgage Finance Agency shall be granted power to raise funds from private investors and make those funds available through mortgage lending institutions and firms in this State for new residential loans through the purchase by the agency of existing residential mortgage loans and residential rehabilitation and improvement loans from mortgage lending institutions and firms within the State during periods when there is an inadequate supply of credit otherwise available in the State, any particular area or areas of the State or available to persons or families of the State of low or moderate income for residential loans and that this program will be accomplished by the agency on terms designed to assure the expansion of available funds in the State or any such area or areas or for any such persons or families while protecting against the realization by mortgage lending institutions and firms of any excessive financial return or benefit.

The Legislature further finds and determines that a secondary mortgage market which will be provided by the residential loan purchase program of the agency will be an appropriate and effective means of encouraging investment in New Jersey residential loans, of reducing the volatility of mortgage flows over the business cycle, and of providing greater stability for the economy of the State of New Jersey.

The Legislature further finds and determines that the shortage of adequate housing in the State will be reduced if the present authority of the New Jersey Mortgage Finance Agency to raise funds from private investors and loan such funds to mortgage lending institutions to make residential mortgage loans is extended to permit the agency to loan such funds to mortgage lending institutions to make residential rehabilitation and improvement loans.

The Legislature also finds and determines that a major disincentive for the rehabilitation and improvement of older housing and the full use of the existing housing supply in the State is the relative energy inefficiency of older housing and the high cost and limited supplies of energy from nonrenewable sources such as oil and gas, and that one of the purposes of the New Jersey Mortgage Finance Agency shall be to promote the fuller utilization of the existing housing supply of the State and to increase the available supply of energy for heating and cooling housing in the State. To this end, the construction, purchase and installation of energy saving improvements and particularly of solar heating or cooling

system improvements shall be an eligible construction, rehabilitation or improvement to housing for the purpose of any loans permitted under the "New Jersey Mortgage Finance Agency Law," and loans permitted for such purposes shall not be subject to limitation with respect to income, area, or available supply of credit.

4. This act shall take effect immediately.

Approved December 18, 1980.

CHAPTER 172

AN ACT to amend "An act concerning assistance for dependent children, supplementing Title 44 of the Revised Statutes and repealing certain statutes relating thereto," approved June 11, 1959 (P. L. 1959, c. 86).

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

1. Section 2 of P. L. 1959, c. 86 (C. 44:10-2) is amended to read as follows:

C. 44:10-2 Financial assistance; persons eligible; administration of program.

2. Eligible dependent children living in New Jersey and the parent or parents or relative or relatives with whom they are living shall be entitled to financial assistance and other services from the county welfare agency of the county in which they reside, which shall be administered in accordance with and governed by requirements, conditions, limitations and procedures similar to those established by chapter 7 of Title 44 of the Revised Statutes excepting sections 44:7-3, 44:7-5, 44:7-14 to 44:7-16, inclusive and R. S. 44:7-25. Notwithstanding any provision to the contrary, no natural or adoptive parents with a dependent child as defined in section 1 (c) (1) (iii) shall be eligible to receive assistance where the insufficiency of income or resources is the direct result of (a) a voluntary cessation of employment within 90 days prior to the date of application which such voluntary cessation shall include unemployment due to inappropriate work habits resulting in discharge from employment or (b) a voluntary assignment or transfer of property within 1 year prior to the time of application for the purpose of qualifying for public assistance.

Additionally, application for or receipt of aid to families with dependent children shall operate as an assignment, pursuant to Titles IV-A and IV-D of the Social Security Act, to the county welfare agency of any rights to support from any other person that the applicant or recipient may have on his own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or receiving assistance. The assignment shall terminate with respect to current support rights upon a determination by the director of the county welfare agency that the person is no longer eligible for aid to families with dependent children except with respect to the amount of any unpaid support obligation that has accrued.

2. Section 3 of P. L. 1959, c. 86 (C. 44:10-3) is amended to read as follows:

C. 44:10-3 Rules and regulations; purposes of act.

3. The Commissioner of Human Services is authorized, directed and empowered to issue, or to cause to be issued by the appropriate departmental officers or agencies, 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 financial participation that is available with respect to a program of aid to families with dependent children and otherwise to accomplish the purposes of this act, including specifically the following:

(a) To assure that the program shall be in effect in all counties of the State and be mandatory upon them;

(b) To assure that all individuals wishing to make application for aid to families with dependent children shall have opportunity to do so, and that assistance shall be furnished with reasonable promptness to or for all eligible individuals;

(c) To provide that, in determining eligibility for financial assistance and the amount of assistance to be granted, there shall be taken into consideration all other income and resources of the dependent child and of the parent, parents, or other relatives with whom such child is living, except that, in making such determination, there shall be disregarded the amounts of income and resources required by Federal law as a condition of Federal financial participation;

(d) To provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the program;

(e) (Deleted by amendment.)

(f) To assure that all persons eligible for financial assistance, including those persons not entitled to a grant of assistance because of the eligibility standards contained in section 2, or receiving financial assistance under the provisions of this act shall not receive, nor be eligible to receive during the same period, any other financial assistance from this State or any political subdivision thereof, with respect to any maintenance requirements or other items for which allowance is or may be made pursuant to this act; provided that persons eligible for but not receiving benefits under Title XVI of the Social Security Act shall be afforded the opportunity to apply for and receive assistance under this act;

(g) To prescribe appropriate services which shall be made available by or utilized by the county welfare agencies for the purpose of maintaining and strengthening family life for children;

(h) To assure that payments of financial assistance, with respect to a dependent child or children, to a parent or relative with whom such child is living, will be terminated promptly, and other arrangements for the care and maintenance of such child or children instituted, in any case where it is determined that the payments to such parent or relative under the provisions of this act are failing to secure for the child or children a standard of maintenance, care and family life consistent with the purposes stated in section 1(a) of this act;

(i) To provide for appropriate services and cooperative arrangements with other agencies so that maximum opportunities for employment and training for employment will be available to recipients of financial assistance, and to prescribe the conditions under which financial assistance will be denied to an individual who refuses without good cause to accept employment or training for employment;

(j) To provide opportunity for a family with a dependent child as defined in section 1. (c) (1) (iii) to make application for assistance when the child is deprived of parental support or care by reason of insufficient income or other resources. Such application shall be made in a form which shall be prescribed by the Division of Public Welfare, and which may be secured from the county welfare agency. Said form shall be completed and signed by both parents, except that if a parent is unavailable to sign the application for reasons beyond the family's control one signature will suffice. In that event the nonsignatory parent shall be required to annex his signature as promptly as he is available for such purpose;

(k) Prescribe the conditions under which financial assistance will be denied to any family in which the father refuses, without good cause, to accept employment, better employment, or training for employment or better employment;

(l) To provide that assistance to be granted to an eligible family with a dependent child as defined in section 1. (c) (1) (iii) which qualifies for assistance because of insufficient income or other resources shall be computed in the following manner:

(1) From an amount equal to 66 $\frac{2}{3}$ % of the applicable standard otherwise established by the Division of Public Welfare, the following shall be deducted:

(i) the monthly unearned income of the family; and

(ii) the monthly earned income of the employed parents and of employed children not excluded by the provisions of section 1. (e) of this act, less (i) the first \$60.00 earned by each such employed person and (ii) one-third of the remainder after deducting said \$60.00 for each such employed person;

(2) The sum resulting from the computation described above shall be the amount of assistance to the family, provided that the amount of assistance shall be limited by those ceilings established by the Division of Public Welfare. Available resources shall be utilized to meet need before eligibility for public assistance is established.

3. This act shall take effect immediately.

Approved December 22, 1980.

CHAPTER 173

A SUPPLEMENT to "An act creating the Medical Advisory Panel in the Division of Motor Vehicles and prescribing its functions, powers and duties," approved February 24, 1977 (P. L. 1977, c. 26, C. 39:2-13 et seq.).

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

C. 39:2-16 Liability of member of advisory panel, director or employees.

1. No member of the Medical Advisory Panel, the Director of the Division of Motor Vehicles or his employees, or any physician

or optometrist licensed to practice in this State shall be liable for any civil damages as a result of providing any reports, records, examinations, opinions or recommendations pursuant to the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved December 29, 1980.

CHAPTER 174

AN ACT to amend the "Home Repair Financing Act," approved June 9, 1960 (P. L. 1960, c. 41).

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

1. Section 1 of P. L. 1960, c. 41 (C. 17:16C-62) is amended to read as follows:

C. 17:16C-62 Definitions.

1. Unless the context otherwise indicates,

(a) "Goods" means all chattels personal which are furnished or used in the modernization, rehabilitation, repair, alteration or improvement of real property except those furnished or used for a commercial or business purpose or for resale, and except stoves, freezers, refrigerators, air conditioners other than those connected with a central heating system, hot water heaters and other appliances furnished for use in a home and designed to be removable therefrom without material injury to the structure, and except chattels personal under a contract in which the cash price is \$300.00 or less and which is subject to the Retail Installment Sales Act of 1960;

(b) "Services" means labor, equipment and facilities furnished or used in connection with the installation or application of goods in the modernization, rehabilitation, repair, alteration or improvement of real property;

(c) "Home repair contract" means an agreement, whether contained in one or more documents, between a home repair contractor and an owner to pay the time sales price of goods or services in installments over a period of time greater than 90 days;

(d) "Home repair contractor" means any person engaged in the business of selling goods or services pursuant to a home repair contract;

(e) "Commissioner" means the Commissioner of Banking of New Jersey and includes any deputies or employees of the department designated by him to administer and enforce this act;

(f) "Official fees" means the fees to be paid to a public officer for obtaining any permit or filing any lien or mortgage taken or reserved as security pursuant to a home repair contract;

(g) "Cash price" means the cash sales price for which the home repair contractor would sell the goods or services which are the subject matter of a home repair contract if the sale were a sale for cash rather than an installment sale;

(h) "Down payment" means all payments made in cash to the home repair contractor and all allowances given by the home repair contractor to the owner prior to or substantially contemporaneous with the execution of the home repair contract;

(i) "Credit service charge" means that amount by which the time sales price exceeds the aggregate of the cash price and the amounts specifically included for official fees and, if a separate charge is made therefor, the amount included for insurance and other benefits as provided in section 6 (d);

(j) "Time sales price" means the total amount to be paid pursuant to the contract excluding default charges authorized under this act;

(k) "Owner" means a person, including a tenant, who buys goods or services pursuant to a home repair contract;

(l) "Home financing agency" means any person, other than a home repair contractor, engaged, directly or indirectly, in the business of purchasing, acquiring, soliciting or arranging for the acquisition of home repair contracts or any obligation in connection therewith by purchase, discount, pledge or otherwise;

(m) "Holder" means any person who is entitled to the rights of a home repair contractor under a home repair contract;

(n) "Home repair salesman" means any individual who obtains a bona fide home repair contract;

(o) "Payment-period" means the period of time scheduled by a home repair contract to elapse between the days upon which installment payments are scheduled to be made on such contract; except that, where installment payments are scheduled by the home repair contract to be omitted, "payment-period" means the

period of time scheduled by the contract to elapse between the days upon which installment payments are scheduled to be made during that portion of the contract period in which no installment payment is scheduled to be omitted;

(p) "Contract period" means the period beginning on the date of a home repair contract and ending on the date scheduled by the contract for the payment of the final installment;

(q) "Actuarial method" means the method of applying payments made on a home repair contract between principal and credit service charge pursuant to which a payment is applied first to accumulated credit service charge and the remainder is applied to the unpaid principal balance of the home repair contract in reduction thereof;

(r) "Precomputed credit service charge" means an amount equal to the whole amount of credit service charge payable on a home repair contract for the period from the making of the contract to the date scheduled by the terms of the contract for the payment of the final installment;

(s) "Precomputed contract" means a home repair contract in which the face amount of the payment due consists of the balance so evidenced and the credit service charge thereon; and

(t) "Nonprecomputed contract" means a home repair contract in which the face amount of the payment due consists solely of the balance due on the contract.

2. Section 8 of P. L. 1960, c. 41 (C. 17:16C-69) is amended to read as follows:

C. 17:16C-69 Credit service charge authorized; limitation.

8. A home repair contractor may impose and receive a credit service charge not exceeding 15% per annum on the amount owing on the unpaid principal balance of the contract, or \$12.00, whichever is greater, except that the commissioner may, by regulation provide that the credit service charge which may be contracted for and received shall be more than 12% per annum, but not more than 18% per annum as shall be established by such regulation. In adopting regulations pursuant to this section, the commissioner shall consider the general state of the economy, the discount rates prescribed by the Federal Reserve Bank of New York and the Federal Reserve Bank of Philadelphia, the availability of funds for loans, studies and statistics published by the Federal Reserve Bank system and other agencies of the United States and of this State, and such other factors and bases for determination as the com-

missioner and the board may deem pertinent. The charge established by any such regulation shall reasonably reflect prevailing market conditions, regionally and nationally, based upon the studies, statistics and factors considered, and shall remain in force until the regulation is rescinded or the rate is increased or decreased by a subsequent regulation. Regulation shall have prospective effect only. This section shall not limit or restrict the manner of contracting for the credit service charge, whether by way of add-on, discount or otherwise, so long as the charge does not exceed that permitted by this section. In the case of a precomputed contract, the charge may be computed on the assumption that all scheduled payments will be made when due, and all scheduled installment payments made on a precomputed contract may be applied as if they were received on their scheduled due dates. In the case of nonprecomputed loans, all installment payments shall be applied no later than the next day, other than a public holiday, after the date of receipt, and a day shall be counted as 1/365 of a year.

3. Section 10 of P. L. 1960, c. 41 (C. 17:16C-71) is amended to read as follows:

C. 17:16C-71 Delinquency or collection charges; limitation; attorney's fees.

10. (a) A home repair contract using a precomputed credit service charge may provide for a delinquency or collection charge for default in the payment of any such contract or any installment thereof, if such default continues for a period of 10 days. Such charge shall not exceed 5% of the amount of the installment in default or \$5.00 whichever is the lesser and may be collected in cash or charged to the owner's account. If charged to the owner's account such charge shall be levied within 35 days from the date of such default and written notification that such charge has been made shall be mailed to the owner within 5 days from the date when such charge was made.

(b) The home repair contract may also provide for the payment of reasonable attorney's fees when a payment in default for a period of 10 days is referred to an attorney, not a salaried employee of the holder of the contract, for collection.

4. Section 12 of P. L. 1960, c. 41 (C. 17:16C-73) is amended to read as follows:

C. 17:16C-73 Payment in advance; determination of amount.

12. (a) When the unpaid balance owing on a precomputed home repair contract is repaid in full at any time before the end of the

contract period, the holder of the contract shall allow a credit on account of the precomputed credit service charge, the amount of which shall be determined by the application of the formula $C = AN \div D$, in which "C" represents the amount of the credit to be given; "A" represents the amount of the credit service charge, less an acquisition cost of \$15.00; "D" represents an amount determined as follows: there shall be ascribed to each payment-period included in the contract period, beginning with the first payment-period scheduled by the contract, the cardinal number descriptive of the number of payment-periods scheduled by the contract to elapse from the beginning of each such payment-period to the end of the contract period, and the sum of all such cardinal numbers shall constitute the quantity "D"; and "N" represents the difference between the quantity "D" and the sum of all the cardinal numbers ascribed to the payment-periods which have elapsed, in whole or in part, from the date of the contract to the date upon which such repayment is made. This section shall not apply when the amount of the credit is less than \$1.00.

(b) The unpaid balance of a nonprecomputed contract may be paid in full at any time without penalty.

5. This act shall take effect immediately.

Approved December 29, 1980.

CHAPTER 175

AN ACT concerning the practice of veterinary medicine with respect to rendering emergency treatment and supplementing chapter 16 of Title 45 of the Revised Statutes.

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

C. 45:16-9.10 Short title.

1. This act shall be known and may be cited as the "New Jersey Veterinary Good Samaritan Law."

C. 45:16-9.11 Liability of individuals licensed to practice veterinary medicine for rendering emergency care.

2. Any individual licensed to practice veterinary medicine who, in good faith, renders emergency care to any animal which has,

immediately prior to the rendering of such care, been brought to such individual's attention at or from the scene of an accident or emergency situation or has been discovered by such individual at the scene of an accident or emergency situation shall not be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

3. This act shall take effect immediately.

Approved December 29, 1980.

CHAPTER 176

AN ACT concerning certain mortgage loans, and amending section 65 and section 181 of P. L. 1948, c. 67.

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

1. Section 65 of P. L. 1948, c. 67 (C. 17:9A-65) is amended to read as follows:

C. 17:9A-65 Real property mortgages.

65. Real property mortgages.

A. No bank shall make a mortgage loan secured by a mortgage upon real property unless:

(1) The mortgaged property is located within this State, or, if outside this State, the mortgaged property is located within 50 miles of the border of this State; or if the mortgaged property is located outside this State and is more than 50 miles from the border of this State, the payment of the mortgage loan is insured or guaranteed, or is the subject of an unconditional commitment for such insurance or guarantee, to the extent provided for in subsection A of section 68, by the Federal Housing Commissioner or by the United States, or by this State;

(2) The mortgaged property shall consist of improved real property, including farm lands, or unimproved real property if the proceeds of such loan shall be used for the purpose of erecting improvements thereon;

(3) The mortgage securing such loan shall constitute a first lien on a fee; a mortgage shall be deemed a first lien notwithstanding

the existence of a prior mortgage or mortgages held by the bank, or liens of taxes which are not delinquent, building restrictions or other restrictive covenants or conditions, leases or tenancies whereby rents or profits are reserved to the owner, joint driveways, sewer rights, rights in walls, rights-of-way or other easements, or encroachments, which the persons signing the certificate provided for in section 67 report in their opinion do not materially affect the security for the mortgage loan. Every mortgage shall be certified to be such a first lien by an attorney-at-law of the State in which the real property is located, or certified or guaranteed to be such a first lien by a corporation authorized to guarantee titles to land in such State;

(4) No such loan shall be made for a period longer than 40 years from its date, and no such loan shall exceed 80% of the appraised value of the mortgaged property; provided, that there shall be included in the appraised value of the mortgaged property, for the purpose of this paragraph (4), the value of the improvements to be erected upon the mortgaged property wholly or partly with the proceeds of such loan; and

(5) The instrument evidencing the loan shall require payment to be made during each year on account of the principal amount of the loan at a rate not less than 1% per annum of the original amount of the loan, if the original amount of the loan does not exceed 50% of the appraised value of the mortgaged property; or 2% per annum of the original amount of the loan, if the loan exceeds 50% but does not exceed $66\frac{2}{3}\%$ of such appraised value; or 4% per annum of the original amount of the loan, if the loan exceeds $66\frac{2}{3}\%$ of such appraised value; provided, that, in lieu of such principal payments, the instrument evidencing any mortgage loan may require equal monthly payments, each applicable to principal and interest, in an amount sufficient to pay current interest and to repay the amount of the loan in not more than 40 years from its date; and provided further, that when the proceeds of any such loan are to be used to pay, in whole or in part, the cost of constructing a building or buildings on the mortgaged property, and such proceeds are paid by the bank from time to time, final payment being made at or after completion, the instrument evidencing such loan need not require that any payment be made on account of the principal amount of the loan during the period from the date of such loan to a date not more than 18 months from the date of such loan; and such date marking the end of the period during which no payments are required to be made on account of the principal amount of the loan,

shall be deemed to be the date of such loan for the purpose of reckoning the 40-year period limited for the payment of such loan by this paragraph (5), and by paragraph (4) of this section.

B. The commissioner may, from time to time, with the concurrence of the banking advisory board, make, alter and rescind regulations:

(1) Authorizing banks to make mortgage loans, or specified types or classes of mortgage loans, (a) which exceed 80% of the appraised value of the mortgaged property; (b) which mature in more than 25 years from their date; (c) which require smaller annual payments on account of the principal amounts thereof than those specified in paragraph (5) of subsection A of this section; and (d) which provide for equal monthly payments, each applicable to principal and interest, in amounts sufficient to pay current interest on and to repay the amount of the loan in such number of years, more than 40 but not more than 45, as the regulation may specify;

(2) Defining "improved real property" for the purposes of paragraph (2) of subsection A of this section;

(3) Increasing the percentage of the time deposits or the aggregate of the unimpaired capital stock and surplus of banks which banks may invest in mortgage loans beyond the limitation expressed in subsection A of section 69;

(4) Increasing the percentage of the principal balances owing on mortgage loans of the kind referred to in section 68 which shall not be included in the total of all principal balances owing on mortgage loans for the purposes of subsection A of section 69, or eliminating entirely the principal balances owing on such mortgage loans from such total of all principal balances.

C. In making, altering and rescinding regulations pursuant to subsection B of this section, the commissioner and the banking advisory board shall consider the statutes and regulations applicable to national banks in the making or acquiring of loans secured by interest in real property and the practices followed by national banks in the making or acquiring of such loans. The regulations so made shall, so far as the commissioner and the banking advisory board deem to be warranted by the state of the economy and to be consistent with sound banking practices, be directed toward the creation and maintenance of a substantial parity between banks and national banks in all matters relating to the making and acquiring of loans secured by interests in real property. The power to regulate as provided in subsection B of this section may be exercised by the commissioner and the banking advisory board within

the standards established by this subsection, notwithstanding that the subject of such regulation is not expressly set forth in subsection B of this section.

D. A bank may make a mortgage loan in excess of the ratio between appraised value and the amount of the loan as established by subsection A (4) of this section, provided that the amount of such excess is secured by other collateral having a value at all times at least equal to the amount of the principal balance in excess of that amount permitted by subsection A(4) or as established by regulation of the Commissioner of Banking.

2. Section 181 of P. L. 1948, c. 67 (C. 17:9A-181) is amended to read as follows:

C. 17:9A-181 Mortgage loans.

181. Mortgage loans.

A. 1. A savings bank may make or invest in mortgage loans in the manner and subject to the limitations prescribed by this section. For the purposes of this section, "mortgage loan" shall include every indebtedness secured by mortgage on real property, or on a lease of the fee of real property (in any case in which such lease is lawful security for such mortgage loan), except as otherwise provided by subsection Q. of this section, and a savings bank shall be deemed to have made a mortgage loan when

(a) It lends or participates in lending money to a borrower upon the security of real property; or

(b) It acquires, by purchase or otherwise, a mortgage loan or any share or part of or interest in a mortgage loan which is not subordinate to any share or part thereof or interest therein held by any other person.

A savings bank may sell, assign or otherwise dispose of a share or part of or interest in a mortgage loan held by it to any other person.

2. For all purposes of compliance with the applicable provisions and restrictions of subsections D., F. and G. of this section as to the percentage of the mortgage loan to the appraised value of the mortgaged property, and the term of and rate of amortization of such loan, the date of the acquisition by a savings bank of a mortgage loan or a share or part thereof or interest therein shall, as respects such savings bank, be deemed to be the date as of which the mortgage loan was made and the unpaid amount of the principal then due shall be deemed to be the amount of such mortgage loan.

B. No savings bank shall make a mortgage loan at any time when the total cost of acquisition by the savings bank of all real property owned by it, other than real property held for the purposes specified in subparagraph (a) of paragraph (5) of section 24, and the total of all principal balances owing to the savings bank on mortgage loans, less all write-offs and reserves with respect to such real property and mortgage loans, together exceeds, or by the making of such loan will exceed, 80% of its deposits. For the purpose of this subsection, principal balances owing on mortgage loans made pursuant to subsection Q. (1) of this section shall, only to the extent of the unguaranteed portion of such balances, and loans made pursuant to subsection Q. (2) of this section shall, only to the extent of 50% of such balances, be included in the total of all principal balances owing to the savings bank on mortgage loans; and for the purposes of this subsection, principal balances owing on mortgage loans made by the use of funds received by the bank pursuant to the provisions of the "New Jersey Mortgage Finance Agency Law" (P. L. 1970, c. 38, C. 17:1B-4 et seq.), shall, only to the extent of 50% of such balances, be included in the total of all principal balances, owing to the savings bank on mortgage loans.

C. Every mortgage loan shall be evidenced by a note or bond, and shall be secured by a mortgage on the fee of real property located within this State, or, if outside this State, upon the fee of real property located within 50 miles of the border of this State. Every mortgage shall be certified to be a first lien by an attorney at law of the State in which the real property is located, or certified or guaranteed to be a first lien by a corporation authorized to guarantee titles to land in such State. For the purposes of this section, a mortgage shall be deemed to be a first lien, notwithstanding the existence of a prior mortgage or mortgages held by the savings bank, or a lien for current taxes or assessments not due or payable at the time the loan is made, and notwithstanding the existence of leases, building restrictions, easements, encroachments, or covenants which, in the opinion of an officer of the savings bank designated for that purpose by the board of managers, do not materially lessen the value of the real property to be mortgaged.

D. When the real property offered as security for a mortgage loan consists of a lot of land, or, in the case of condominiums, an interest in a lot of land, upon which there is one or more one-, two-, three-, or four-family dwellings including appropriate garages or other outbuildings, if any, or upon which such dwelling or dwellings, garages or outbuildings are in the course of construction

or are to be constructed, the amount of the mortgage loan shall not exceed 90% of the appraised value of the real property; provided, however, where mortgage guaranty insurance is issued incident to such loan pursuant to the provisions of the Mortgage Guaranty Insurance Act, P. L. 1968, c. 248 (C. 17:46A-1 et seq.), the amount of the mortgage loan shall not exceed 95% of the appraised value of the real property.

E. (Deleted by amendment.)

F. The instrument evidencing a mortgage loan made pursuant to subsection D. of this section shall require that

(1) Interest shall be paid on such loan monthly, and that equal monthly payments be made in reduction of such loan of an annual rate equal to at least $2\frac{1}{2}\%$ of the original amount of such loan; or

(2) That a constant sum be paid monthly in an amount sufficient for current interest and for the payment of the loan in full in not more than 40 years and 1 month from the making of such loan.

G. When the real property offered as security for a mortgage loan consists of a lot of land upon which there is a building or buildings other than dwellings of the nature described in subsection D. of this section, or upon which such other buildings are in the course of construction, or are to be constructed, or when such land is paved for parking lot purposes, the amount of the mortgage loan shall not exceed 80% of appraised value of such real property. The instrument evidencing a mortgage loan made pursuant to this subsection shall require that the loan be repaid in full in not more than 30 years and 1 month from the date it is made; and (a) if the amount of such loan, when made, exceeds 50%, of the appraised value of the real property, that payments shall be made in reduction thereof at least semiannually, at an annual rate equal to at least 1% of the original amount of such loan; or (b) if the amount of such loan, when made, does not exceed 50% of the appraised value of the real property, that payments shall be made in reduction thereof at least semiannually, at an annual rate equal to at least $\frac{1}{2}\%$ of the original amount of such loan; provided, that, in lieu of such principal payments, the instrument evidencing any mortgage loan may require equal monthly payments each applicable to principal and interest in an amount sufficient to pay current interest and to repay the amount of the loan in not more than 30 years and 1 month from its date. When, however, the amount of such loan does not, when made, exceed 50% of the appraised value of such real property, and the instrument evidencing such loan requires that it be paid in full in not more than 5

years and 1 month from the date it is made, the instrument need not require that any payment be made in reduction of such loan prior to its maturity date. Notwithstanding the limitations prescribed by subsection D. and hereinabove in this section, a savings bank may make a mortgage loan secured by a lot of land or two or more lots of land, contiguous or not, upon each of which there is a building or buildings, or upon each of which a building or buildings are in the course of construction or are to be constructed. The limitations of this section governing the term of the loan, rate of amortization, and the percentage of the mortgage loan to the appraised value of each type of building, including land, shall apply. No loans shall be made under subsection D., F., or G. hereof to any one person or on any one property if the loans shall exceed 15% of the surplus, undivided profits, and reserves of the savings bank, or \$50,000.00, whichever is greater.

H. When the real property offered as security for a mortgage loan is of the nature described in subsection D. of this section, and the amount of the loan does not exceed $66\frac{2}{3}\%$ of the appraised value of such real property, the instrument evidencing such loan shall be sufficient if it conforms to the requirements of either subsection F. or subsection G. of this section.

I. A mortgage loan may be made for the purpose of enabling a borrower to construct a building or buildings upon real property owned by him, and, in such a case, the appraised value of the real property shall include the value of the building or buildings to be constructed, but at no time shall a greater sum be advanced on account of such loan than, in the opinion of (1) the appraisers hereinafter provided for, or (2) one of such appraisers and an officer of the savings bank designated for that purpose by the board of managers, is warranted by the state of completion of the buildings in process of construction. For the purposes of compliance with the applicable requirements of subsection F. or G. of this section as to the term of and the rate of amortization of a loan made pursuant to this section, such loan shall be deemed to have been made when the final advance shall be made to the borrower on such loan, or 60 months from the date of the mortgage securing such loan, whichever is earlier.

J. When the real property offered as security for a mortgage loan consists of unimproved land, and the proceeds of such loan are not to be used to construct a building on such land, the amount of such loan shall not exceed 50% of the appraised value of such real property. When the real property offered as security for

a mortgage loan consists of unimproved land, and the proceeds of such loan are to be used for improvements to the land, the amount of such loan shall not exceed 75% of the appraised value of such real property. The instrument evidencing a loan made pursuant to this subsection shall require that such loan be paid in full in not more than 10 years and 1 month from the date it is made. No loan made pursuant to this subsection shall exceed \$10,000.00, or $\frac{3}{10}$ of 1% of the deposits of the savings bank, whichever is greater; nor shall any loan be made at any time when the total of all such loans exceeds, or if the making of such loan would cause such total to exceed 2% of the deposits of the savings bank.

K. No mortgage loan shall be made except upon a written certification signed by at least two persons, each of whom shall be either a manager of the bank or an appraiser appointed by its board of managers. In the case of a mortgage loan secured by a mortgage upon real property, such certification shall state the opinion of such persons as to the value of the land and the improvements thereon or to be erected thereon and the character of such improvements. In the case of a mortgage loan secured by a mortgage upon a lease of the fee of real property, such certification shall state the opinion of such person as to the value of the leasehold interest to be subject to the mortgage, including the leasehold interest in the improvements erected or to be erected upon the leased property and the character of such improvements. Such certification shall be filed with the records of the bank, and shall be preserved until the savings bank has no interest, as mortgagee or otherwise, in the real property.

L. Purchase money mortgage loans made by a savings bank on the sale of real property owned by it shall not be subject to the preceding subsections or to subsection P. of this section, except that such loans shall be included in determining whether the total amount of mortgage loans held by a savings bank exceeds 80% of its deposits.

M. No savings bank shall make a mortgage loan secured by a mortgage upon a lease of the fee of real property unless

(1) The leased property is located within this State or, if outside this State, the leased property is located within 50 miles of the border of this State;

(2) The leased property shall consist of improved real property, including farm lands, or unimproved real property if the proceeds of such loan shall be used for the purpose of erecting improvements thereon;

(3) The mortgage securing such loan shall constitute a first lien on a lease of the fee of real property, which fee is not subject to any prior lien; the fee shall be deemed not subject to any prior lien notwithstanding the existence of liens of taxes which are not delinquent, building restrictions or other restrictive covenants or conditions, joint driveways, sewer rights, rights in walls, rights-of-way or other easements, or encroachments, which the person signing the certificate provided for in subsection K. of this section report in their opinion do not materially affect the security for the mortgage loan. Every mortgage shall be certified to be such a first lien by an attorney-at-law of the State in which the real property is located, or certified or guaranteed to be such a first lien by a corporation authorized to guarantee titles to land in such State;

(4) Such loan shall not exceed 66 $\frac{2}{3}$ % of the appraised value of the leasehold interest subject to the mortgage, including the leasehold interest in the improvements erected upon the mortgaged property, or to be erected thereon wholly or partly with the proceeds of the mortgage loan; and

(5) The instrument evidencing the loan shall require that payment be made on account of the principal amount of such loan at an annual rate sufficient to repay such loan not later than 1 year prior to the expiration of the lease.

N. The instrument evidencing a mortgage loan may be in such form, and may contain such provisions, not inconsistent with law, as the savings bank may choose to insert for the protection of its lien and the preservation of its interest in the real property mortgaged to it.

O. Notwithstanding the limitations prescribed by the preceding subsections or by subsection P. of this section, a savings bank may

(1) For the purposes of preventing or mitigating loss, or of preserving the lien of its mortgage, or of conserving the value of the real property affected by its mortgage, (a) extend the time for the payment of principal or interest, (b) modify or waive any of the terms or conditions of the instrument evidencing a mortgage loan, (c) settle or compromise all or part of the amount due or to grow due on a mortgage loan, (d) sell or assign the mortgage loan, or a share or part thereof or interest therein, for such consideration as it shall deem proper, and (e) advance funds for the payment of any tax, lien, charge or claim whatsoever; and

(2) Make a loan in addition to an existing mortgage loan or loans held by it, upon the security of the same real property and secured by the existing mortgage or mortgages, in an amount not to exceed

the difference between the balance due on the existing mortgage or mortgages and the original amount thereof; provided, however, that no such additional loan shall be made which shall increase the total amount due upon such mortgages over the amount which could be loaned upon the security of such real property. Such additional loan shall be repaid in equal monthly installments, beginning within 1 year from the date of such loan, with the payments adjusted so that the additional loan shall be repaid in full either before or at the maturity of the existing mortgage. If the unexpired term of such mortgage or mortgages shall have been reduced to 15 years or less, such term may be extended for an additional period of not more than 15 years. Adjustment of payments and extension of mortgage terms pursuant to this section shall comply with the provisions of subsection F., G. or H. of this section. If so provided in the original mortgage or a supplement or amendment thereto, persons who acquire any rights in or liens upon the mortgaged real property subsequent to the recording of the original mortgage or such supplement or amendment, as the case may be, shall hold such rights and liens subject to the prior lien of the original mortgage and such supplement or amendment, if any, as security for such additional loan; and in such case, no title certificate or insurance under subsection C. of this section shall be required with respect to such additional loan.

P. Except as otherwise provided by this section, no savings bank shall make a mortgage loan if the making of such loan would cause the total of all unpaid balances of such loans held by the savings bank upon the security of the same real property or leasehold, to exceed the limitations imposed by this section upon the amount of a mortgage loan which may be made upon the security of such real property or such leasehold.

Q. A savings bank may invest in

(1) (a) Veterans' loans, wherever located, made pursuant to Title III of the Act of Congress of June 22, 1944, known as the "Service-men's Readjustment Act of 1944," as amended, supplemented, revised, or recodified from time to time, which the Administrator of Veterans' Affairs or other officer or agency which succeeds to his powers and functions under said act has insured or guaranteed or has made a commitment to insure or guarantee, to the extent and in the manner provided in said act or the regulations made thereunder; and

(b) Veterans' loans, wherever located, made and insured or guaranteed in part as provided in paragraph (1) (a) of this sub-

section of this section, and, as to the balance thereof, insured or guaranteed by an insurer or guarantor named or described in paragraph (2) of this subsection of this section.

(c) Mortgages or deeds of trust or other securities made pursuant to paragraph (1) (a) of this subsection of this section shall not be subject to the provisions and restrictions of this section, except that they shall be included in determining whether total mortgage investments are within the limitation prescribed by subsection B. of this section, provided however, that said mortgages or deeds of trust or other securities shall not be subject to the provisions of any law of this State prescribing or limiting the interest which may be taken upon such loans or investments.

(2) (a) Mortgages or deeds of trust or other securities of the character of mortgages which are first liens on the fee of real property or a lease of the fee of real property, wherever located, which (i) the United States, or (ii) the Federal Housing Commissioner under the Act of Congress of June 27, 1934, known as the "National Housing Act," as amended, supplemented, revised or recodified from time to time, or other officer or agency which succeeds to his powers and functions, or (iii) the State of New Jersey or an officer or agency thereof, or (iv) any other officer or agency of the United States or of this State which the commissioner shall have approved for the purposes of this section as an insurer or guarantor, has fully insured or guaranteed or made a commitment to fully insure or guarantee.

(b) Mortgages or deeds of trust or other securities made pursuant to paragraph (2) (a) of this subsection of this section shall not be subject to the provisions and restrictions of this section, except that they shall be included in determining whether total mortgage investments are within the limitation prescribed by subsection B. of this section, provided however, that said mortgages or deeds of trust or other securities shall not be subject to the provisions of any law of this State prescribing or limiting the interest which may be taken upon such loans or investments.

R. The commissioner may, from time to time, make, alter and rescind regulations:

(1) Authorizing savings banks to make mortgage loans or specified types or classes of mortgage loans (a) which exceed the specified percentages of the appraised value of the mortgaged property; (b) which mature later than the specified periods from their date; (c) which require smaller annual payments on account of the principal amounts thereof than those specified in this section;

(d) which provide for equal monthly payments each applicable to principal and interest in amounts sufficient to pay current interest on and to repay the amount of the loan in such number of years more than 40, but not more than 45, as the regulation may specify;

(2) Increasing the percentage of deposits of savings banks which savings banks may invest in mortgage loans;

(3) Increasing the percentage of principal balances owing on mortgage loans referred to in subsection Q. which shall not be included in the total of all principal balances owing on mortgage loans for the purpose of subsection B., or

(4) Eliminating entirely the principal balances owing on such mortgage loans from such total of all principal balances.

S. Notwithstanding the provisions of this section, a savings bank may make a mortgage loan in excess of the ratio between appraised value and the amount of the loan as such ratio is established herein, provided that such excess is secured by other collateral having a value at all times at least equal to the amount of the principal balance in excess of the amount permitted by subsection G., H., J., or M., of this section or as established by regulation of the Commissioner of Banking.

3. This act shall take effect immediately.

Approved December 29, 1980.

CHAPTER 177

AN ACT regarding the employment of X-ray technicians, and amending P. L. 1968, c. 291.

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

1. Section 13 of P. L. 1968, c. 291 (C. 45:25-13) is amended to read as follows:

C. 45:25-13 Unlawful conduct.

13. (a) It shall be unlawful for any person to

(1) Sell or fraudulently obtain or furnish an X-ray technician diploma, certificate, or record, or to aid or abet in the same;

(2) Engage in the activities of an X-ray technician under cover of a diploma, or certificate illegally or fraudulently obtained or

signed or issued unlawfully, or under fraudulent representation or mistake of fact in material regard;

(3) Engage in the activities of an X-ray technician under a false or assumed name;

(4) Engage in, or hold himself out as entitled to engage in, the activities of an X-ray technician without a valid certificate;

(5) Knowingly employ as an X-ray technician a person who requires and does not possess a valid certificate to engage in the activities of a X-ray technician;

(6) Otherwise violate any of the provisions of this act.

(b) Any person who violates any provision of section 13 (a) of this act shall be guilty of a crime of the fourth degree.

2. This act shall take effect immediately.

Approved December 31, 1980.

CHAPTER 178

AN ACT to amend the title of "An act authorizing municipalities to enact ordinances establishing restricted parking spaces for use by persons with special vehicle identification cards and supplementing Title 40 of the Revised Statutes," approved August 30, 1977 (P. L. 1977, c. 202), so that the same shall read "An act authorizing municipalities to enact ordinances, resolutions or regulations establishing restricted parking spaces for use by persons with special vehicle identification cards and supplementing Title 40 of the Revised Statutes," and to amend the body of said act and R. S. 39:4-197.

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. 202 is amended to read as follows: AN ACT authorizing municipalities to enact ordinances, resolutions or regulations establishing restricted parking spaces for use by persons with special vehicle identification cards and supplementing Title 40 of the Revised Statutes.

2. Section 1 of P. L. 1977, c. 202 (C. 39:4-197.5) is amended to read as follows:

C. 39:4-197.5 Establishment of restricted parking spaces.

1. Any municipality may, by ordinance, resolution or regulation, establish restricted parking spaces in front of residences, schools, hospitals and other public buildings and in shopping and business districts for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles pursuant to the provisions of section 2 of P. L. 1949, c. 280 (C. 39:4-205), when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued, pursuant to section 3 of said law (C. 39:4-206).

3. R. S. 39:4-197 is amended to read as follows:

Resolutions or ordinances; limitations.

39:4-197. No municipality shall pass an ordinance or resolution on a matter covered by or which alters or in any way nullifies the provisions of this chapter or any supplement to this chapter; except that a municipality may pass ordinances or resolutions, or by ordinances or resolutions may authorize the adoption of regulations by the board, body or official having control of traffic in the public streets, regulating special conditions existent in the municipality on the subjects and within the limitations following:

(1) Ordinance.

a. Altering speed limitations as provided in section 39:4-98 of this Title;

b. Limiting use of streets to certain class of vehicles;

c. Designating one-way streets;

d. Regulating the stopping or starting of street cars at special places such as railroad stations, public squares or in front of certain public buildings;

e. Regulating the passage or stopping of traffic at certain congested street corners or other designated points;

f. Regulating the parking of vehicles on streets and portions thereof including angle parking as provided in section 39:4-135 of this Title;

g. Regulating the parking of vehicles upon land owned or leased and maintained by the municipality, a parking authority or the board of education of a school district, including any lands devoted to the public parking of vehicles, the entrances thereto and exits therefrom;

h. Regulating the entrances to and exits from parking yards and parking places which are open to the public or to which the public is invited, except that this shall not apply to entrances or exits to and from State highways;

i. Designating streets or roads upon which buses and trucks over 4 tons gross weight may be required not to exceed specially fixed limits based on engineering and traffic investigation and to use a lower gear in descending steep declivities having a grade in excess of 5%, fixing such special speed limits and providing for the use of such a gear thereon.

(2) Ordinance or resolution.

a. Designating through streets as provided in article 17 of this chapter (39:4-140 et seq.);

b. Designating and providing for the maintenance as "no passing" zones of portions of highway where overtaking and passing or driving to the left of the roadway is deemed especially hazardous.

(3) Ordinance, resolution or regulation.

a. Designating stops, stations or stands for omnibuses and taxis;

b. Designating curb loading zones;

c. Designating restricted parking spaces for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles pursuant to the provisions of section 2 of P. L. 1949, c. 280 (C. 39:4-205) and section 1 of P. L. 1977, c. 202 (C. 39:4-197.5). Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be liable to a penalty not to exceed \$50.00.

4. This act shall take effect immediately.

Approved December 31, 1980.

CHAPTER 179

AN ACT concerning public utility rate hearings and supplementing
Title 48 of the Revised Statutes.

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

C. 48:2-32.4 Public hearing; location.

1. Prior to granting a public utility a proposed adjustment which would result in an increase in individual rates, joint rates, tolls, charges or schedules thereof, the Board of Public Utilities or the Office of Administrative Law shall hold at least one public hearing in the municipality affected by the proposed adjustment. If more than one municipality is located in the service area affected by the proposed adjustment, the public hearing shall be held in a centrally located municipality in the affected service area.

2. This act shall take effect immediately.

Approved December 31, 1980.

CHAPTER 180

AN ACT to amend the "Secondary Mortgage Loan Act" approved September 23, 1970 (P. L. 1970, c. 205).

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

1. Section 16 of P. L. 1970, c. 205 (C. 17:11A-49) is amended to read as follows:

C. 17:11A-49 Purchase of loan insurance.

16. A borrower shall not be compelled to purchase credit life or accident and health insurance in connection with a secondary mortgage loan. If, however, the borrower elects to obtain such insurance, the borrower or borrowers shall, in a separate instrument, consent thereto, in writing, and, provided further:

a. The insurance shall be obtained in accordance with the provisions of N. J. S. 17B:29-4, and the regulations promulgated by the commissioner pursuant thereto.

b. (Deleted by amendment.)

c. The premium for any such insurance shall be deducted from the amount of the secondary mortgage loan requested by the borrower.

d. Nothing in this act or in any other law of this State shall prohibit a licensee or any employee, affiliate, subsidiary, or associate of said licensee, from collecting the premium or identifiable charge for insurance permitted by this act and from receiving or retaining

any dividend, or any other gain or advantage resulting from such insurance; subject, however, to the authority of the commissioner to promulgate such rules and regulations with regard to such dividend, gain or advantage as he may deem necessary, including the authority to reduce the rate of interest to be charged by a particular licensee to borrowers in consideration of the benefit to said licensee from such dividend, gain or advantage.

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

Approved December 31, 1980.

CHAPTER 181

AN ACT concerning equitable distribution of certain matrimonial property upon entry of judgments of divorce under certain circumstances, and amending N. J. S. 2A:34-23.

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

1. N. J. S. 2A:34-23 is amended to read as follows:

Alimony or maintenance; custody of children; equitable distribution.

2A:34-23. Pending any matrimonial action brought in this State or elsewhere, or after judgment of divorce or maintenance, whether obtained in this State or elsewhere, the court may make such order as to the alimony or maintenance of the parties, and also as to the care, custody, education and maintenance of the children, or any of them, as the circumstances of the parties and the nature of the case shall render fit, reasonable and just, and require reasonable security for the due observance of such orders. Upon neglect or refusal to give such reasonable security, as shall be required, or upon default in complying with any such order, the court may award and issue process for the immediate sequestration of the personal estate, and the rents and profits of the real estate of the party so charged, and appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate, or so much thereof as shall be necessary, to be applied toward such alimony and maintenance as to the said court shall from time to time seem reasonable and just; or the performance of the said

orders may be enforced by other ways according to the practice of the court. Orders so made may be revised and altered by the court from time to time as circumstances may require.

In all actions brought for divorce, divorce from bed and board, or nullity the court may award alimony to either party, and in so doing shall consider the actual need and ability to pay of the parties and the duration of the marriage. In all actions for divorce other than those where judgment is granted solely on the ground of separation the court may consider also the proofs made in establishing such ground in determining an amount of alimony or maintenance that is fit, reasonable and just. In all actions for divorce or divorce from bed and board where judgment is granted on the ground of institutionalization for mental illness the court may consider the possible burden upon the taxpayers of the State as well as the ability of the plaintiff to pay in determining an amount of maintenance to be awarded.

In all actions where a judgment of divorce or divorce from bed and board is entered the court may make such award or awards to the parties, in addition to alimony and maintenance, to effectuate an equitable distribution of the property, both real and personal, which was legally and beneficially acquired by them or either of them during the marriage. However, all such property, real, personal or otherwise, legally or beneficially acquired during the marriage by either party by way of gift, devise or bequest shall not be subject to equitable distribution, except that interspousal gifts shall be subject to equitable distribution.

2. This act shall take effect immediately.

Approved December 31, 1980.

CHAPTER 182

AN ACT to amend and supplement the "New Jersey State Wage and Hour Law," approved June 17, 1966 (P. L. 1966, c. 113).

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

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

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

5. Every employer shall pay to each of his employees wages at a rate of not less than \$3.35 per hour as of the effective date of this amendatory and supplementary act for 40 hours of working time in any week and $1\frac{1}{2}$ times such employee's regular hourly wage for each hour of working time in excess of 40 hours in any week, except this overtime rate shall not include any individual employed in a bona fide executive, administrative, or professional capacity or, if an applicable wage order has been issued by the commissioner under section 17 (C. 34:11-56a16) of this act, not less than the wages prescribed in said order. The wage rates fixed in this section shall not be applicable to part-time employees primarily engaged in the care and tending of children in the home of the employer, to persons under the age of 18 not possessing a special vocational school graduate permit issued pursuant to section 15 of P. L. 1940, c. 153 (C. 34:2-21.15) or to persons employed as salesmen of motor vehicles; or to persons employed as outside salesmen as such terms shall be defined and delimited in regulations adopted by the commissioner.

The provisions of this section for the payment to an employee of not less than $1\frac{1}{2}$ times such employee's regular hourly rate for each hour of working time in excess of 40 hours in any week shall not apply to employees engaged to labor on a farm, or employed in a hotel or to an employee of a common carrier of passengers by motor bus or employees engaged in labor relative to the raising or care of livestock.

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

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

C. 34:11-56a4.6 Applicability of act's provisions.

2. (New section) The provisions of this act shall be applicable to wages covered by wage orders issued pursuant to section 17 of P. L. 1966, c. 113 (C. 34:11-56a16).

3. This act shall take effect January 1, 1981.

Approved January 5, 1981.

CHAPTER 183

A SUPPLEMENT to "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67, C. 17:9A-1 et seq.).

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

C. 17:9A-24.10 Definitions.

1. As used in this act, "loan" includes loans which are in amounts of \$10,000.00 or more, and are payable on demand and are secured (a) by an interest in warehouse receipts, bills of lading, or other documents of title which are subject to chapter 7 of Title 12A of the New Jersey Statutes (the Uniform Commercial Code), or (b) by an interest in negotiable instruments or commercial paper which are subject to chapter 3 of Title 12A of the New Jersey Statutes, or (c) by an interest in stocks, bonds, certificates of deposit or other securities which are subject to chapter 8 of Title 12A of the New Jersey Statutes, or (d) by an interest in any combination of the foregoing.

C. 17:9A-24.11 Loan interest rate.

2. In making a loan, a banking institution, as defined in section 1 of "The Banking Act of 1948," P. L. 1948, c. 67 (C. 17:9A-1), may, providing it is otherwise empowered to make such a loan, contract for and receive interest or other compensation on or for the loan at such rate or in such amount as the bank and the borrower may agree upon, notwithstanding the provisions of any other law of this State limiting the interest rate or finance charge which would otherwise be applicable to the loan.

3. This act shall take effect immediately.

Approved January 6, 1981.

CHAPTER 184

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, 1981 and regulating the disbursement thereof," approved June 30, 1980 (P. L. 1980, c. 56).

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

1. The following additional amount is appropriated from the General State Fund for the purpose specified:

DEPARTMENT OF EDUCATION

34. Educational Support Services

33-5110. School Approval Programs \$571,609

2. This act shall take effect July 1, 1980.

Approved January 8, 1981.

CHAPTER 185

A SUPPLEMENT to "An act providing for the compelling of evidence from certain persons in criminal proceedings and for the granting of immunity to such persons from the use of such evidence against them in certain cases," approved July 19, 1968 (P. L. 1968, c. 195; C. 2A:81-17.3).

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

C. 2A:81-17.4 Annual report; contents.

1. The Attorney General shall include in his annual report to the Governor and Legislature, made pursuant to section 15 of P. L. 1970, c. 74 (C. 52:17B-111) a report on the application of this act. The report shall contain:

a. The number of persons to whom immunity was granted or approved;

b. The number of indictments dismissed as a result of the granting or approval of immunity and the nature of the charges included therein;

c. The number of convictions obtained in cases in which a person or persons had immunity granted to them or approved;

d. The number of persons adjudged in contempt for refusal to testify as a result of a grant or approval of immunity;

e. The number of persons committed to jail as a result of an adjudication of contempt in subsection d. above;

f. The number of persons who have purged themselves after being committed to jail;

g. Such other information as the Attorney General deems appropriate.

The Attorney General shall report on such aspects of the operation of this act as he deems appropriate including any recommendations he may care to make as to legislative changes or improvements to effectuate the purposes of this act and to assure and protect individual rights and the rights of the citizenry of New Jersey.

2. This act shall take effect immediately but the first report shall not be due in less than 3 months following enactment.

Approved January 12, 1981.

CHAPTER 186

AN ACT concerning elections and amending R. S. 19:45-7.

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

1. R. S. 19:45-7 is amended to read as follows:

Members of county boards; commissioner of registration; compensation.

19:45-7. The compensation of the members of the several county boards shall be as follows:

County Population	Minimum Salary	Maximum Salary
Over 600,000	\$8,700.00	\$10,600.00
200,000 to 600,000	\$6,000.00	\$ 8,000.00
150,000 to 200,000	\$4,500.00	\$ 6,000.00
115,000 to 150,000	\$3,700.00	\$ 5,000.00
55,000 to 115,000	\$3,200.00	\$ 4,500.00
Less than 55,000	\$2,800.00	\$ 3,800.00

provided, however, that any increases herein granted shall be effected only upon the approval of the governing body in the county affected.

The compensation fixed and determined under any of the foregoing classifications shall include all services rendered by any county board in conducting all elections, and in connection with any recount or recheck after any such election.

The members of the county board in counties other than counties of the first class and in counties of the first class not having a superintendent of elections who shall be elected as chairman and secretary thereof and who shall perform the duties of chairman and secretary thereof shall each receive an additional compensation of one-half of the compensation of the individual members of the board.

The commissioner of registration in a county of the first class having a superintendent of elections shall receive not less than \$10,000.00 nor more than \$12,500.00, as shall be determined by the governing body, for services performed as such commissioner of registration, and the commissioner of registration in a county of the second class having a superintendent of elections shall receive \$2,500.00 per annum for services performed as such commissioner of registration, and for such services performed by a commissioner of registration in a county not having a superintendent of elections additional compensation shall be paid to such commissioner in an amount equal to 50% of his salary as member and secretary of the county board. In counties of the second class and in counties of the first class not having a superintendent of elections where a member of the county board serves as commissioner of registration, he shall receive no additional compensation for the performance of his duties as such commissioner unless he shall devote his full time to the performance of his duties as member of the county board, secretary thereof, and commissioner of registration. "Full time" as here used means such time as is duly required of employees in the office of the county board. Notwithstanding the above, the commissioner of registration in a county having a superintendent of elections, upon the approval of the governing body of the county, shall receive a salary not less than the maximum which the secretary of a county board of elections in a county of the same class, not having a superintendent of elections, would receive for performing the duties of secretary and commissioner of

registration. This minimum does not reduce the current base salary for any superintendent who also serves as commissioner of registration.

2. This act shall take effect immediately.

Approved January 12, 1981.

CHAPTER 187

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, 1981 and regulating the disbursement thereof," approved June 30, 1980 (P. L. 1980, c. 56).

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

1.

DIRECT STATE SERVICES

DEPARTMENT OF HIGHER EDUCATION

36. Higher Education Services

5400. Office of the Chancellor

Notwithstanding any other law to the contrary, funds appropriated in prior fiscal years to the Higher Education Assistance Fund not to exceed \$1,565,000.00 shall be used for payment of obligation of the tuition aid grants, P. L. 1968, c. 429 (C. 18A:71-41 et seq.) as a supplement to the appropriation in P. L. 1980, c. 56 and for the payment of excess grant obligations (C. 18A:71-42 et seq.) incurred in the fiscal year ending June 30, 1980.

The Chancellor of Higher Education, with the approval of the Director of the Division of Budget and Accounting, shall transfer to tuition aid grants (N. J. S. 18A:71-42 et seq.), from the appropriations made to the State Colleges, Rutgers, The State University and New Jersey Institute of Technology, in P. L. 1980, c. 56 an amount not more than \$1,400,000.00 from revenues anticipated from any tuition increase at each institution imposed during 1980.

The Chancellor of Higher Education shall transfer an amount not less than \$600,000.00* to tuition aid grants (N. J. S. 18A-71-42

* Reduced to \$500,000.00 by line item veto of the Governor. See Statement following.

et seq.) from the amounts appropriated in P. L. 1980, c. 56 for management and administrative services of the Department of Higher Education, program development, college information systems and higher education management systems, graduate medical education program, and for administration of the physician/dentist loan program.

The Chancellor of Higher Education shall transfer from the amount appropriated in P. L. 1980, c. 56 such sums as may be necessary from the College of Medicine and Dentistry to the graduate medical education program and the administration of the physician/dentist loan program in order to maintain these programs, but such transfer shall not exceed 50% of any revenues realized by a general tuition increase at the College of Medicine and Dentistry adopted after July 1, 1980.

The Chancellor of Higher Education shall transfer \$100,000.00 to tuition aid grants, P. L. 1968, c. 429 (C. 18A:71-41 et seq.) from the amount appropriated in P. L. 1980, c. 56 for aid to independent colleges and universities with such transfer to be made by the pro rata basis of section 11 of P. L. 1979, c. 132 (C. 18A:72B-24).

Within 30 days of the effective date of this act, the Chancellor of Higher Education, after consultation with the Student Assistance Board, shall establish a system of management controls, application deadlines, and institutional reporting systems to insure an effective and efficient disbursement of grants and scholarships within the levels appropriated in P. L. 1980, c. 56 or otherwise made available for student financial assistance.

There is appropriated \$1,300,000.00 for tuition aid grants, P. L. 1968, c. 429 (C. 18A:71-41 et seq.).†

2. This act shall take effect immediately and be retroactive to July 1, 1980.

Approved January 13, 1981.

† This item was eliminated by line item veto of the Governor. See Statement following.

STATEMENT TO SENATE BILL NO. 1430

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1430 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect or shall be modified.

1. Page 2, Section 1, line 20: Omit "\$600,000.00" and insert "\$500,000.00".

2. Page 2, Section 1, lines 40 to 41: Omit in its entirety.

The bill addresses two budgetary items. It addresses an outstanding deficit in the 1979-1980 Tuition Aid Grant Program by transferring \$1.565 million from the Higher Education Assistance Fund. It also provides supplemental funding of \$3.4 million to the TAG program in the current year. Included in the \$3.4 million is a transfer of no more than \$1.4 million from revenues derived from tuition increases at public colleges, a transfer of \$100,000 from aid to independent colleges, a transfer of \$600,000 primarily from programs centered in the Chancellor's Office. The bill also appropriates \$1.3 million from the General Treasury.

I am aware of the budgetary difficulties facing the TAG program. Tuition has risen at public institutions, and, the Chancellor recently reported, the pool of TAG recipients this year is about 10% larger than expected when funds were budgeted for the program. Nonetheless, I cannot approve of the \$1.3 million appropriation in view of the current revenue projections. In the original version of the bill, this amount would have been drawn from the income from public tuition increases. That was a preferable approach. Without a new source of revenue, I cannot accept added expenditures from the State Treasury.

A transfer of \$600,000 appropriated for programs based in the Chancellor's Office would affect such worthy programs as implementation of the Newman Commission report on teacher education, affirmative action programs for faculty, and pre-dental and pre-medical programs for minority students. Accordingly, I have reduced this amount by \$100,000.

I am not completely satisfied that the impact of reduced funding of the TAG program will be borne by the students best able to do so, insulating students of the least fortunate economic circumstances. However, a conditional veto of this legislation, with

recommendations for transferring income from other sources, would incur delays in planning and disbursements of grants that can no longer be suffered. I note also that the statutory scheme governing the TAG program—which allows for legislative review and “veto” of award tables and plans for spreading shortfalls in funding—restricts the flexibility of the Executive and the Government from dealing fairly and timely with the funding problem now facing the TAG program.

Respectfully,

[SEAL]

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

/s/ BRENDAN BYRNE,
Governor.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION declaring support for the American hostages in Iran and providing for the designation of a "New Jersey Unity Day" by the Governor.

WHEREAS, 50 American citizens have been held hostage in Iran for months, prevented from returning home to their families and friends; subject to continuous confinement in a hostile environment with all the psychological as well as physical trauma resulting therefrom; and

WHEREAS, The families and friends of the 50 American hostages have been unable to lead normal lives, living in despair and discouragement, concerned for their loved ones' well-being and praying for the hostages' safe return home; and

WHEREAS, It is of vital importance that Americans continue to participate in public demonstrations of support for the hostages to ensure constant focus of world opinion on the Iranian crisis and, hopefully, to uplift the hostages' spirits and reinforce confidence in their safe release; and

WHEREAS, The people of the State of New Jersey are unified in their resolve to manifest their unwavering support of President Carter's continuing efforts to secure the safe release of the Americans held hostage in Iran; and

WHEREAS, It is fitting that our individual thoughts and prayers for the hostages be united in formal and appropriate public observance; now, therefore,

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

1. That the Governor designate a "New Jersey Unity Day"; a day on which citizens can demonstrate their support for the

Americans held hostage in Iran by a public display of American flags on private homes, commercial buildings and State and local government buildings.

2. That the Governor is hereby respectfully requested to issue a proclamation making a declaration to that effect and urging the appropriate observance thereof.

3. That duly authenticated copies of this resolution be forthwith transmitted to Jimmy Carter, President of the United States, and to the Department of State of the United States for distribution to the families of the American hostages.

4. This joint resolution shall take effect immediately.

Approved February 27, 1980.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION designating the week of May 4 through May 10, 1980 as "New Jersey Cherry Blossom Festival Week" in New Jersey, and providing for a proclamation thereof by the Governor.

WHEREAS, New Jersey is known as "The Garden State"; and

WHEREAS, The blossoming of cherry trees within the State is considered by many people to be a highlight of each spring season; and

WHEREAS, The "New Jersey Cherry Blossom Festival Week" provides an opportunity for the citizens of the State to join together in experiencing the joys and pleasures flowers can bring; and

WHEREAS, The Governor and Legislature of the State of New Jersey recognize the need to protect and enhance the State's unique natural, ecological, scenic and recreational resources; now, therefore,

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

1. That the week of May 4 through May 10, 1980 is designated as "New Jersey Cherry Blossom Festival Week" in the State of New Jersey.

2. That the eighth annual Cherry Blossom Parade held in Cherry Hill, New Jersey on May 4, 1980 is designated as the official opening ceremony for "New Jersey Cherry Blossom Festival Week."

3. That the Governor and the Legislature of the State of New Jersey urge the citizens in every community of the State to organize and participate in special events throughout the week of May 4 through May 10, 1980 to foster a deeper appreciation for and protection of the natural beauty of the State.

4. That the Governor, by appropriate proclamation, shall designate the week of May 4 through May 10, 1980 as "New Jersey Cherry Blossom Festival Week."

5. This joint resolution shall take effect immediately.

Approved May 2, 1980.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION continuing the Mobile Home Study Commission created pursuant to Joint Resolution No. 3 of 1977.

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

1. The Mobile Home Study Commission, created by Joint Resolution No. 3 of 1977 to study the problems of restrictive zoning regulations, financing and taxation of mobile homes within the State of New Jersey, is hereby continued until September 30, 1980, with the same membership, powers, and duties as heretofore provided.

2. This joint resolution shall take effect immediately.

Approved June 20, 1980.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION designating the week of June 15 through June 21, 1980 as "Battle of Springfield Week" in New Jersey and providing for a proclamation thereof by the Governor.

WHEREAS, During the American Revolution, the Battle of Springfield in June, 1780, was a fiercely fought and a significant victory for the Continental Army and the New Jersey Militia; and,

WHEREAS, George Washington's Continental Army had endured in 1780 the coldest winter in memory and near starvation at their Morristown quarters in Jockey Hollow; and,

WHEREAS, In their ragged, weakened, and poorly equipped condition, the New Jersey Brigade of the Continental Army, aided by the New Jersey Militia, and led by General William Maxwell, fought the invading forces of General Wilhelm von Knyphausen to a standstill at Connecticut Farms (now Union) on June 7, 1780; and,

WHEREAS, In the course of this first battle, Hannah Caldwell, wife of Presbyterian minister, James Caldwell, was slain in her home by invading troops; and,

WHEREAS, General Knyphausen's troops burned the homes at Connecticut Farms before retreating back to Elizabethtown in a driving thunderstorm on the night of June 7th; and,

WHEREAS, General Knyphausen remained in Elizabethtown with his troops until attempting a second attack on June 23, 1780; and,

WHEREAS, The second attack on Springfield was a two pronged assault by way of the Vaux Hall Road and the Galloping Hill Road; and,

WHEREAS, General Nathaniel Greene, leader of the American forces in this second engagement had fewer than 3,000 troops, barely half of them regulars, against Knyphausen's more than 6,000 well-equipped troops; and,

WHEREAS, The Continentals and the New Jersey Militia under General Greene's comand fought with courage and unflinching resolve; and,

WHEREAS, Captain Thomas Thompson headed a valiant team which manned the lone American cannon pitted against six British cannons until Thompson had both legs shot off at the knee and subsequently died; and,

WHEREAS, In the midst of this savage fighting the Reverend James Caldwell snatched Watts hymnals from the Presbyterian Church to be used as wadding by American troops who had run out of wadding for their muskets; and,

WHEREAS, After the fighting had drawn to a halt at mid-day, General Knyphausen's troops paused for lunch before setting fire to all but four houses in Springfield, together with the Presbyterian Church; and,

WHEREAS, Knyphausen's army then retreated toward Elizabethtown pursued by New Jersey Militia as they retreated; and,

WHEREAS, The British attack on New Jersey had cost them 307 dead and wounded against American casualties of 146 killed and wounded; and,

WHEREAS, The aura of defeat Knyphausen's forces left behind them, coupled with the fiery carnage of two villages, gave new determination to Americans weary from years of fighting; and,

WHEREAS, It is most appropriate that on the 200th anniversary of the Battle of Springfield honor and thanks be given to those Americans who sacrificed so dearly for this victory; now, therefore,

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

1. The week of June 15 through June 21, 1980 is formally and reverently designated "Battle of Springfield Week" in New Jersey.

2. The Governor, by appropriate proclamation, declare the week of June 15 through June 21, 1980 as "Battle of Springfield Week."

3. This joint resolution shall take effect immediately.

Approved June 20, 1980.

New Jersey State Library

JOINT RESOLUTION No. 5

A JOINT RESOLUTION endorsing the location of a Space Telescope Sciences Institute in Princeton, New Jersey.

WHEREAS, The National Aeronautics and Space Administration plans to launch, operate and maintain a space telescope; and

WHEREAS, A Space Telescope Science Institute will be created to manage scientific operations related to the telescope and to serve as a center for the analysis of scientific data from the telescope; and

WHEREAS, Princeton University and the Institute for Advanced Study have made proposals which would locate the Space Telescope Science Institute in the Princeton area; and

WHEREAS, Princeton University and the Institute for Advanced Study have international reputations as centers of excellence in astronomical research; and

WHEREAS, Princeton is in close proximity to other New Jersey scientific communities, including those at Rutgers University, RCA, and Bell Telephone Laboratories; now, therefore,

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

1. The Senate and General Assembly of the State of New Jersey hereby endorse the location of the Space Telescope Science Institute in the Princeton area, and pledge the support of the people of New Jersey for this project.

2. In the event that the Space Telescope Science Institute is located in New Jersey, the State pledges itself to create graduate and postgraduate fellowships to support students who would be engaged in research at the proposed Space Telescope Science Institute or engaged in research within the State related to the activities of the Space Telescope Science Institute.

3. A duly authenticated copy of this resolution shall be forwarded to the National Aeronautics and Space Administration and to the members of the New Jersey Congressional delegation.

4. This joint resolution shall take effect immediately.

Approved July 14, 1980.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION congratulating James G. Growney for more than 20 years' service as Executive Secretary-Treasurer of the New Jersey State Interscholastic Athletic Association.

WHEREAS, James G. Growney has concluded his duties as Executive Secretary-Treasurer of the New Jersey State Interscholastic Athletic Association after more than 20 years of service; and

WHEREAS, Under Jim Growney's leadership, NJSIAA has developed from fewer than 200 member high schools participating in only five major championship events for boys to an organization of more than 440 schools competing in 30 boys' and girls' championships; and

WHEREAS, Jim Growney has demonstrated national and international sports leadership as president of the National Federation of High School Athletic Associations and as a member of the International Olympic Committee; and

WHEREAS, Prior to his service with NJSIAA, Jim Growney served 26 distinguished years as an athletic coach and as director of health, physical education, athletics and recreation in the West New York School System; now, therefore,

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

1. That this resolution of congratulations and good wishes is to be presented to Mr. Growney at the testimonial dinner being tendered to him on November 10, 1980 by his hundreds of friends from the sports, educational, civic and community life of New Jersey.

2. This joint resolution shall take effect immediately.

Approved November 10, 1980.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION to establish a Hackensack Meadowlands Cultural Center Study Commission.

WHEREAS, The Hackensack Meadowlands District is a 20,000 acre tract of planned orderly development; and,

WHEREAS, The district is experiencing great economic growth, with over \$62 million invested in 1979 in the district to build homes, warehouses, offices, a major hotel, and other commercial buildings; and,

WHEREAS, The Meadowlands is also developing as an entertainment center with the construction of the sports complex and the Meadowlands arena; and,

WHEREAS, The district generates tourist dollars formerly spent outside the State; now, therefore,

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

1. There is hereby created a Hackensack Meadowlands Cultural Center Study Commission to consist of nine members to be appointed as follows: one member of the Hackensack Meadowlands Development Commission to be appointed by the chairman of the commission; one member of the New Jersey Sports and Exposition Authority to be appointed by the chairman of the authority; one member of the Hackensack Meadowlands Mayors Committee to be appointed by the chairman of the committee; the Secretary of the Department of State or his designated representative; one citizen appointed by the Governor; and, four members of the Meadowlands Arts Council, Inc. to be appointed by the president of the council. The chairman of the Hackensack Meadowlands Development Commission shall serve as an ex officio, nonvoting member of the commission.

2. All members shall serve without compensation.

3. Vacancies in the membership shall be filled in the manner as the original appointments were made.

4. The commission shall organize as soon as may be possible after the appointment of all of its members, and shall select a chairman from among its members.

5. The commission shall be entitled to call to its assistance and avail itself of the technical and clerical services of the Hackensack Meadowlands Development Commission, the New Jersey Sports and Exposition Authority, the Department of Community Affairs, the Department of State, and the Meadowlands Arts Council, Inc.

6. It shall be the duty of the commission to investigate the feasibility and practicability of constructing a facility to house the performing and visual arts on a site in the Hackensack Meadowlands District, as delineated in section 4 of P. L. 1968, c. 404 (C. 13:17-4). The study shall include, but not be limited to, the design of the facility, an estimate of construction costs, transportation and environmental factors, and the method of financing.

7. The commission shall report its findings and recommendations to the Legislature, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

8. This joint resolution shall take effect immediately.

Approved November 24, 1980.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION declaring the week beginning December 10, 1980, as "Human Rights Week" in this State.

WHEREAS, On December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights; and,

WHEREAS, The said Declaration is a significant milestone in the progress of humanity towards the goals of defining, establishing, and protecting the basic rights inherent in all human beings by virtue of their humanity; and,

WHEREAS, The principles underlying the said Declaration have been more recently embodied in the Helsinki Agreement, entered

into by 33 European nations, as well as the United States and Canada; which agreement has initiated a further phase in the struggle to establish basic human rights on a secure and universal basis; and,

WHEREAS, It is fitting that the continuing, world-wide effort to secure human rights should be accorded formal and appropriate public recognition and observance; now, therefore,

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

1. The week beginning December 10, 1980, is hereby declared and set aside as "Human Rights Week" in New Jersey; and all citizens and all public and private agencies and organizations in this State are urged to recognize the "Human Rights Week" by appropriate observances thereof.

2. This joint resolution shall take effect immediately.

Approved December 10, 1980.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION designating the week of October 6 through October 13, 1980, as "Italian-American History Week" in New Jersey and providing for a proclamation therefor by the Governor.

WHEREAS, The Central Jersey Chapter of the American Italian Historical Association has suggested that the week of October 6 through October 13, 1980, be proclaimed as "Italian-American History Week" in New Jersey; and,

WHEREAS, This organization and the New Jersey Historical Commission are jointly urging the citizens of this State to celebrate the week with appropriate historical and cultural programs and activities depicting the heritage and contributions of New Jersey's largest ethnic group which is comprised of about 2 million residents of whom nearly 700,000 have at least one parent born in Italy; and,

WHEREAS, In 1979, the New Jersey Historical Society ran an Italian history exhibit as its first ethnic program and found it so popular that it lasted for 7 months, four more than originally intended; and,

WHEREAS, The earliest known American of Italian heritage, William Albertus (Alberti), came to New Jersey in 1701 when he purchased 500 acres of land in Maidenhead township now known as Lawrence township and he later moved to Amwell in which he was elected constable in the 1720's probably making him the first Italian-American elected to public office in New Jersey and perhaps even the country; and,

WHEREAS, New Jersey may well be the first state in the nation to officially proclaim an "Italian-American History Week"; now, therefore,

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

1. That the week of October 6 through October 13, 1980, is formally designated "Italian-American History Week" in the State of New Jersey.

2. That the Governor, by appropriate proclamation, proclaim the week of October 6 through October 13, 1980, as "Italian-American History Week."

3. That the Governor call upon the citizens of this State and interested groups and organizations therein to observe the week with appropriate ceremonies and activities.

4. This joint resolution shall take effect immediately.

Approved December 10, 1980.

AMENDMENTS TO THE
1947 CONSTITUTION
ADOPTED IN 1980

Amendments to the 1947 Constitution

PROPOSED AMENDMENT ADOPTED

Article VIII, Section I, paragraph 4 of the Constitution is amended to read as follows:

4. The Legislature may, from time to time, enact laws granting an annual deduction from the amount of any tax bill for taxes on the real property of any citizen and resident of this State of the age of 65 or more years, or any citizen and resident of this State less than 65 years of age who is permanently and totally disabled according to the provisions of the Federal Social Security Act, residing in a dwelling house owned by him which is a constituent part of such real property but no such deduction shall be in excess of \$160.00 with respect to any year prior to 1981, \$200.00 per year in 1981, \$225.00 per year in 1982, and \$250.00 per year in 1983 and any year thereafter and such deduction shall be restricted to owners having an income not in excess of \$5,000.00 per year with respect to any year prior to 1981, \$8,000.00 per year in 1981, \$9,000.00 per year in 1982, and \$10,000.00 per year in 1983 and any year thereafter, exclusive of benefits under any one of the following:

a. The Federal Social Security Act and all amendments and supplements thereto;

b. Any other program of the Federal Government or pursuant to any other Federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under, a. hereof including but not limited to the Federal Railroad Retirement Act and Federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under a. hereof;

provided, however, that the total amount of benefits to be allowed exclusion by any owner under b. or c. hereof shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under a. hereof.

The surviving spouse of a deceased citizen and resident of this State who during his or her life received a real property tax deduction pursuant to this paragraph shall be entitled, so long as he or she shall remain unmarried and a resident in the same dwelling house with respect to which said deduction was granted, to the same deduction, upon the same conditions, with respect to the same real property, notwithstanding that said surviving spouse is under the age of 65 and is not permanently and totally disabled, provided that said surviving spouse is 55 years of age or older.

Any such deduction when so granted by law shall be granted so that it will not be in addition to any other deduction or exemption to which the said citizen and resident may be entitled, but said citizen and resident may receive in addition any homestead rebate or credit provided by law. The State shall annually reimburse each taxing district in an amount equal to one-half of the tax loss to the district resulting from the allowance of tax deductions pursuant to this paragraph.

Adopted November 4, 1980.

Effective December 4, 1980.

PROPOSED AMENDMENT ADOPTED

Article VIII, Section I, paragraph 4 of the Constitution is amended to read as follows:

4. The Legislature may, from time to time, enact laws granting an annual deduction from the amount of any tax bill for taxes on the real property of any citizen and resident of this State of the age of 65 or more years, or any citizen and resident of this State less than 65 years of age who is permanently and totally disabled according to the provisions of the Federal Social Security Act, residing in a dwelling house owned by him which is a constituent part of such real property or residing in a dwelling house owned by him which is assessed as real property but which is situated on land owned by another or others, but no such deduction shall be in excess of \$160.00 and such deduction shall be restricted to owners having an income not in excess of \$5,000.00 per year exclusive of benefits under any one of the following:

a. The Federal Social Security Act and all amendments and supplements thereto;

b. Any other program of the Federal Government or pursuant to any other Federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under, a. hereof including but not limited to the Federal Railroad Retirement Act and Federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under a. hereof;

provided, however, that the total amount of benefits to be allowed exclusion by any owner under b. or c. hereof shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under a. hereof.

The surviving spouse of a deceased citizen and resident of this State who during his or her life received a real property tax deduction pursuant to this paragraph shall be entitled, so long as he or she shall remain unmarried and a resident in the same dwelling house situated on the same land with respect to which said deduction was granted, to the same deduction, upon the same conditions, with respect to the same real property or with respect to the same dwelling house which is situated on land owned by another or others, notwithstanding that said surviving spouse is under the age of 65 and is not permanently and totally disabled, provided that said surviving spouse is 55 years of age or older.

Any such deduction when so granted by law shall be granted so that it will not be in addition to any other deduction or exemption to which the said citizen and resident may be entitled, but said citizen and resident may receive in addition any homestead rebate or credit provided by law. The State shall annually reimburse each taxing district in an amount equal to one-half of the tax loss to the district resulting from the allowance of tax deductions pursuant to this paragraph.

Adopted November 4, 1980.

Effective December 4, 1980.

EXECUTIVE ORDERS

Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 85

WHEREAS, The Executive Branch of State Government recognizes that the State of New Jersey is rich in sports activities and facilities; and

WHEREAS, The lowered physical demands of our technological society may increase the risk of serious medical problems and may decrease the ability of persons to fully participate in the tasks and pleasures of life; and

WHEREAS, All New Jerseyans should be afforded the opportunity to develop to their fullest potential, and, in order to further this development, a planned regular program of physical activity will assist the individual in achieving and maintaining optimal health and vigor; and

WHEREAS, Government is and should be concerned with improving the health and well being of the citizens it serves; and

WHEREAS, The Federal Government has enacted legislation which encourages the Governor of the State to establish a Council on Physical Fitness;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a State Council on Physical Fitness.

(a) The Council shall consist of public members appointed by the Governor to serve for a term of 4 years, except that of the members initially appointed, one third shall be appointed for a term of 2 years, one third for a term of 3 years and one third for a term of 4 years. The public members shall be appointed from

among persons who have distinguished records in the area of physical fitness, sports, sports medicine, public health, athletic competition, education, labor, business management, and nutrition.

(b) The Commissioners of the Departments of Community Affairs, Environmental Protection, Health, Labor and Industry, Education, the Chancellor of Higher Education, the Executive Director of the New Jersey Sports and Exposition Authority, and the State Athletic Commissioner, or their designees, shall serve on the Council in an ex officio manner.

(c) Council vacancies shall be filled by appointment by the Governor for the remainder of the unexpired term.

(d) The Governor shall designate the Chairperson and Vice Chairperson of the Council from among the members of the Council. The Chairperson and Vice Chairperson shall serve at the pleasure of the Governor.

(e) The Council shall organize itself in any manner it deems appropriate and enact by-laws as deemed necessary to carry forth the responsibilities of the Council.

2. The Council shall meet formally at least four times a year at the call of the Chairperson. The Council shall report annually to the Governor as to the activities of the Council.

3. The State Council on Physical Fitness shall:

(a) Promote the development of physical fitness with the assistance of local health and educational agencies, business, labor unions, health action and advocacy groups, religious, fraternal and social organizations, community based multiservice recreational agencies, and health maintenance organizations.

(b) Assess the physical fitness and nutrition status of residents of the State.

(c) Plan and administer a program of grants-in-aid to support physical fitness projects, research projects, and public information efforts to promote the development of physical fitness for the residents of the State.

(d) Evaluate and improve the availability and quality of sport medicine and athletic trainer programs in the State.

4. The Department of Health is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 19th day of March, in the year of Our Lord, one thousand nine hundred and eighty, and of the Independence of the United States, the two hundred and fourth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 86

WHEREAS, It is the policy of the State of New Jersey to develop a coordinated and unified strategy for effective implementation of Victim/Witness programs Statewide; and

WHEREAS, Several state, county, and local agencies and business organizations are concerned with Victim/Witness assistance; and

WHEREAS, The Department of Law and Public Safety, through its Division of Criminal Justice, made application to and was awarded a grant by the Law Enforcement Assistance Administration to fund the Victim/Witness Coordination Program; and

WHEREAS, The establishment of a New Jersey Advisory Council on Victim/Witness Assistance is an integral part of the implementation of that assistance;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a New Jersey Advisory Council on Victim/Witness Assistance (The Advisory Council). The Advisory Council shall be composed of 29 members, consisting of the following 28 individuals or their respective designees, and one citizen representative to be appointed by the Governor:

(a) The Attorney General.

(b) The Director of the Division of Criminal Justice.

- (c) The Chief Justice of the New Jersey Supreme Court.
- (d) The Director of the Administrative Office of the Courts.
- (e) The Commissioner of the State Department of the Public Advocate.
- (f) The President of the County Prosecutors Association.
- (g) The Chairman of the Management Committee of the County Prosecutors Association.
- (h) The President of the Police Chiefs Association.
- (i) The President of the New Jersey Association of Counties.
- (j) The Director of the Division of Mental Health and Hospitals.
- (k) The President of the New Jersey Conference of Mayors.
- (l) The Executive Director of the State Law Enforcement Planning Agency.
- (m) The Director of the Division on Aging.
- (n) The Director of the Division of Youth and Family Services.
- (o) The President of the New Jersey Hospital Association.
- (p) The Superintendent of the New Jersey State Police.
- (q) The President of the New Jersey State Bar Association.
- (r) The Chairman of the New Jersey Chapter of Compassionate Friends, Inc.
- (s) The Director of the State Division of Public Welfare.
- (t) The Director of the State Division on Women.
- (u) The President of the New Jersey Coalition for Battered Women.
- (v) The President of the New Jersey Association for Retarded Citizens.
- (w) The President of the New Jersey State Chamber of Commerce.
- (x) The Chairman and the Co-Chairman of the New Jersey Council on Crime Victims.
- (y) The Chairman of the New Jersey Violent Crimes Compensation Board.
- (z) Two members of the Board of the New Jersey Council on Crime Victims to be designated by the Council.

2. The Council members will select a Chairman from among its members at their first regularly scheduled meeting which shall be convened by the Attorney General.

3. The objective of The Advisory Council will be to coordinate advocacy of Victim/Witness interests.

4. The Advisory Council, drawing upon its collective knowledge and experience, shall provide assistance and advice to the Attorney General in Victim/Witness related matters.

5. The Advisory Council may meet with county and local government officials and other interested public and private organizations and persons as a body to discuss possible coordination, consolidation or modification of Victim/Witness assistance when such action would make these programs more effective.

6. The Advisory Council shall:

(a) Foster communication among various groups, both public and private, involved in Victim/Witness assistance activities and programs;

(b) Promote further study of Victim/Witness assistance programs in New Jersey and their impact upon the people of the State;

(c) Review and discuss existing and proposed legislation, and administrative regulations and procedures concerned with Victim/Witness assistance programs;

(d) Identify existing or potential funding sources and offer recommendations to coordinate the allocation of resources which are committed to Victim/Witness assistance related programs;

(e) Coordinate the development and implementation of Victim/Witness assistance;

(f) Assist in defining the Victim/Witness assistance programs' responsibilities among various agencies so as to eliminate duplication and maximize available resources.

7. (a) The Advisory Council is authorized to call upon any department, office, division or agency of the State to supply such data, program reports, and other information, personnel and assistance as it deems necessary to discharge its responsibilities under this Order.

(b) All departments and agencies are authorized and directed, to the extent possible and not inconsistent with law, to cooperate with the Advisory Council and to furnish it with such information, personnel, and assistance as may be necessary to accomplish the purposes of this Order.

8. The Advisory Council shall meet at the call of the Chairman.

9. The Advisory Council shall receive administrative staff support from the New Jersey Victim/Witness Coordination Program

in the Department of Law and Public Safety, Division of Criminal Justice.

10. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 18th day of April,
in the year of Our Lord, one thousand nine hundred and
eighty, and of the Independence of the United States,
the two hundred and fourth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 87

WHEREAS, I, Christopher J. Jackman, Acting Governor of the State of New Jersey, am charged with the responsibility of protecting the health, safety and welfare of the citizens of this State; and

WHEREAS, On April 21, 1980 an explosion and fire at Chemical Control Corporation in Elizabeth, New Jersey, caused the release of toxic and hazardous chemicals into the environment; and

WHEREAS, The continued discharge of toxic and hazardous chemicals into the air, water and soil may cause great and irreparable harm to the health, safety and welfare of the citizens of this State and to the State's natural resources; and

WHEREAS, In order to prevent such harm, immediate action must be taken to clean up and contain the chemicals released by the explosion and fire; and

WHEREAS, The management and control of this situation is beyond the capabilities of local authorities; and

WHEREAS, In order to achieve an expeditious and efficient clean up of the site it is necessary to commandeer and utilize private property; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 and any amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

Now, THEREFORE, I, Christopher J. Jackman, Acting Governor of the State of New Jersey, in order to protect the health, safety and welfare of the citizens of the State of New Jersey and the State's natural resources, do hereby DECLARE, ORDER and DIRECT as follows:

1. I declare that a state of emergency exists by reason of the facts and circumstances set forth above.

2. I invoke such emergency powers as are conferred upon me by the Laws of 1942, Chapter 251, and all amendments and supplements thereto.

3. I order and direct that a portion of the real property located at 50-74 South Front Street, Elizabeth, as more particularly described in the map attached hereto and make a part hereof, is hereby commandeered for use by the State and direct the Commissioner of Environmental Protection to utilize this property to abate the emergency as set forth in this order.

4. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agent or employee of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State of any nature whatsoever, fully to cooperate with the Commissioner in all matters concerning this emergency.

5. All State officials and agencies shall cooperate fully with the Commissioner in the implementation of this Order.

6. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law.

7. This Order shall remain in effect for seven days unless extended by Executive Order.

8. This Order shall take effect immediately.

Given, under my hand and seal this 24th day of
[SEAL] April, in the year of Our Lord, one thousand nine

EXECUTIVE ORDERS

hundred and eighty, and of the Independence of the United States, the two hundred and fourth.

/s/ CHRISTOPHER J. JACKMAN,
Acting Governor.

Attest:

/s/ DANIEL J. O'HERN,
Counsel to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 88

WHEREAS, On April 24, 1980 Christopher J. Jackman, Acting Governor of New Jersey, adopted Executive Order No. 87 to address an emergency created by a fire and explosion at the Chemical Control Corporation in Elizabeth, New Jersey; and

WHEREAS, That Executive Order expires on May 1, 1980 unless extended; and

WHEREAS, The Department of Environmental Protection informs me that the conditions persist which gave rise to the need for adoption of Executive Order No. 87 and will not abate unless that Executive Order is continued;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the citizens of the State of New Jersey and the State's natural resources, do hereby DECLARE, ORDER and DIRECT as follows:

1. Executive Order No. 87 is extended until June 1, 1980.
2. This Order shall take effect immediately.

Given, under my hand and seal this 30th day of
[SEAL] April, in the year of Our Lord, one thousand nine hundred and eighty, and of the Independence of the United States, the two hundred and fourth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 89

WHEREAS, On April 24, 1980, Executive Order No. 87 was issued to address an emergency created by a fire and explosion at the Chemical Control Corporation in Elizabeth, New Jersey; and

WHEREAS, On April 30, 1980, that Executive Order was extended until June 1, 1980 by Executive Order No. 88; and

WHEREAS, The Department of Environmental Protection informs me that the Captain of the Port of New York has advised that a portion of real property not commandeered for use by the State under Executive Order No. 87, specifically the Arthur Kill mooring area situated on real property located at 2-74 South Front Street, Elizabeth, is urgently needed for the off-loading of a barge containing drums removed from the Chemical Control site; and

WHEREAS, The Department of Environmental Protection informs me that its investigations since the promulgation of Executive Order No. 87 indicate that the portion of real property commandeered for use by the State as set forth in paragraph three of Executive Order No. 87 is now insufficient to meet the necessary space requirements of the Department of Environmental Protection in its efforts to achieve an expeditious and efficient clean up of the Chemical Control site;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the citizens of the State of New Jersey and the State's natural resources, do hereby DECLARE, ORDER and DIRECT:

1. In addition to the portion of real property commandeered for use by the State under paragraph three of Executive Order No. 87, a further portion of the real property located at 2-74 South Front Street, Elizabeth, as more particularly described in the map attached hereto and made a part hereof, is hereby commandeered for use by the State and I direct the Commissioner of Environmental Protection to utilize this property to abate the emergency as set forth in Executive Order No. 87.

2. No business enterprise shall commence operations or make any preparation for the commencement of operations on any por-

tion of the real property located at 2-74 South Front Street, Elizabeth without the express authorization of the Commissioner of Environmental Protection or her designee.

3. This Order shall take effect immediately.

Given, under my hand and seal this 14th day of
[SEAL] May, in the year of Our Lord, one thousand nine
hundred and eighty, and of the Independence of the
United States, the two hundred and fourth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 90

WHEREAS, Executive Orders No. 87, 88 and 89 were issued to address an emergency created by a fire and explosion at the Chemical Control Corporation in Elizabeth, New Jersey; and

WHEREAS, Executive Order No. 87 expires on June 1, 1980 unless extended; and

WHEREAS, The Department of Environmental Protection informs me that the conditions persist which gave rise to the need for adoption of Executive Orders No. 87, 88 and 89 and will not abate unless these Executive Orders are continued;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the citizens of the State of New Jersey and the State's natural resources, do hereby DECLARE, ORDER and DIRECT as follows:

1. Executive Orders No. 87 and 89 are extended until August 1, 1980.

2. This Order shall take effect immediately.

Given, under my hand and seal this 31st day of
[SEAL] May, in the year of Our Lord, one thousand nine
hundred and eighty, and of the Independence of the
United States, the two hundred and fourth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 91

WHEREAS, The tragedy and suffering of thousands of Cubans has
made them flee from their homeland; and

WHEREAS, Thousands of Cuban nationals have arrived in the U. S.
in the last several weeks; and

WHEREAS, It is estimated that several thousand more Cubans shall
arrive in the U. S. in the next few weeks; and

WHEREAS, Because New Jersey has the second largest Cuban popu-
lation in the country it is estimated that many of the newly
arrived Cubans will resettle in this State; and

WHEREAS, As Governor of this State and as a member of the U. S.
Delegation to the United Nations Conference on Indochinese
Refugees in Geneva, I am deeply concerned about the plight of
all displaced, persecuted peoples and the urgent need to aid them
through the difficult period of resettlement; and

WHEREAS, It is essential for the welfare of the Citizens of this State
and the newly arrived Cubans that we provide for as orderly a
resettlement process as possible;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of
New Jersey, by virtue of the authority vested in me by the Consti-
tution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a cabinet level Committee on Cuban Refugee Affairs (Committee). The Committee shall consist of the following members or their respective designees:

- (a) The Attorney General
- (b) The Commissioner of Human Services
- (c) The Commissioner of Education
- (d) The Commissioner of Labor and Industry
- (e) The Commissioner of Health
- (f) The Commissioner of Community Affairs
- (g) The Director of Public Information, and
- (h) The Chief Counsel to the Governor

2. The Chief Counsel shall be the Coordinator of the Committee.

3. The Committee shall plan for the orderly resettlement of the newly arrived Cuban nationals.

4. The Committee is authorized to call upon any department, office, division or agency of the State to supply such data, program reports and other information, personnel or assistance as it deems necessary to discharge its responsibility pursuant to this Order.

5. Each department, office, division and agency of the State is authorized and directed, to the extent possible and not inconsistent with law, to cooperate with the Committee and to furnish it with such information, personnel and assistance as may be necessary to accomplish the purposes of this Order.

6. The Committee shall meet and consult with Federal, County and local government officials and other interested public and private organizations and persons to discuss the coordination of all resettlement efforts.

7. The Coordinator of the Committee shall appoint an Advisory Council to the Committee composed of representatives of the community.

8. This Order shall take effect immediately.

Given, under my hand and seal this 3rd day of June,
[SEAL] in the year of Our Lord, one thousand nine hundred and eighty, and of the Independence of the United States, the two hundred and fourth.

/s/ BRENDAN BYRNE,
Governor.

Attest:
/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 92

WHEREAS, Executive Orders No. 87, 88, 89 and 90 were issued to address an emergency created by a fire and explosion at the Chemical Control Corporation in Elizabeth, New Jersey; and

WHEREAS, Executive Order No. 87 expires on August 1, 1980 unless extended; and

WHEREAS, The Department of Environmental Protection informs me that the conditions persist which gave rise to the need for adoption of Executive Orders No. 87, 88, 89 and 90 and will not abate unless these Executive Orders are continued;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the citizens of the State of New Jersey and the State's natural resources, do hereby DECLARE, ORDER and DIRECT as follows:

1. Executive Orders No. 87 and 89 are extended until September 15, 1980.
2. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 24th day of July, in the year of Our Lord, one thousand nine hundred and eighty, and of the Independence of the United States, the two hundred and fourth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 93

WHEREAS, I have designated the Department of Human Services the single state agency to administer the Home Energy Assistance Program pursuant to the Federal "Home Energy Assistance Act of 1980"; and

WHEREAS, The Federal Energy Crisis Assistance Program, which has been administered by the Department of Community Affairs, is concluding and its purposes are subsumed by the succeeding Home Energy Assistance Program; and

WHEREAS, The public's interest in a smooth programmatic transition and implementation will be served by transferring the employees in the concluding Federal Energy Crisis Assistance Program to the new Home Energy Assistance Program;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. That the functions and the employees of the Department of Community Affairs engaged predominantly in the administration of the Energy Crisis Assistance Program who are not necessary for the closeout of the program, are to be transferred to the Department of Human Services by September 20, 1980.

2. That the Commissioner of Community Affairs shall notify the Commissioner of Human Services in writing of the employees so affected.

3. That any employee retained for the closeout of the program shall be transferred to the Department of Human Services upon a finding by the Commissioner of the Department of Community Affairs that such employee is no longer needed for the purposes for which he was retained and is not otherwise necessary for the operations of the Department of Community Affairs. The Commissioner of the Department of Community Affairs shall notify the Commissioner of Human Services of this finding.

4. That nothing herein shall be deemed to affect adversely the rights and privileges provided under Title 11 of the Revised

Statutes, Civil Service, the pension law or retirement system of any employee transferred pursuant to this Order.

5. This Order shall take effect immediately.

Given, under my hand and seal this 4th day of September, in the year of Our Lord, one thousand nine hundred and eighty, and of the Independence of the United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 94

WHEREAS, Much of the nation, including most of Northeastern New Jersey, has suffered from unusual dry weather conditions in 1980; and

WHEREAS, During the past four-month period rainfall has been well below normal with August's rainfall approximately 20 percent of normal; and

WHEREAS, The reservoir systems servicing portions of the Counties of Bergen, Essex, Hudson, Morris, Somerset, Passaic and Union, have been seriously depleted and in particular the reservoir systems of the Commonwealth and Hackensack Water Company have been especially depleted because of their reliance on surface waters; and

WHEREAS, Despite efforts on behalf of the Department of Environmental Protection (hereinafter referred to as the DEP), the Board of Public Utilities Commission (hereinafter, BPU) and many local officials, voluntary efforts to curtail non-essential consumption of water resources have not succeeded in maintaining adequate levels of existing water supplies; and

WHEREAS, The consumption of water in Northeastern New Jersey must be reduced in order to preserve an adequate and dependable supply of water for the region; and

WHEREAS, The threatened shortage of water resulting from the natural cause of a prolonged drought endangers the health, safety and resources of the residents and industry of the region and has created a problem too large in scope to be handled in its entirety by regular municipal operating services; and

WHEREAS, It is essential that steps be taken immediately to insure the maximum conservation of all water resources in the affected areas and to provide for the equitable distribution of the existing water supply;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby declare a state of emergency in the hereinafter designated municipalities in portions of the Counties of Bergen, Essex, Hudson, Morris, Somerset, Passaic and Union as specified in Exhibit "A" annexed hereto (hereinafter referred to as the emergency area), and do hereby DECLARE, ORDER and DIRECT as follows:

1. I declare that a state of emergency exists in the area described by reason of the facts and circumstances set forth above.

2. I invoke such emergency powers as are conferred upon me by the Laws of 1942, Chapter 251 (C. App. A:9-33 et seq.), and all amendments and supplements thereto.

3. I hereby prohibit the following uses of water in the areas described:

- a. The watering of lawns.
- b. The non-commercial washing of automobiles.
- c. The washing of streets, driveways or sidewalks.
- d. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.
- e. The use of water for flushing sewers by municipalities or any public or private individual or entity except as deemed necessary and approved in the interest of public health or safety by the municipal health officials.
- f. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as deemed necessary in the interest of public safety and specifically approved by the municipal governing body.

g. The use of fire hydrants by municipal road departments, contractors and all others, except as necessary for fire fighting or protection purposes.

4. Commercial and industrial users are directed to:

a. Examine water needs to determine where non-potable water can be utilized in place of potable water for processing and other requirements and report such determinations to the Commissioner of Environmental Protection and aforementioned water companies.

b. Reduce potable water usage insofar as possible without affecting employment levels.

5. The Commissioner of Environmental Protection shall have full authority, in consultation with the Board of Public Utilities, to adopt such rules, regulations, orders and directives as she shall deem necessary to effect the above listed restrictions or any other water conservation measures to restrict the use of non-essential water resources. The Commissioner may provide for such exemptions or exclusions from any rule, regulation, order or directive adopted, if she shall determine that there is not a need or a necessity for uniform application of such rule, regulation, order or directive.

6. The Commissioner of the Department of Environmental Protection is hereby authorized to take such emergency measures as may be necessary to reallocate water in the region subject to law, to share equitably the water resources of the region. The Commissioner shall consult with the Water Policy and Supply Council of the Department but consultation shall not be required in any case where the Commissioner shall determine that the exigencies of time will not permit.

7. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agent or employee of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State of any nature whatsoever, fully to cooperate in all matters concerning this emergency.

8. All citizens in non-emergency areas are urged now to comply with water use restrictions imposed by the water companies servicing their area.

9. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken

pursuant to this Order shall be subject to the penalties provided by law under section 17 of P. L. 1942, c. 251 (C. App. A :9-49).

10. This Order shall remain in effect until terminated by action of the Governor.

11. This Order shall take effect immediately.

Given, under my hand and seal this 12th day of September, in the year of Our Lord, one thousand nine hundred and eighty, and of the Independence of the United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

EXHIBIT "A"

SCHEDULE OF MUNICIPALITIES COVERED BY EXECUTIVE ORDER NO. 94

BERGEN	Haworth
Alpine	Hillsdale
Bergenfield	Leonia
Bogota	Little Ferry
Carlstadt	Hackensack
Cliffside Park	Lodi
Closter	Maywood
Cresskill	Montvale
Demarest	Moonachie
Dumont	New Milford
East Rutherford	Northvale
Edgewater	Norwood
Emerson	Old Tappan
Englewood	Oradell
Englewood Cliffs	Palisades Park
Fair Lawn	Paramus
Fairview	Ridgefield
Fort Lee	Ridgefield Park
Franklin Lakes	River Edge
Harrington Park	River Vale
Hasbrouck Heights	Rochelle Park

BERGEN cont.	Maplewood
Rockleigh	Livingston
Rutherford	West Orange
Saddle Brook	North Caldwell
South Hackensack	Cedar Grove
Teaneck	UNION
Tenaflly	Summit
Teterboro	Springfield
Upper Saddle River	Union Twp.
Wallington	New Providence
Washington	Berkeley Heights
Westwood	MORRIS
Wood-Ridge	Passaic Twp.
Woodcliff Lake	Millington
HUDSON	Morristown
North Bergen	Chatham
Secaucus	Chatham Twp.
Union City	Harding
Weehawken	SOMERSET
West New York	Peapack-Gladstone
Guttenberg	Bernards
ESSEX	Far Hills
Orange	Warren
Millburn	Bernardsville
South Orange	PASSAIC
Hillside	Little Falls
Irvington	West Paterson

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 95

WHEREAS, It is the policy of the State of New Jersey to develop a coordinated and unified strategy for effective arson prevention and control; and

WHEREAS, Several State, county, and local agencies and private business organizations are concerned with the crime of arson and its consequences; and

WHEREAS, There had been organized a New Jersey Arson Task Force to explore the scope and magnitude of the arson problem in New Jersey and to make findings and recommendations for the development of a comprehensive Statewide strategy for effective arson control; and

WHEREAS, The New Jersey Arson Task Force has rendered its report and included therein the recommendation that there be established a New Jersey Advisory Committee on Arson Control to facilitate the coordination of the agencies and groups concerned aforesaid that have previously acted independently; and

WHEREAS, Using the findings and recommendations of the New Jersey Arson Task Force, the Department of Law and Public Safety, through its Division of Criminal Justice, made application to and was awarded a grant by the Law Enforcement Assistance Administration to fund the implementation of the New Jersey Arson Strategy; and

WHEREAS, The establishment of a New Jersey Advisory Committee on Arson Control is an integral part of the implementation of that strategy;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. There is hereby created a New Jersey Advisory Committee on Arson Control (The Advisory Committee). The members of the Committee shall be:

1. The Attorney General.
2. Director, Division of Criminal Justice.
3. Commissioner, Department of Insurance.
4. Director, Division of Housing, Department of Community Affairs.
5. The New Jersey State Fire Marshal.
6. The New Jersey State Fire Warden.
7. Supervisor, New Jersey State Police Arson Unit.
8. President, New Jersey Paid Fire Chiefs Association.
9. President, New Jersey Volunteer Firemen's Association.
10. Project Director, N.J. Fire Education and Training Planning Council.
11. President, N.J. State Association of County Fire Marshals.

12. President, New Jersey Fire Prevention Association.
13. Chairperson, N.J. State Firemen's Advisory Council.
14. President, International Association of Arson Investigators (New Jersey Chapter).
15. President, New Jersey State Fire College.
16. Chairperson, American Insurance Institute.
17. Chairperson, New Jersey Advisory Committee—Arson Prevention.
18. President, Association of N.J. Underwriters (F.A.I.R. Plan).
19. Executive Director, N.J. Conference of Mayors.
20. Executive Director, State League of Municipalities.
21. President, New Jersey Police Chiefs Association.
22. President, County Prosecutors Association of New Jersey.
23. Chairman, Policy Committee, County Prosecutors Association of New Jersey.
24. U.S. Attorney for the District of New Jersey.
25. Special Agent-in-Charge for New Jersey, Bureau of Alcohol, Tobacco and Firearms, U.S. Department of Treasury.

Any person named to this Advisory Committee may designate, in writing, an appropriate person to serve as his representative, which is consistent with the laws of the State of New Jersey or the appropriate by-laws of the organization of which he is a member. The Attorney General or his designee shall serve as the Chairperson of the Committee.

2. The objective of The Advisory Committee will be to provide an organizational mechanism whereby the diverse public and private interests represented by the member agencies and organizations can coordinate their anti-arson efforts on a local, county and Statewide level.

3. The Advisory Committee, drawing upon its collective knowledge and experience, shall provide assistance and advice to the Attorney General and the Legislature in arson related matters.

4. The Advisory Committee, or its representatives, may meet with county and local government officials and other interested public and private organizations and persons to discuss possible coordination, consolidation or modification of arson control and prevention programs when such action would make these programs more effective.

5. The Advisory Committee shall:

(a) Foster communication among various groups, both public and private, involved in anti-arson activities and programs;

(b) Promote further study of incendiarism in New Jersey and its impact upon the people and economy of the State;

(c) Review and submit comments to the Attorney General upon existing and proposed legislation, and administrative regulations and procedures concerned with arson control and prevention;

(d) Identify existing or potential funding sources and offer recommendations to coordinate the allocation of resources which are committed to arson related programs;

(e) Assist in coordinating the development and implementation of arson control and prevention programs;

(f) Assist in defining the arson control responsibilities among various agencies with an eye toward eliminating duplication and maximizing available resources;

6. (a) The Advisory Committee is authorized to call upon any department, office, division or agency of the State to supply such data, program reports, and other information, personnel and assistance as it deems necessary to discharge its responsibilities under this Order.

(b) All departments and agencies are authorized and directed, to the extent not inconsistent with law, to cooperate with the Advisory Committee and to furnish it with such information, personnel, and assistance necessary to accomplish the purposes of this Order.

7. The Advisory Committee shall meet at the call of the Chairperson and shall report annually to the Governor on its activities.

8. The Advisory Committee members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds therefor.

9. The Advisory Committee shall receive administrative staff support from the New Jersey Department of Law and Public Safety, Division of Criminal Justice.

10. The Chairperson of the Advisory Committee may, from time to time, expand or contract membership of the Advisory Committee

to address and adapt to the changing nature of the overall problem of arson prevention and control.

11. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 16th day of September, in the year of Our Lord, one thousand nine hundred and eighty, and of the Independence of the United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 96

WHEREAS, Executive Order No. 94 declared a state of emergency in certain communities of northeastern New Jersey as a response to unusually dry weather conditions in 1980; and

WHEREAS, Drought conditions have continued and additional municipalities are now facing severe water shortages;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby DECLARE as follows:

1. Exhibit A, annexed to Executive Order No. 94, is hereby supplemented to include the following municipalities:

Bergen
Lyndhurst

Essex
Belleville
Bloomfield
Newark
Nutley
West Caldwell

Hudson
Hoboken
Jersey City

Morris
Pequannock

Passaic
Wayne

Union
Elizabeth

EXECUTIVE ORDERS

2. All citizens in non-emergency areas throughout the State are urged to comply with the water use restrictions imposed pursuant to Executive Order No. 94.

3. This Order shall take effect immediately.

Given, under my hand and seal this 17th day of
[SEAL] September, in the year of Our Lord, one thousand nine
hundred and eighty, and of the Independence of the
United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 97

WHEREAS, Executive Orders No. 94 and 96 declared a state of emergency in certain communities of northeastern New Jersey as a response to unusually dry weather conditions in 1980; and

WHEREAS, Drought conditions have continued, requested conservation measures have not significantly reduced consumption, and additional municipalities are now facing severe water shortages; and

WHEREAS, The 30-day forecast is for no appreciable increase in rainfall;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby DECLARE as follows:

1. Exhibit A, annexed to Executive Orders No. 94 and No. 96, is hereby supplemented to include the following municipalities:

Bergen

Elmwood Park
Garfield

Essex

Glen Ridge
Montclair
Verona

Hudson

Bayonne
Harrison
Kearny

Passaic

Clifton
Haledon
North Haledon
Paterson
Passaic
Prospect Park
Totowa

2. All citizens in non-emergency areas throughout the State are urged to comply with the water use restrictions imposed pursuant to Executive Order No. 94.

3. This Order shall take effect immediately.

Given, under my hand and seal this 22nd day of
[SEAL] September, in the year of Our Lord, one thousand nine
hundred and eighty, and of the Independence of the
United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 98

WHEREAS, Continued drought conditions in New Jersey have aggravated water shortages throughout the State and particularly in the northeast portion; and

WHEREAS, The conservation measures imposed by Executive Orders No. 94, 96 and 97 have not reduced water consumption at a rate adequate to preserve dwindling water supplies; and

WHEREAS, This unusual incident resulting from natural causes endangers the health, safety and resources of the residents of this State and is too large in scope to be handled in its entirety by regular municipal operating services;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby DECLARE a state of emergency and ORDER and DIRECT as follows:

1. The provisions of Executive Order No. 94 shall apply to every municipality in Bergen, Essex, Hudson, Morris, Passaic and Union Counties, as well as those municipalities in Somerset County previously listed in Executive Orders No. 94, 96 and 97.

2. A Water Rationing Plan attached hereto as Exhibit A shall apply to those municipalities listed therein.

3. The Commissioner of Environmental Protection before taking any action under paragraph 5 of Executive Order No. 94 shall, unless the exigencies of time do not permit, consult with an Emergency Task Force comprised of herself as Chair, the President of the Board of Public Utilities, the Commissioner of Labor and Industry, the Commissioner of Health, the Commissioner of Community Affairs and the Attorney General or their designated representatives.

4. All State governmental agencies shall provide requested support and assistance to Commissioner of Environmental Protection and the Emergency Task Force as necessary to implement this Order.

5. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law under section 17 of P. L. 1942, c. 251 (C. App. A :9-49).

6. This Order shall take effect immediately.

Given, under my hand and seal this 27th day of
[SEAL] September, in the year of Our Lord one thousand nine hundred and eighty, and of the Independence of the United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

EXHIBIT "A"

SCHEDULE OF MUNICIPALITIES COVERED BY
EXECUTIVE ORDER NOS. 94, 96 AND 97

BERGEN

Alpine
Bergenfield
Bogota
Carlstadt
Cliffside Park
Closter
Cresskill
Demarest
Dumont
East Rutherford
Edgewater
Elmwood Park
Emerson
Englewood
Englewood Cliffs
Fair Lawn
Fairview
Fort Lee
Franklin Lakes
Garfield
Hackensack
Harrington Park
Hasbrouck Heights
Haworth
Hillsdale
Leonia
Little Ferry
Lodi
Lyndhurst
Maywood
Montvale
Moonachie
New Milford
Northvale
Norwood
Old Tappan
Oradell
Palisades Park

Paramus
Ridgefield
Ridgefield Park
River Edge
River Vale
Rochelle Park
Rockleigh
Rutherford
Saddle Brook
South Hackensack
Teaneck
Tenafly
Teterboro
Upper Saddle River
Wallington
Washington
Westwood
Wood-Ridge
Woodcliff Lake

ESSEX

Belleville
Bloomfield
Cedar Grove
Glen Ridge
Hillside
Irvington
Livingston
Maplewood
Millburn
Montclair
Newark
North Caldwell
Nutley
Orange
South Orange
Verona
West Caldwell
West Orange

HUDSON

Bayonne
Guttenberg
Harrison
Hoboken
Jersey City
Kearny
North Bergen
Secaucus
Union City
Weehawken
West New York

MORRIS

Chatham
Chatham Township
Harding
Millington
Morristown
Passaic Township
Pequannock Township

PASSAIC

Clifton
Haledon
Little Falls
North Haledon
Paterson
Passaic
Prospect Park
Totowa
Wayne Township
West Paterson

SOMERSET

Bernards
Bernardsville
Far Hills
Peapack-Gladstone
Warren

UNION

Berkeley Heights
Elizabeth
New Providence
Springfield
Summit
Union Township

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 99

WHEREAS, Critical drought conditions in New Jersey continue to exist throughout the State, particularly in the northeastern portion; and

WHEREAS, The conservation measures imposed by Executive Orders 94, 96, 97 and 98 have not reduced water consumption at a rate adequate to preserve dwindling water supplies; and

WHEREAS, The continued drought emergency poses significant and irreparable harm to the health, safety, and welfare of the resi-

dents of this State, as well as to the industries located herein; and in order to prevent such harm, immediate action must be taken; and

WHEREAS, The management and control of the situation is beyond the capabilities of local authorities; and

WHEREAS, Pursuant to P.L. 93-288, President Carter made a Declaration of Emergency affecting the counties of Bergen, Essex, Hudson, Passaic, Union, Morris and Somerset so that an emergency water distribution system could be established; and

WHEREAS, The gravity of the emergency requires that the State utilize and employ certain local property owned and/or controlled by certain political subdivisions of this State for the purposes set forth herein;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, particularly the provisions of the Laws of 1941, Chapter 251 (C. App. A:9-33 et seq.), and all amendments and supplements thereto, do hereby DECLARE, ORDER and DIRECT as follows:

1. A state of emergency exists and is continuing by reason of the facts and circumstances set forth above.

2. A temporary emergency water pipeline, together with all necessary pumps and appurtenances, is to be laid from Lake Hopatcong to the Rockaway River.

3. All real property owned or controlled by the County of Morris, the Borough of Mount Arlington, the Township of Roxbury and the Township of Jefferson, and any other political subdivision of this State of any nature whatsoever, which real property is located within the 100 foot right of way designated by the State for said emergency pipeline is commandeered for use by the State and the Commissioner of Environmental Protection is directed to utilize this property to abate the emergency as set forth in this Order. Said right of way includes, but is not limited to, the following real property: Block 210, Lot 1, within and owned by the Township of Jefferson; Howard Boulevard within the Borough of Mount Arlington, owned by the County of Morris; and Berkshire Valley Road within and owned by the Township of Roxbury.

4. It shall be the duty of every official and employee of all political subdivisions of this State to cooperate fully in all matters concerning this emergency.

5. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law.

6. This Order shall take effect immediately.

Given, under my hand and seal this 31st day of
[SEAL] October, in the year of Our Lord, one thousand nine
hundred and eighty, and of the Independence of the
United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ S. L. DiDONATO,
*Director, Division of
Building and Construction,
Department of
the Treasury.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 100

I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. November 28, 1980, the day following Thanksgiving, shall be granted as a day off to employees who work in the executive departments of State government and who are paid from State funds, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternative day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, preclude such absence on November 28, 1980.

Given, under my hand and seal this 19th day of
[SEAL] November, in the year of our Lord, one thousand nine
hundred and eighty, and of the Independence of the
United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 101

WHEREAS, On July 22, 1976, a Reorganization Plan was submitted to the Legislature pursuant to P.L. 1969, c. 203, the Executive Reorganization Act of 1969, to transfer the functions, powers and duties of the Office of Civilian Defense Director from the Department of Defense to the Department of Law and Public Safety; and

WHEREAS, On July 20, 1979, by Executive Order No. 12148, the President of the United States transferred to the Federal Emergency Management Agency all functions vested in the President that had been delegated or assigned to the Civil Defense Preparedness Agency, the Federal Disaster Assistance Administration and the Federal Preparedness Agency, together with all functions vested in the President by the Earthquake Hazards Reduction Act of 1977; and

WHEREAS, The President's Executive Order provides that the Director of the Federal Emergency Management Agency shall represent the President in working with State and local governments and the private sector to stimulate vigorous participation in civil emergency preparedness, mitigation, response and recovery programs; and in executing the functions under this Order, the Director shall develop policies which provide that all civil defense and civil emergency functions, resources and systems of Executive agencies are integrated effectively with

organizations, resources and programs of state and local governments, the private sector and volunteer organizations;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. In order to carry out the powers conferred upon me by the Laws of 1942, Chapter 251 (C. App. A:9-33 et seq.) and all amendments and supplements thereto, so as to cooperate with the civil, military and naval authorities of the United States and of other states for the purpose of enforcing the defense and emergency policies of the Federal Government and to conform to the laws, orders, rules and regulations of the civilian, military and naval authorities of the Federal Government, there is hereby established an Office of Emergency Management in the Division of State Police, Department of Law and Public Safety.

2. All of the functions, powers and duties of the Office of Civilian Defense Director in the Department of Law and Public Safety as provided in the Reorganization Plan dated July 22, 1976 shall be exercised by the State Director of Emergency Management.

3. The Office of Emergency Management shall be under the supervision, direction and control of the State Director of Emergency Management and one or more deputies or assistants as may be necessary to effectuate the emergency powers of the Governor.

4. The function and staffing of the Office of Emergency Management shall be as proposed from time to time by the State Director of Emergency Management with the approval of the Attorney General.

Given, under my hand and seal this 17th day of
[SEAL] December, in the year of our Lord, one thousand nine
hundred and eighty, and of the Independence of the
United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 102

WHEREAS, The New Jersey Vocational Education Advisory Council (hereinafter "Council") was created on March 12, 1969 by Governor Richard J. Hughes, pursuant to the authority vested in him by the Constitution and statutes of this State and as required by Federal Law; and

WHEREAS, The Council was expanded to consist of 24 members on August 4, 1971 by Governor William T. Cahill, pursuant to the authority vested in him by the Constitution and statutes of this State; and

WHEREAS, By my order of January 9, 1978, pursuant to the authority vested in me by the Constitution and statutes of this State, the Council was expanded to consist of 27 members, to be appointed by the Governor, for terms of three years, except for two of those positions newly created by my order of January 9, 1978; and

WHEREAS, The United States Department of Education has suggested that all terms of appointment to the Council commence on July 1 of a given year, and terminate on June 30 of a given year; and

WHEREAS, The current terms of appointment of members of the Council have commenced and will terminate on various dates; and

WHEREAS, It would serve the interests of administrative efficiency to impose a uniform date of the year when terms of appointment to the Council commence and a uniform date of the year when such terms of appointment terminate; and

WHEREAS, The Council has proven to be invaluable in enabling the citizens of the State of New Jersey to receive the benefits of Federal appropriations under the Vocational Education Act;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State and by Federal Law, do hereby ORDER and DIRECT that:

1. The current term of appointment of any and all members of the Council, notwithstanding any prior declaration or order to the contrary, shall expire on June 30 of the same calendar year in which the appointment would otherwise expire according to the term of the original appointment;

2. The regular term of appointment of any and all future members of the Council, notwithstanding any prior order or declaration to the contrary, shall commence on July 1 of a given calendar year and terminate on June 30 of the third and final year of the appointed term;

3. Where the term of appointment of any member of the Council has expired and a successor has not been formally appointed, the member may hold over and commence a new term of appointment exercising full powers and authority of a member of the Council until a successor is formally appointed, which successor shall serve the unexpired remainder of the new term of appointment;

4. An appointment to fill a vacancy shall be for the term that remains unexpired;

5. This Order shall take effect immediately, except for paragraphs 1 and 2, which shall take effect May 1, 1981.

Given, under my hand and seal this 2nd day of
[SEAL] January, in the year of Our Lord, one thousand nine hundred and eighty-one, and of the Independence of the United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

INDEX

INDEX

ADMINISTRATIVE PROCEDURE

"Contested case," Division of Taxation proceedings excluded, amends C. 52:14B-2, Ch. 166.

ALCOHOLIC BEVERAGES

Tax, retail sales, exempt, amends C. 54:32B-2 et al., Ch. 61.

Tax, wholesale sales, imposed, C. 54:32C-1 et seq., Ch. 62.

Tax, wholesale sales, rate on sales subject to luxury tax, Ch. 156.

ANIMALS

Veterinarians, "Good Samaritan Law," civil immunity, certain, C. 45:16-9.10 et seq., Ch. 175.

APPROPRIATIONS

Annual, Ch. 56.

Department of Community Affairs, cultural development for ethnic groups, \$150,000, Ch. 155.

Division of Youth and Family Services, expanded social services, \$1,000,000, Ch. 109.

Identification Cards for the Disabled, Division of Motor Vehicles, \$35,000, Ch. 47.

Institutional Construction Bond Fund, \$17,700,000, Ch. 27.

Medical Education Facilities Bond Fund, \$9,800,000, Ch. 23; \$2,268,000, Ch. 26.

Public utility taxes, State collected, municipal distribution, payment authorized, Ch. 30.

School Approval Programs, \$571,609, Ch. 184.

State Marine Police Force, DEP maintain, \$200,000, Ch. 97.

Supplemental, Ch. 106.

Transportation Rehabilitation and Improvement Bond Fund, \$265,000,000, Ch. 21.

Tuition aid grants, certain transfers authorized, Ch. 187.

AUTHORITIES

Economic Development Authority, alternate members, appointment, amends C. 34:1B-4, Ch. 50.

Educational Facilities Authority, mortgages, certain, refinance, C. 18A:72A-11.1, Ch. 31.

Municipal utilities, generation and sale of hydroelectric power, at wholesale permitted, C. 40:14B-21.1, amends C. 40:14B-2 et al., Ch. 34.

Port Authority of New York and New Jersey, railroad freight projects authorized, C. 32:1-35.27b et seq., amends C. 32:1-35.3 et al., Ch. 157.

Sewerage, MUA's, on-site wastewater systems operation, amends C. 40:14A-3 et al., Ch. 77.

BANKING

Communication terminal branch office, establishment, clarified, amends C. 17:9A-19, Ch. 20.

Loans, certain, secured by U. C. C. securities, paper or instruments, permitted, C. 17:9A-24.10 and 17:9A-24.11, Ch. 183.

BANKING (Continued)

Mortgage loans, banks and savings banks, loan to value ratio excess, certain, permitted, amends C. 17:9A-65 and 17:9A-181, Ch. 176.

Provident loan association regulation, repealed, repeals R. S. 17:11-1 et al., Ch. 59.

Savings, reports of unclaimed deposits, certain, repealed, repeals R. S. 17:1-11 and C. 17:9A-257, Ch. 54.

Secondary mortgage loan credit life insurance, joint borrowers, permitted, amends C. 17:11A-49, Ch. 180.

BOATING

Marine patrolmen, supervisory force, transferred to Division of State Police, C. 52:17B-9.5, Ch. 96.

Registration, numbering fees, revised, C. 12:7-34.44a et al., amends C. 12:7-34.37 et al., repeals C. 12:7-34.42 et al., Ch. 97.

BONDS

"Energy Conservation Bond Act of 1980," \$50,000,000, Ch. 68.

"Natural Resources Bond Act of 1980," \$145,000,000, Ch. 70.

"N. J. Public Purpose Buildings Construction Bond Act of 1980," \$159,000,000, Ch. 119.

"N. J. School Bond Reserve Act," C. 18A:56-17 et seq., amends N. J. S. 18A:56-5 and 18A:56-16, Ch. 72.

CEMETERIES

Certificate of authority, fee exempt, certain, amends N. J. S. 8A:3-13, Ch. 57.

CHILDREN

Deaths, infants, sudden or unexpected, medical exam, autopsy, certain, amends C. 52:17B-86 and 52:17B-88, Ch. 167.

Employment, after 11 p.m., permitted, certain, amends C. 34:2-21.3, Ch. 22.

Firearms, illegal possession, juvenile delinquency, amends C. 2C:58-6.1, Ch. 52.

Juvenile delinquency, language conformed to Code of Criminal Justice, amends C. 2A:4-44 et al., Ch. 95.

Juvenile delinquency records, expungement, C. 2C:52-4.1, amends C. 2A:4-67, Ch. 163.

"The Autistic Child Development Act," Ch. 76.

CIVIL RIGHTS

Division on Civil Rights hearings, testimony, verbatim record required, amends C. 10:5-16, Ch. 71.

"Human Rights Week," week beginning December 10, 1980, J. R. 8.

Offices, counties establish, amends C. 10:5-14.2 and 10:5-14.3, Ch. 87.

CIVIL SERVICE

Promotional eligibility lists, certain, county, municipal, school district, extended, C. 11:22-34.1, Ch. 134.

COLLEGES

Educational Facilities Authority, mortgages, certain, refinance, C. 18A:72A-11.1, Ch. 31.

Hazing, offense established, C. 2C:40-3 et seq., Ch. 169.

Seton Hall University School of Law, Richard J. Hughes Chair for Constitutional and Public Law and Service established, C. 18A:72E-1 et seq., Ch. 154.

Space Telescope Science Institute, Princeton location endorsed, J. R. 5.

State, library purchases without advertising for bids, certain permitted, C. 18A:64-6.7, Ch. 150.

COMMISSIONS

Casino Control Commission, reconstituted, Code of Ethics required, amends C. 5:12-52 et al., Ch. 28.

Hackensack Meadowlands Cultural Center Study Commission, established, J. R. 7.

Mobile Home Study Commission, extended, J. R. 3.

Palisades Interstate Park, New Jersey section, management, C. 32:14-1.1 et seq., amends N. J. S. 59:1-3, repeals R. S. 32:14-1 et al., Ch. 104.

CONFLICTS OF INTEREST

Public officials, certain, casino representation or employment, interest, certain, prohibited, C. 52:13D-17.1, amends C. 52:13D-16, Ch. 79.

CONSTITUTION

Amendments, Art. VIII, Sec. I, para. 4.

CONSUMER AFFAIRS

Consumer contracts, certain, "plain language" required, C. 56:12-1 et seq., Ch. 125.

Home repair contracts, credit service charges, maximum established, amends C. 17:16C-62 et al., Ch. 174.

Retail installment loans, motor vehicles, amount, interest rate, term, increased, amends C. 17:16C-40.1 et al., Ch. 16.

COUNTIES

Boards of taxation, appeal proceedings, recordings permitted, amends R. S. 54:3-14, Ch. 123.

Budget, 1980, introduction, approval and adoption dates, Ch. 2.

Budget, 1980, miscellaneous revenue, property sales, certain, anticipate, Ch. 14.

Civil rights offices, establish, amends C. 10:5-14.2 and 10:5-14.3, Ch. 87.

Clerks, registers, recording, Law Division filing fees, increased, amends N. J. S. 22A:2-25 et al., Ch. 58.

"County Transportation Authorities Act," Atlantic County, C. 40:35B-1 et seq., Ch. 44.

Detectives, lieutenants, 2 additional authorized, 2nd class counties, certain, amends N. J. S. 2A:157-4, Ch. 42.

Elective office, residency requirements established, C. 40A:9-1.11 et seq., amends R. S. 40:72-1 et al., repeals R. S. 40:125-36 et al., Ch. 94.

Employees' deferred compensation plans, investments, administration permitted, amends C. 43:15B-3, Ch. 78.

Essex, municipal tax rebates, certain, prohibited, C. 54:4-5.1, Ch. 24.

Group dental insurance, permitted, amends N. J. S. 40A:10-17 and 40A:10-19, Ch. 145.

"Local Bond Law," "capital notes" outstanding, authorized aggregate increased, amends N. J. S. 40A:2-8, Ch. 114.

Medicaid and Medicare patients, financial responsibility, liability, certain, forgiven, C. 30:4-68.1, Ch. 8.

Municipal streets, certain, vacated, payment authorized, C. 40:67-22.1, Ch. 164.

Park commissions, certain, lands transferred, money, certain, use permitted, C. 40:37-132.2, Ch. 131.

Prosecutor, Cumberland County, full-time, amends C. 2A:158-1.1 et al., Ch. 43.

Prosecutor, Sussex County, salary increased, amends N. J. S. 2A:158-10, Ch. 45.

Vocational school board of education, certain, 7 members, amends N. J. S. 18A:54-16, Ch. 168.

COURTS

County district, clerk's fees, increased, amends N. J. S. 22A:2-37, Ch. 40.
County district, service of process, fees increased, amends N. J. S. 22A:2-38, Ch. 39.
Superior, filing fees increased, matrimonial trial fees repealed, amends N. J. S. 22A:2-6 et al., repeals N. J. S. 2A:34-16 and 2A:34-17, Ch. 80.
Superior, Law Division, filing fees, increased, amends N. J. S. 22A:2-25 et al., Ch. 58.

CRIMES

Burglary, unlicensed entry, "structure" defined, affirmative defenses and grading for burglary amended, amends N. J. S. 2C:18-1 et seq., Ch. 112.
"Drug paraphernalia," regulated, C. 24:21-46 et seq., repeals C. 2A:170-77.3 et seq., Ch. 133.
Firearms, illegal possession, minors, juvenile delinquency, amends C. 2C:58-6.1, Ch. 52.
Grants of immunity, Attorney General's annual report include, C. 2A:81-17.4, Ch. 185.
Hazing, offense established, C. 2C:40-3 et seq., Ch. 169.
Juvenile delinquency records, expungement, C. 2C:52-4.1, amends C. 2A:4-67, Ch. 163.
X-ray technician, uncertified, employer penalized, crime, amends C. 45:25-13, Ch. 177.

DOMESTIC RELATIONS

Divorce, equitable distribution, gift, devise or bequest, certain, excluded, amends N. J. S. 2A:34-23, Ch. 181.

DRUGS

"Drug paraphernalia" regulated, C. 24:21-46 et seq., repeals C. 2A:170-77.3 et seq., Ch. 133.

ELECTIONS

County board members, salaries increased, amends R. S. 19:45-7, Ch. 186.
District election board members, compensation, increased, amends R. S. 19:45-6, Ch. 111.
Gubernatorial, public financing, extended to primary election, funding, expenditure limits revised, C. 19:44A-18.1 et al., amends C. 19:44A-3 et al., repeals C. 19:44A-31, Ch. 74.
Local offices, residency requirements established, C. 40A:9-1.11 et seq., amends R. S. 40:72-1 et al., repeals R. S. 40:125-36 et al., Ch. 94.
Municipal, certain runoffs eliminated, option, amends C. 40:69A-160 and 40:69A-161, repeals C. 40:69A-161.1, Ch. 75.
Municipal, special, office vacancies, dates, amends N. J. S. 40A:16-14 et seq., Ch. 93.
"Municipal Vacancy Law," appointment of successor, optional, amends N. J. S. 40A:16-4 et al., Ch. 101.
Republican National Convention delegates, alternates, 1980, Ch. 5.

ENERGY

"Department of Energy Act," violations, penalties revised, amends C. 52:27F-21 and 52:27F-24, repeals C. 52:27F-22, Ch. 152.

ENVIRONMENT

N. J. Cherry Blossom Festival Week, May 4-May 10, 1980, J. R. 2.
Pinelands Commission, comprehensive management plan, applicability, amends C. 13:18A-5 and 13:18A-8, Ch. 65.

ENVIRONMENT (Continued)

Soil conservation district supervisors, liability, repeals C. 4:24-21.1, Ch. 4.
Spill Compensation Fund, tax formula, accelerator tax, revised, amends C. 58:10-23.11b et al., Ch. 73.

ESTATES

Fiduciaries, corpus commissions, annual statement required, C. 3A:10-2.4, Ch. 6.
Testamentary trusts, property, certain, facilitated, C. 3A:2A-87, Ch. 51.

EXECUTIVE ORDERS

Advisory Committee on Arson Control, No. 95.
Advisory Council on Victim/Witness Assistance, No. 86.
Committee on Cuban Refugee Affairs, No. 91.
Council on Physical Fitness, No. 85.
Day off to State employees, No. 100.
Energy Crisis Assistance Program, transfer of, No. 93.
Extension of Executive Order 87, No. 88.
Extension of Executive Orders 87 and 89, No. 90.
Extension of Executive Orders 87 and 89, No. 92.
Office of Emergency Management, No. 101.
State of Emergency, No. 87.
State of Emergency, No. 94.
State of Emergency, No. 98.
State of Emergency, No. 99.
State of Emergency, inclusion of certain municipalities, No. 96.
State of Emergency, inclusion of certain municipalities, No. 97.
Utilization of certain property to abate emergency set forth in Executive Order 87, No. 89.
Vocational Education Advisory Council, No. 102.

FEDERAL RELATIONS

American hostages, Iran, Unity Day designated, J. R. 1.
Space Telescope Science Institute, Princeton location endorsed, J. R. 5.

FISH AND GAME

Netting of fish, taking of shellfish, regulated, sundry amendments, C. 23:5-35.2, amends C. 23:5-24.1 et al., repeals C. 50:3-16.11 et al., Ch. 120.
Sea clams, dredging, dredges regulated by the Commissioner of DEP, amends C. 50:2-6.2, Ch. 132.

GAMES AND GAMBLING

Casino Control Commission, chairman, certain, Senate advise and consent, amends C. 5:12-52, Ch. 138.
Casino Control Commission, chairman, temporary licensing power during transition to full-time commission, amends P. L. 1980, c. 28, s. 9; Ch. 81.
Casino Control Commission, Division of Gaming Enforcement, Codes of Ethics required, licensee credit records, complimentary services and employment of certain public officials regulated, C. 5:12-117.1, amends C. 5:12-55 et al., Ch. 69.
Casino Control Commission, reconstituted, Code of Ethics required, amends C. 5:12-52 et al., Ch. 28.
Casino hotel employee licenses, temporary, issuance, amends C. 5:12-91, Ch. 161.
Casino permits, temporary, certain, extended, Ch. 29.
Casino permits, temporary, issuance, deadlines established, amends C. 5:12-95.1 and 5:12-95.2, repeals C. 5:12-95.1 et seq. prospectively, Ch. 110.

GAMES AND GAMBLING (Continued)

Casinos, complimentary services to or employment of certain "public officers or employees" prohibited, definitions conformed, amends C. 52:12-102 et al., Ch. 159.

HANDICAPPED PERSONS

Deaf, "hearing ear" dogs, use, rights, duties, C. 10:5-29.6, amends R. S. 48:3-33 et al., Ch. 46.

"Identification Cards for the Disabled Act," C. 39:3-29.2 et seq., Ch. 47.

Parking spaces, county roads, municipal regulation, streamlined, amends C. 39:4-197.2 and R. S. 39:4-201, Ch. 143.

Parking spaces, municipal regulation, streamlined, penalties established, amends C. 39:4-197.5 and R. S. 39:4-197, Ch. 178.

HEALTH

Deaths, infants, sudden or unexpected, medical exam, autopsy, certain, amends C. 52:17B-86 and 52:17B-88, Ch. 167.

HISTORICAL AFFAIRS

Battle of Springfield Week, June 15-June 21, 1980, J. R. 4.

Italian-American History Week, October 6- October 13, 1980, J. R. 9.

HOUSING

"Energy saving improvements," eligibility, MFA loans, amends C. 17:1B-5 et al., Ch. 171.

HUMAN SERVICES

Home Care Services, Interagency Task Force on, established, C. 30:4E-1 et seq., Ch. 35.

INSURANCE

Automobile, cancellation, notice required, amends C. 17:29C-8 and 17:29C-10, Ch. 165.

Domestic insurers, alien corporations, investments, certain, authorized, amends N. J. S. 17B:20-4, Ch. 88.

Group and individual life and health, coverage, former spouses of subscribers, amends N. J. S. 17B:24-1 et al., Ch. 113.

Life, health policies, cancellation during first 10 days after receipt, C. 17B:25-2.1 et al., Ch. 38.

Medical service corporations, chiropractic services covered, C. 17:48A-33, Ch. 158.

Premium taxes, payment method, returns, C. 54:18A-1.1 et seq., amends C. 54:18A-1 and 54:18A-8, Ch. 141.

JOINT RESOLUTIONS

Battle of Springfield Week, J. R. 4.

Hackensack Meadowlands Cultural Center Study Commission, J. R. 7.

Human Rights Week, J. R. 8.

Italian-American History Week, J. R. 9.

Mobile Home Study Commission, J. R. 3.

New Jersey Cherry Blossom Festival Week, J. R. 2.

New Jersey Unity Day, J. R. 1.

Resolution to congratulate James G. Gowney, J. R. 6.

Space Telescope Science Institute, J. R. 5.

JUDGES

Salaries, increased, amends C. 2A:1A-6, Ch. 127.

JURIES

Grand jury list, increased to 500 maximum, amends N. J. S. 2A:70-1, Ch. 7.

LABOR

Minimum wage increased, \$3.35 per hour, amends C. 34:11-56a4, Ch. 182.

Minors, after 11 p.m., permitted, certain, amends C. 34:2-21.3, Ch. 22.

LANDLORD AND TENANT

"The Emergency Fuel Oil Delivery Act," C. 26:3-31.4 et seq., amends C. 46:8-28, Ch. 170.

LEGISLATURE

Bills, fiscal notes, preparation, procedure, C. 52:13B-6 et seq., repeals C. 52:13B-1 et seq., Ch. 67.

LIBRARIES

State colleges, purchases without advertising for bids, certain permitted, C. 18A:64-6.7, Ch. 150.

State, purchases without advertising for bids, certain permitted, C. 18A:73-35.1, Ch. 149.

MARRIAGES

Certificates, copies, use, C. 37:1-17.1 et seq., amends R. S. 37:1-17 and N. J. S. 2A:18-12, Ch. 128.

Divorce, equitable distribution, gift, devise or bequest, certain, excluded, amends N. J. S. 2A:34-23, Ch. 181.

MOTOR VEHICLES

Handicapped parking spaces, county roads, municipal regulation, streamlined, amends C. 39:4-197.2 and R. S. 39:4-201, Ch. 143.

Handicapped parking spaces, municipal regulation, streamlined, penalty established, amends C. 39:4-197.5 and R. S. 39:4-197, Ch. 178.

Littering, license suspension permitted, amends R. S. 39:4-63, Ch. 100.

Medical Advisory Panel reports, certain, civil immunity, C. 39:2-16, Ch. 173.

Medical-Vision Advisory Panel, name changed, Medical Advisory Panel, amends C. 39:2-13 et al., Ch. 37.

Retail installment loans, amount, interest rate, term increased, amends C. 17:16C-40.1 et al., Ch. 16.

Summer camp, seating capacity of 16 or less, exemption from "School Vehicle Type II" registration fee, use clarified, amends C. 39:3-19.3 and 39:3-19.4, Ch. 115.

MUNICIPALITIES

Atlantic City, special charter, Ch. 1.

Borough of Tenafly, initiative, referendum, recall, special act, referendum question, Ch. 99.

Budget "cap," Hackensack Meadowlands District constituent municipality, exception, certain, amends C. 40A:4-45.3, Ch. 66.

Budget, "cap" law exception, 1980 referenda, dates, Chs. 3, 17.

Budget, 1980, introduction, approval and adoption dates, Ch. 2.

Budget, 1980, miscellaneous revenue, property sales, certain, anticipate, Ch. 14.

Cedar Grove, sale of school lands, certain, financing, reversion, amends P. L. 1979, c. 175, Ch. 15.

Clerks, term of office, 3 years, amends R. S. 40:87-15 et al., repeals R. S. 40:125-10, Ch. 147.

County taxes, rebate under R. S. 54:4-5, certain prohibited, C. 54:4-5.2, Ch. 118.

MUNICIPALITIES (Continued)

Elections, certain runoffs eliminated, option, amends C. 40:69A-160 and 40:69A-161, repeals C. 40:69A-161.1, Ch. 75.

Elective office, residency requirements established, C. 40A:9-1.11 et seq., amends R. S. 40:72-1 et al., repeals R. S. 40:125-36 et al., Ch. 94.

Employees' deferred compensation plans, investments, administration permitted, amends C. 43:15B-3, Ch. 78.

Group dental insurance, permitted, amends C. 40A:10-17 and 40A:10-19, Ch. 145.

"Local Bond Law," "capital notes" outstanding, authorized aggregate increased, amends N. J. S. 40A:2-8, Ch. 114.

"Municipal Purposes Tax Assistance Act of 1980," C. 54:1-46 et seq., Ch. 12.

"Municipal Vacancy Law," appointment of successor, optional, amends N. J. S. 40A:16-4 et al., Ch. 101.

Newark, revaluation prohibited for 1981 and 1982, Ch. 124.

Offices, filling of vacancies, special elections, dates, amends N. J. S. 40A:16-14 et seq., Ch. 93.

Optional Municipal Charter plan, reversion to prior form, officers continued pending reversion, amends C. 40:69A-25, Ch. 82.

Redevelopment projects, areas in need of rehabilitation to prevent blighted conditions, permitted, amends C. 40:55C-5 et al., Ch. 121.

Streets, certain, vacated, county payment authorized, C. 40:67-22.1, Ch. 164.

PARKS

Palisades Interstate Park Commission, New Jersey section, management, C. 32:14-1.1 et seq., amends N. J. S. 59:1-3, repeals R. S. 32:14-1 et al., Ch. 104.

PENSIONS AND RETIREMENT

PERS, municipal superintendent of public works, certain, reenroll, Ch. 160.

Police and Firemen, investigator officers, certain, eligible, C. 43:16A-62.2, amends C. 43:16A-1, Ch. 84.

Police and Firemen, member discontinued from service, certain, membership continued, amends C. 43:16A-3, Ch. 129.

Police and Firemen, municipal police, certain, transfer credit, contributions, C. 43:16A-48.8 and 43:16A-48.9, Ch. 136.

Public systems, certain, optional Social Security coverage, procedure, C. 43:22-13 et seq., amends C. 43:22-2 et al., Ch. 86.

State Police, "special" retirement formula, benefits, contributions, revised, amends C. 53:5A-8 et al., repeals C. 53:5A-13, Ch. 55.

PLANNING AND ZONING

Board of adjustment, response to permissible use inquiries, required within 45 days, C. 40:55D-73.1, Ch. 142.

"Municipal Land Use Law," energy conservation and renewable energy sources, element of the master plan, amends C. 40:55D-2 et al., Ch. 146.

POLICE

Municipal, reappointment, over age 45, prohibited, certain, amends C. 40A:14-127.1 et al., Ch. 41.

State Marine Police Force, supervisory force transferred to the Division of State Police, C. 52:17B-9.5, Ch. 96.

PROFESSIONS AND OCCUPATIONS

Veterinarians, "Good Samaritan Law," civil immunity, certain, C. 45:16-9.10 et seq., Ch. 175.

X-ray technician, uncertified, employer penalized, crime, amends C. 45:25-13, Ch. 177.

PUBLIC CONTRACTS

Automobiles, purchase or lease, U. S. assembly preferred, C. 52:32-1.1 et seq., Ch. 122.

Passaic Valley Sewerage Commission, award without advertising for bids, amount increased, amends R. S. 58:14-22, Ch. 85.

Public School Contracts Law, award without advertising for bids, amount increased, amends N. J. S. 18A:18A-3 et al., Ch. 144.

PUBLIC EMPLOYEES

Conflicts of interest, certain, casino representation or employment, interest, certain, prohibited, C. 52:13D-17.1, amends C. 52:13D-16, Ch. 79.

PUBLIC UTILITIES

Franchise tax, distribution, C. 54:30A-24.1, amends C. 54:30A-24, Ch. 10.

Gross receipts tax, distribution, C. 54:30A-61.1, amends C. 54:30A-60 et seq., Ch. 11.

"Lifeline Credit Program," credit increased, Department of Human Services administer, C. 48:2-29.22, amends C. 48:2-29.15 et seq., Ch. 92.

Rates, increase proposed, service area affected, public hearing in area required, C. 48:2-32.4, Ch. 179.

RACING

Parimutuel pools, breakage, distribution, 100 additional harness racing days, ownership standards, promulgate, C. 5:5-93, amends C. 5:5-44 et al., Ch. 25.

Sunday meetings, hours, amends C. 5:5-84 et seq., referendum provided, Ch. 117.

RAILROADS

Port Authority of New York and New Jersey, railroad freight projects authorized, C. 32:1-35.27b et seq., amends C. 32:1-35.3 et al., Ch. 157.

REAL ESTATE

Condominium resale, right of refusal, certain, unconscionable, prohibited, C. 46:8B-38, amends C. 46:8B-31 and 46:8B-36, Ch. 103.

SCHOOLS

Boards of education, type II districts, organization day in the first week following the annual election, amends N. J. S. 18A:10-3, Ch. 140.

Bonds, secured, "N. J. School Bond Reserve Act," C. 18A:56-17 et seq., amends N. J. S. 18A:56-5 and 18A:56-16, Ch. 72.

Buildings, additional State aid, eligibility, bond proposal submission, time extended, amends C. 18A:58-33.26, Chs. 33, 162.

County vocational, board of education, certain, 7 members, amends N. J. S. 18A:54-16, Ch. 168.

Field trips, costs paid by parents, certain, authorized, C. 18A:36-21 et seq., Ch. 49.

NJSIAA Executive Secretary-Treasurer, congratulates, J. R. 6.

Special education, autistic students, study by Department of Education, Ch. 76.

Truancy, parent or guardian, fine, increased, amends N. J. S. 18A:38-31, Ch. 153.

Van type II school vehicles, definition, paint and warning light requirements, amends C. 39:3B-8 and 39:3B-9, Ch. 148.

SEWERAGE

Authorities, MUA's, on-site wastewater systems operation, amends C. 40:14A-3 et al., Ch. 77.

SOLID WASTE

Septage, sewage sludge, temporary disposal, amends C. 13:1E-42, Ch. 9.

STATE

Authorities, agencies, joint purchase program with Division of Purchase and Property, participate, amends C. 52:27B-56.1, Ch. 36.

Employees, private auto mileage reimbursement, increased, formula, C. 52:14-17.1a, amends C. 52:14-17.1, Ch. 19.

Employees, temporary disability benefits, amends R. S. 43:21-7 et al., Ch. 18.

Real property, certain, surplus, sale authorized, Chs. 63, 64.

STATUTES

Alcoholic beverage tax, technical corrections, C. 54:32B-8.34, amends C. 54:32B-3 and 54:32B-8.2, Ch. 107.

Omnibus corrections act, C. 54:32B-8.1 et seq.; amends N. J. S. 2C:1-6; C. 18A:7A-3; R. S. 19:5-3; C. 24:21-27, 26:2H-2, 30:4C-2; R. S. 39:3-10, 39:3-13; N. J. S. 40A:4-53, 40A:14-70; R. S. 48:4-1; C. 54:32B-3; repeals C. 54:32B-8, Ch. 105.

Repealers, R. S. 17:1-11 and C. 17:9A-257, unclaimed savings bank deposit reports, obsolete, Ch. 54.

Repealers, R. S. 17:11-1 et al., provident loan association regulation, obsolete, Ch. 59.

Repealers, C. 32:20-11 et seq., Delaware river basin compact, superseded, Ch. 151.

Repealers, R. S. 40:170-1 et seq., creation of certain boards in cities, obsolete, Ch. 102.

Repealers, C. 54:30A-80 et seq., sales of electric energy out of State, inoperative, Ch. 116.

Sex discrimination, language in employment statutes, eliminated, C. 34:11-56a30, amends C. 34:2-21.15 et al., repeals R. S. 34:1-26 et al., Ch. 90.

TAXATION

Alcoholic beverages, retail sales, exempt, amends C. 54:32B-2 et al., Ch. 61.

Alcoholic beverages, wholesale sales, established, C. 54:32C-1 et seq., Ch. 62.

Alcoholic beverages, wholesale sales, rate on sales subject to luxury tax, Ch. 156.

County boards, appeal proceedings, recordings permitted, amends R. S. 54:3-14, Ch. 123.

County taxes, municipal rebates, certain, prohibited, C. 54:4-5.1, Ch. 24.

County taxes, rebate to municipality under R. S. 54:4-5, certain prohibited, C. 54:4-5.2, Ch. 118.

Emergency transportation tax, extended, amends C. 54:8A-57, Ch. 89.

Insurance company premiums, payment method, returns, C. 54:18A-1.1 et seq., amends C. 54:18A-1 and 54:18A-8, Ch. 141.

Luxury tax, Atlantic City, Director of the Division of Taxation to administer, C. 54:32B-24.1, Ch. 60.

Newark, revaluation prohibited for 1981 and 1982, Ch. 124.

Public utilities, franchise tax, distribution, C. 54:30A-24.1, amends C. 54:30A-24, Ch. 10.

Public utilities, gross receipts tax, distribution, C. 54:30A-61.1, amends C. 54:30A-60 et seq., Ch. 11.

TAXATION (Continued)

Sales and use tax, exempt, aircraft, repairs, equipment, replacement parts, certain, C. 54:32B-8.35, Ch. 98.

Spill Compensation Fund, tax formula, accelerator tax, revised, amends C. 58:10-23.11b et al., Ch. 73.

UNEMPLOYMENT COMPENSATION

Benefits, reduce, due to pension receipt, conform to FUTA, C. 43:21-5a, Ch. 13.

Temporary disability benefits, State employees, amends R. S. 43:21-7 et al., Ch. 18.

"Wage Reporting Act," employment records, match, C. 54:1-55 et seq., Ch. 48.

VALIDATING ACTS

Fire district bond proceedings, Ch. 130.

School bond proceedings, Chs. 32, 126, 135, 137, 139.

VETERANS

Cemeteries, State plan, develop, Ch. 91.

WEAPONS

Manufacture, sale, certain, security system use, lawful, amends N. J. S. 2C:39-9, Ch. 108.

WEIGHTS AND MEASURES

Precious metals, sales regulated, penalties, C. 51:5-8 et al., amends R. S. 51:5-7 et al., Ch. 53.

WELFARE

AFDC, assignment of support, automatic, amends C. 44:10-2 and 44:10-3, Ch. 172.

"Wage Reporting Act," employment records, match, C. 54:1-55 et seq., Ch. 48.

WORKERS' COMPENSATION

Special adjustment benefit payments, provided, C. 34:15-95.4 et seq., amends R. S. 34:15-94 et al., Ch. 83.

