

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 95

NJSA:2C:17-3

(Grave robbing -- establish as criminal offense)

BILL NO: A1773

SPONSOR(S):DiGaetano

DATE INTRODUCED:February 26, 1998

COMMITTEE:

ASSEMBLY: Judiciary

SENATE:Law and Public Safety

AMENDED DURING PASSAGE:Yes

DATES OF PASSAGE:

ASSEMBLY:February 18, 1999

SENATE:January 12, 1999

DATE OF APPROVAL:May 3, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: *Yes*^{2nd} Reprint

(Amendments during passage denoted by superscript numbers)

A1773

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS:*Yes*

LEGISLATIVE FISCAL ESTIMATE: *No*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

P.L. 1999, CHAPTER 95, *approved May 3, 1999*
Assembly, No. 1773 (*Second Reprint*)

1 AN ACT concerning grave robbing and amending ¹[N.J.S.2C:33-9
2 and]¹ ²[N.J.S.2C:18-2] N.J.S.2C:17-3 and N.J.S.2C:20-2².

3

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

6

7 ¹[1. N.J.S.2C:33-9 is amended to read as follows:

8 2C:33-9. a. A person commits a disorderly persons offense if he
9 purposely desecrates any public monument, insignia, symbol, or
10 structure, or place of worship or burial. "Desecrate" means defacing,
11 damaging or polluting.

12 b. A person commits a crime of the third degree if he enters a place
13 of burial and desecrates or steals a dead body interred therein.

14 (cf: P.L.1978, c.95, s.2C:33-9)]¹

15

16 ¹[2.] ²[1.¹ N.J.S.2C:18-2 is amended to read as follows:

17 2C:18-2. Burglary. a. Burglary defined. A person is guilty of
18 burglary if, with purpose to commit an offense therein he:

19 (1) Enters a research facility, structure, or a separately secured or
20 occupied portion thereof unless the structure was at the time open to
21 the public or the actor is licensed or privileged to enter; or

22 (2) Surreptitiously remains in a research facility, structure, or a
23 separately secured or occupied portion thereof knowing that he is not
24 licensed or privileged to do so.

25 b. Grading. Burglary is a crime of the second degree if the actor
26 enters a tomb, mausoleum, vault, crypt¹, underground interment¹ or
27 other structure intended to hold or contain dead bodies¹ with the
28 purpose to desecrate or steal a dead body or portion thereof interred
29 there¹, or if, in the course of committing the offense, the actor:

30 (1) Purposely, knowingly or recklessly inflicts, attempts to inflict
31 or threatens to inflict bodily injury on anyone; or

32 (2) Is armed with or displays what appear to be explosives or a
33 deadly weapon.

34 Otherwise burglary is a crime of the third degree. An act shall be
35 deemed "in the course of committing" an offense if it occurs in an
36 attempt to commit an offense or in immediate flight after the attempt
37 or commission.

38 (cf: P.L.1995, c.20, s.3)]²

39

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted June 4, 1998.

² Senate floor amendments adopted October 22, 1998.

1 ²1. N.J.S.2C:17-3 is amended to read as follows:

2 2C:17-3. Criminal Mischief. a. Offense defined. A person is guilty
3 of criminal mischief if he:

4 (1) Purposely or knowingly damages tangible property of another
5 or damages tangible property of another recklessly or negligently in
6 the employment of fire, explosives or other dangerous means listed in
7 subsection a. of N.J.S.2C:17-2; or

8 (2) Purposely , knowingly or recklessly tampers with tangible
9 property of another so as to endanger person or property.

10 b. Grading. (1) Criminal mischief is a crime of the third degree if
11 the actor purposely or knowingly causes pecuniary loss of \$2,000.00
12 or more, or a substantial interruption or impairment of public
13 communication, transportation, supply of water, gas or power, or
14 other public service.

15 (2) Criminal mischief is a crime of the fourth degree if the actor
16 causes pecuniary loss in excess of \$500.00. It is a disorderly persons
17 offense if the actor causes pecuniary loss of \$500.00 or less.

18 (3) Criminal mischief is a crime of the third degree if the actor
19 damages, defaces, eradicates, alters, receives, releases or causes the
20 loss of any research property used by the research facility, or
21 otherwise causes physical disruption to the functioning of the research
22 facility. The term "physical disruption" does not include any lawful
23 activity that results from public, governmental, or research facility
24 employee reaction to the disclosure of information about the research
25 facility.

26 (4) Criminal mischief is a crime of the fourth degree if the actor
27 damages, removes or impairs the operation of any device, including,
28 but not limited to, a sign, signal, light or other equipment, which
29 serves to regulate or ensure the safety of air traffic at any airport,
30 landing field, landing strip, heliport, helistop or any other aviation
31 facility; however, if the damage, removal or impediment of the device
32 recklessly causes bodily injury or damage to property, the actor is
33 guilty of a crime of the third degree, or if it recklessly causes a death,
34 the actor is guilty of a crime of the second degree.

35 (5) Criminal mischief is a crime of the fourth degree if the actor
36 interferes or tampers with any airport, landing field, landing strip,
37 heliport, helistop or any other aviation facility; however if the
38 interference or tampering with the airport, landing field, landing strip,
39 heliport, helistop or other aviation facility recklessly causes bodily
40 injury or damage to property, the actor is guilty of a crime of the third
41 degree, or if it recklessly causes a death, the actor is guilty of a crime
42 of the second degree.

43 (6) Criminal mischief is a crime of the third degree if the actor
44 tampers with a grave, crypt, mausoleum or other site where human
45 remains are stored or interred, with the purpose to desecrate, destroy
46 or steal such human remains or any part thereof.

1 c. A person convicted of an offense of criminal mischief that
2 involves an act of graffiti may, in addition to any other penalty
3 imposed by the court, be required to pay to the owner of the damaged
4 property monetary restitution in the amount of the pecuniary damage
5 caused by the act of graffiti and to perform community service, which
6 shall include removing the graffiti from the property, if appropriate.
7 If community service is ordered, it shall be for either not less than
8 20 days or not less than the number of days necessary to remove the
9 graffiti from the property.

10 d. As used in this section:

11 (1) "Act of graffiti" means the drawing, painting or making of any
12 mark or inscription on public or private real or personal property
13 without the permission of the owner.

14 (2) "Spray paint" means any paint or pigmented substance that is
15 in an aerosol or similar spray container.²

16 (cf: P.L.1998, c.54, s.1)

17

18 ²2. N.J.S.2C:20-2 is amended to read as follows:

19 2C:20-2. Consolidation of Theft Offenses; Grading; Provisions
20 Applicable to Theft Generally. a. Consolidation of Theft Offenses.
21 Conduct denominated theft in this chapter constitutes a single offense,
22 but each episode or transaction may be the subject of a separate
23 prosecution and conviction. A charge of theft may be supported by
24 evidence that it was committed in any manner that would be theft
25 under this chapter, notwithstanding the specification of a different
26 manner in the indictment or accusation, subject only to the power of
27 the court to ensure fair trial by granting a bill of particulars, discovery,
28 a continuance, or other appropriate relief where the conduct of the
29 defense would be prejudiced by lack of fair notice or by surprise.

30 b. Grading of theft offenses.

31 (1) Theft constitutes a crime of the second degree if:

32 (a) The amount involved is \$75,000.00 or more;

33 (b) The property is taken by extortion;

34 (c) The property stolen is a controlled dangerous substance or
35 controlled substance analog as defined in N.J.S.2C:35-2 and the
36 quantity is in excess of one kilogram; [or]

37 (d) The property stolen is a person's benefits under federal or State
38 law, or from any other source, which the Department of Human
39 Services or an agency acting on its behalf has budgeted for the
40 person's health care and the amount involved is \$75,000 or more ;or

41 (e) The property stolen is human remains or any part thereof.

42 (2) Theft constitutes a crime of the third degree if:

43 (a) The amount involved exceeds \$500.00 but is less than
44 \$75,000.00;

45 (b) The property stolen is a firearm, motor vehicle, vessel, boat,
46 horse, domestic companion animal or airplane;

1 (c) The property stolen is a controlled dangerous substance or
2 controlled substance analog as defined in N.J.S.2C:35-2 and the
3 amount involved is less than \$75,000.00 or is undetermined and the
4 quantity is one kilogram or less;

5 (d) It is from the person of the victim;

6 (e) It is in breach of an obligation by a person in his capacity as a
7 fiduciary;

8 (f) It is by threat not amounting to extortion;

9 (g) It is of a public record, writing or instrument kept, filed or
10 deposited according to law with or in the keeping of any public office
11 or public servant;

12 (h) The property stolen is a person's benefits under federal or State
13 law, or from any other source, which the Department of Human
14 Services or an agency acting on its behalf has budgeted for the
15 person's health care and the amount involved is less than \$75,000;

16 (i) The property stolen is any real or personal property related to,
17 necessary for, or derived from research, regardless of value, including,
18 but not limited to, any sample, specimens and components thereof,
19 research subject, including any warm-blooded or cold-blooded animals
20 being used for research or intended for use in research, supplies,
21 records, data or test results, prototypes or equipment, as well as any
22 proprietary information or other type of information related to
23 research;

24 (j) The property stolen is a New Jersey Prescription Blank as
25 referred to in R.S.45:14-14; or

26 (k) The property stolen consists of an access device or a defaced
27 access device.

28 (3) Theft constitutes a crime of the fourth degree if the amount
29 involved is at least \$200.00 but does not exceed \$500.00. If the
30 amount involved was less than \$200.00 the offense constitutes a
31 disorderly persons offense.

32 (4) The amount involved in a theft shall be determined by the trier
33 of fact. The amount shall include, but shall not be limited to, the
34 amount of any State tax avoided, evaded or otherwise unpaid,
35 improperly retained or disposed of. Amounts involved in thefts
36 committed pursuant to one scheme or course of conduct, whether
37 from the same person or several persons, may be aggregated in
38 determining the grade of the offense.

39 c. Claim of right. It is an affirmative defense to prosecution for
40 theft that the actor:

41 (1) Was unaware that the property or service was that of another;

42 (2) Acted under an honest claim of right to the property or service
43 involved or that he had a right to acquire or dispose of it as he did; or

44 (3) Took property exposed for sale, intending to purchase and pay
45 for it promptly, or reasonably believing that the owner, if present,
46 would have consented.

1 d. Theft from spouse. It is no defense that theft was from the
2 actor's spouse, except that misappropriation of household and personal
3 effects, or other property normally accessible to both spouses, is theft
4 only if it occurs after the parties have ceased living together.²
5 (cf: P.L.1998, c.100, s.2)

6

7 ¹[3.] ²[2.1] 3.² This act shall take effect immediately.

8

9

10

11

12 Amends the criminal statute concerning theft and criminal mischief to
13 include grave robbing.

ASSEMBLY, No. 1773

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 26, 1998

Sponsored by:

Assemblyman PAUL DIGAETANO
District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Upgrades criminal offenses of grave robbing and unlawfully entering a tomb.

CURRENT VERSION OF TEXT

As introduced.



A1773 DIGAETANO

2

1 AN ACT concerning grave robbing and amending N.J.S.2C:33-9 and
2 N.J.S.2C:18-2.

3

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

6

7 1. N.J.S.2C:33-9 is amended to read as follows:

8 2C:33-9. a. A person commits a disorderly persons offense if he
9 purposely desecrates any public monument, insignia, symbol, or
10 structure, or place of worship or burial. "Desecrate" means defacing,
11 damaging or polluting.

12 b. A person commits a crime of the third degree if he enters a place
13 of burial and desecrates or steals a dead body interred therein.

14 (cf: P.L.1978, c.95, s.2C:33-9)

15

16 2. N.J.S.2C:18-2 is amended to read as follows:

17 2C:18-2. a. Burglary defined. A person is guilty of burglary if,
18 with purpose to commit an offense therein he:

19 (1) Enters a research facility, structure, or a separately secured or
20 occupied portion thereof unless the structure was at the time open to
21 the public or the actor is licensed or privileged to enter; or

22 (2) Surreptitiously remains in a research facility, structure, or a
23 separately secured or occupied portion thereof knowing that he is not
24 licensed or privileged to do so.

25 b. Grading. Burglary is a crime of the second degree if the actor
26 enters a tomb, mausoleum, vault, crypt or other structure intended to
27 hold or contain dead bodies, or if, in the course of committing the
28 offense, the actor:

29 (1) Purposely, knowingly or recklessly inflicts, attempts to inflict
30 or threatens to inflict bodily injury on anyone; or

31 (2) Is armed with or displays what appear to be explosives or a
32 deadly weapon.

33 Otherwise burglary is a crime of the third degree. An act shall be
34 deemed "in the course of committing" an offense if it occurs in an
35 attempt to commit an offense or in immediate flight after the attempt
36 or commission.

37 (cf: P.L.1995,c.20,s.3)

38

39 3. This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 STATEMENT

2 This bill would upgrade the offense of grave robbing. Currently, a
3 person who desecrates a dead body in a place of burial or steals a dead
4 body from a place of burial can be charged only with the disorderly
5 persons offenses of Criminal Mischief, N.J.S.A.2C:17-3, or
6 Desecration of Venerated Objects, N.J.S.A.2C:33-9. A disorderly
7 persons offense is punishable by a term of imprisonment of up to six
8 months or a fine of up to \$1,000 or both.

9 Under the bill, a person who commits this hideous act would be
10 guilty of a crime of the third degree. A crime of the third degree is
11 punishable by a term of imprisonment of up to three to five years, a
12 fine of up to \$15,000, or both.

13 In addition, the bill would make it a crime of the second degree to
14 unlawfully enter a tomb with purpose to commit an offense therein.
15 Under the bill, the crime of burglary would be a crime of the second
16 degree if the person enters a tomb, mausoleum, vault, crypt or other
17 structure intended to hold or contain dead bodies. A crime of the
18 second degree is punishable by a term of imprisonment of up to five to
19 10 years, or a fine of up to \$150,000, or both.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1773

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 4, 1998

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1773.

This bill would amend the burglary statute to include grave robbing. Under the provisions of the bill, a person would be guilty of the second degree crime of burglary if that person enters a tomb, mausoleum, vault, crypt, underground interment or other structure intended to hold or contain dead bodies with the purpose to desecrate or steal a dead body or portion thereof interred therein. A crime of the second degree is punishable by a term of imprisonment of 5 to 10 years, a minimum fine of \$150,000.00, or both.

The committee amendments omit section 1 of the bill which would have amended the disorderly persons offense of Desecration of Venerated Objects, N.J.S.A.2C:33-9. That section was considered to be unnecessary to change in light of the clarifying amendments in section 2 of the bill amending the burglary statute by adding language concerning the purpose to desecrate or steal a dead body. The bill in its original form only required the entering of the tomb or other place of burial. The disorderly persons offense of N.J.S.A.2C:33-9 is available for situations in which persons knock down burial markers or commit other acts of desecration which do not involve entering the grave or tomb.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1773

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1998

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 1773 (1R).

This bill would amend the burglary statute to include grave robbing. Under the provisions of the bill, a person would be guilty of second degree burglary if that person enters a tomb, mausoleum, vault, crypt, underground interment or other structure intended to hold or contain dead bodies with the purpose to desecrate or steal a dead body or portion thereof interred in that structure. A crime of the second degree is punishable by a term of imprisonment of five to 10 years, a minimum fine of \$150,000, or both.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1773

with Senate Floor Amendments
(Proposed By Senator BUCCO)

ADOPTED: OCTOBER 22, 1998

Assembly Bill No. 1773 (1R), as amended and released by the Assembly Judiciary Committee, would have amended the burglary statute to include grave robbing.

Under these Senate amendments, a person who tampers with a grave, crypt, mausoleum or other site where human remains are stored or interred, with the purpose to desecrate, destroy or steal such human remains or any part thereof, would be guilty of third degree criminal mischief. A crime of the the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The amendments also provide that grave robbing would constitute second degree theft if the property stolen is human remains or any part thereof. A crime of the second degree is punishable by five to ten years imprisonment, a fine of up to \$150,000, or both.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Gene Herman
609-777-2600

RELEASE: January 25, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

S-452, sponsored by Senators Wynona M. Lipman (D-Essex/Union) and Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Assembly Members Tom Smith (R-Monmouth) and John E. Rooney (R-Bergen), appropriates \$90,000 and establishes a "Fost-Adopt Demonstration Program for Boarder Babies and Children" in the Division of Youth and Family Services in the Department of Human Services. Initially, the program will be established in Essex County to support the DHS existing efforts with federal funding in that county, and expire two years after its enactment. Within six months of the expiration of the program, the commissioner of DHS must report to the Governor regarding the effectiveness of the demonstration program and make recommendations for a state-wide expansion, as appropriate.

S-1176, sponsored by Senators Robert J. Martin (R-Essex/Morris/Passaic) and Byron M. Baer (D-Bergen), provides for the certification of public school athletic trainers by the Department of Education. The bill grandfatheres school athletic trainers appointed prior to the effective date of the act from the certification requirements. The bill also provides that school athletic trainers are teaching staff members and that as such are entitled to tenure protection under current statute.

S-1543, sponsored by Senators William L. Gormley (R-Atlantic) and John A. Lynch (D-Middlesex/Somerset/Union) and Assembly Member David C. Russo (R-Bergen/Passaic), amends current law to provide that all employees of the of the State Commission of Investigation (SCI) shall be confidential employees for the purposes of the New Jersey Employer-Employe Relations Act. Under the provisions of that act, confidential employees are not eligible to organize into collective bargaining units.

S-1679, sponsored by Senators Henry P. McNamara (R-Bergen/Passaic) and Joseph F. Vitale (D-Middlesex) and Assembly Member Steve Corodemus (R-Monmouth), amends the Underground Storage Tank Financing Act to clarify that conditional hardship grants for owners or operators of underground storage tanks used to store heating oil at the applicant's primary residence shall not be repaid. The act currently requires that residential homeowners obtaining conditional hardship grants pay them back to the Economic Development Authority. The bill also increases the amount of the Corporate Business Tax allocated for underground storage tank remediation from 10 percent to one-third. Furthermore, there would be no limitation on the percentage of funds to be used as grants between January 1, 1999 and March 31, 2000.

A-148, sponsored Assembly Members Christopher "Kip" Bateman (R- Morris) and Wilfredo Caraballo (D-Essex), revises and codifies certain criminal laws. The bill implements a number of recommendations made by the New Jersey Law Revision Commission, which was established to review New Jersey laws to correct inconsistent statutes, and to update obsolete statutes. The bill addresses anomalies left in the law following the enactment of the Criminal Code in 1979 and the Comprehensive Drug Reform Act in 1986. Specifically, the legislation places various criminal provisions, which were previously found in Titles 2A and 24 of the New Jersey Statutes, in Title 2 C, thereby making them part of the New Jersey Criminal Code. It also repeals sections of the Sunday closing laws and recodifies those provisions in Title 40A of the New Jersey Statutes, which deals with counties and municipalities. Lastly, the bill repeals various provisions that are obsolete or superseded by other provisions in the law.

A-808, sponsored by Assembly Members Charlotte Vandervalk (R- Bergen) and John E. Rooney (R-Bergen) and Senator William E. Schluter (R-Warren/Hunterdon), establishes the Office of Disability Services (ODS) in the Department of Human Services (DHS). Specifically, the office shall: (1) operate a toll-free telephone service to provide a comprehensive information and referral system; (2) operate as the state-level coordinating body between all state agencies providing services to persons with disabilities; (3) serve as the primary liaison within state government to the county offices for the disabled; (4) work with those counties which do not maintain an office for the disabled to establish such an office; and (5) administer the personal assistance services program in DHS and seek to coordinate all publicly-funded programs which provide personal assistance or other home-based services to persons with disabilities. The bill further requires the commissioner of the DHS to establish an advisory and policy development board to make recommendations to the director of the ODS.

A-974, sponsored by Assembly Members Kenneth C. LeFevre (R- Atlantic) and Francis J. Blee (R-Atlantic) and Senator Robert W. Singer (R-Burlington/Monmouth/Ocean) and Martha W. Bark (R-Atlantic/Burlington/Camden), requires the Division of Taxation to allow income tax filers to make voluntary contributions to the Korean Veterans' Memorial Fund. Revenue generated by these contributions will be used to help finance the construction and maintenance of a memorial to Korean War veterans, which will be built in Atlantic City.

A-1441, sponsored by Assembly Members Jack Collins (R-Salem/Cumberland/Gloucester) and Gary W. Stuhltrager (R- Salem/Cumberland/Gloucester), defines who may qualify as a farmer for the purpose of obtaining a fee exemption provided to farmers and their close relatives for deer-hunting permits. The bill extends the permit fee exemption to both resident and non-resident farmers who own or lease their farms, as well as their spouses and children who reside in their households. No more than five permits in total shall be issued for each household. The bill defines a farmer eligible for the permit fee exemption as one who owns or leases a farm on which that person resides that is valued, assessed and taxed as land actively devoted to agricultural or horticultural use pursuant to the Farmland Assessment Act of 1964. If the farmer does not reside

on the farm he owns or leases, to qualify for the exemption, the bill requires that the person actively farm at least 30 tilled, non-woodland acres and the farm.

A-1635, sponsored by Assembly Members Joel M. Weingarten (R- Essex/Union) and Kevin J. O'Toole (R-Essex/Union) and Senator Anthony R. Bucco (R-Morris), simplifies employer reporting and payment of gross income tax withholding and wages for household workers. The bill streamlines the process by allowing employers to report and remit annually to the Division of Revenue, on a combined basis, both (1) gross income tax withheld, and (2) wage taxes. The annual reporting and payment requirement will replace the current more burdensome law which required several reports and payments each year for both gross income tax withheld and wage taxes.

A-1773, sponsored by Assembly Member Paul DiGaetano (R- Bergen/Essex/Passaic), amends the criminal statute concerning theft and criminal mischief to make the offense of tampering with a grave, crypt, mausoleum or other site where human remains are stored a third-degree crime punishable by a three-to-five-year term of imprisonment or a fine of \$15,000 or both. The bill also amends the theft statute to include the theft of human remains as a crime of the second degree. A second-degree crime is punishable by a term of imprisonment of five to ten years or a fine of \$10,000 or both.

A-2306, sponsored by Assembly Members Paul DiGaetano (R- Bergen/Essex/Passaic) and Joseph V. Doria (D-Hudson) and Senator Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union), allows elected officials to retire from the Police and Firemen's Retirement System (PFRS) and remain in office if retirement allowance is not based solely on that service. Under current law, elected officials who are members of Public Employees' Retirement System (PERS) are allowed to retire from PERS and remain in the office to which they are elected so long as the PERS retirement allowance is not based solely on service in that elected office. This means that the elected official is entitled to retire from PERS and collect a pension while receiving a salary as an elected official as long as the pension is not based solely on service in that elected office. On the other hand, elected officials enrolled in PFRS are not allowed to retire from PFRS and collect a pension while receiving a salary in that elected office. This bill addresses the disparity by offering elected officials enrolled in PFRS the same option currently provided to elected officials enrolled in PERS.

A-2536, sponsored by Assembly Members Francis J. Blee (R-Atlantic) and Kenneth C. LeFevre (R-Atlantic) and Senator William L. Gormley (R-Atlantic), authorizes the state treasurer to sell certain surplus property in Galloway Township, Atlantic County and to grant certain easements for access to such property. The bill authorizes the treasurer, on behalf of Richard Stockton College of New Jersey to (1) sell land and improvements used as the colleges' potable water supply, treatment, storage and distribution system (specifically including five-plus acres of land, two wells, the treatment and pumping plant, the storage tank and distribution system); (2) grant permanent easements for the operation, maintenance and repair of the land and property and for any future system expansion; and (3) provide for the transfer of the water allocation diversion permit issued by the Department of Environmental Protection and held by the college for the operation

of the two wells. The sale, easements and transfer will be made to the New Jersey American Water Company. The anticipated \$2 million in proceeds will be retained in a special account for allocation to Stockton College.

A-2921, sponsored by Assembly Members Richard H. Bagger (R- Middlesex/Morris/Somerset /Union) and Joseph Charles, Jr. (D-Hudson) and Senators Robert E. Littell (R-Sussex/Hunterdon/Morris) and Bernard F. Kenny, Jr. (D- Hudson), permits informational displays of appropriations within the annual appropriations act. The bill will allow the act to incorporate charts or displays summarizing the various appropriations. It is anticipated that such a chart would be included along with each department's budget section.