

2C.1-6 ET AL

LEGISLATIVE HISTORY CHECKLIST

2C:1-6; 18A:7A-3;  
19:5-3; 24:21-27; 26:2H-2; 30:4C-2;  
39:3-10; 39:3-13; 40A:4-53; 40A:14-70; (Statutes--various--technical amendments)  
NJSA 48:4-1; 54:32B-3; 54:32B-8.1 to 54:32B-8.33; Repeals 54:32B-8.58

LAWS 1980

CHAPTER 105

Bill No. S1219

FOR ATTACHMENTS

Sponsor(s) Merlino

SEE 2C:1-6

Date Introduced April 17, 1980

Committee: Assembly \_\_\_\_\_

Senate \_\_\_\_\_

Amended during passage  Yes  No

Date of Passage: Assembly June 12, 1980

Senate May 5, 1980

Date of approval Sept. 11, 1980

Following statements are attached if available:

Sponsor statement  Yes  No

Committee Statement: Assembly  Yes  No

Senate  Yes  No

Fiscal Note  Yes  No

Veto Message  Yes  No

Message on signing  Yes  No

Following were printed:

Reports  Yes  No

Hearings  Yes  No

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CHAPTER 105  
APPROVED 9-11-80

SENATE, No. 1219

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1980

By Senator MERLINO

(Without Reference)

AN ACT to revise and correct certain statutes.

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

1 1. N. J. S. 2C:1-6 is amended to read as follows:

2 2C:1-6. Time Limitations. a. A prosecution for murder may be  
3 commenced at any time.

4 b. Except as otherwise provided in this section, prosecutions for  
5 other offenses are subject to the following periods of limitations:

6 (1) A prosecution for a crime must be commenced within 5 years  
7 after it is committed;

8 (2) A prosecution for a disorderly persons offense or petty  
9 disorderly persons offense must be commenced within 1 year after  
10 it is committed.

11 (3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4,  
12 2C:27-6, 2C:27-7, **[2C:27-8,]** 2C:29-4, 2C:30-1, 2C:30-2, 2C:30-3,  
13 or any attempt or conspiracy to commit such an offense, must  
14 be commenced within 7 years after the commission of the offense.

15 c. An offense is committed either when every element occurs or,  
16 if a legislative purpose to prohibit a continuing course of conduct  
17 plainly appears, at the time when the course of conduct or the  
18 defendant's complicity therein is terminated. Time starts to run  
19 on the day after the offense is committed.

20 d. A prosecution is commenced for a crime when an indictment  
21 is found and for a nonindictable offense when a warrant or other  
22 process is issued, provided that such warrant or process is executed  
23 without unreasonable delay. Nothing contained in this section, how-  
24 ever, shall be deemed to prohibit the downgrading of an indictable  
25 offense to a nonindictable offense at any time if the indictable  
26 offense was filed within the statute of limitations applicable to in-  
27 dictable offenses.

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

28 e. The period of limitation does not run during any time when  
29 a prosecution against the accused for the same conduct is pending  
30 in this State.

31 f. The limitations in this section shall not apply to any person  
32 fleeing from justice.

33 g. Except as otherwise provided in this code, no civil action shall  
34 be brought pursuant to this code more than 5 years after such  
35 **[actions]** *action* accrues.

1 2. Section 3 of P. L. 1975, c. 212 (C. 18A:7A-3) is amended to  
2 read as follows:

3 3. For the purposes of this act, unless the context clearly requires  
4 a different meaning:

5 "Administrative order" means a written directive ordering  
6 specific corrective action by a district which has shown insufficient  
7 educational progress within a reasonable period of time in meeting  
8 goals and standards.

9 "Approved special class pupil" means a pupil enrolled in any  
10 class for atypical pupils pursuant to chapter 46 of Title 18A of the  
11 New Jersey Statutes.

12 "Approved special education services pupil" means a pupil re-  
13 ceiving specific services pursuant to chapter 46 of Title 18A of  
14 the New Jersey Statutes but excluding pupils attending county  
15 special services school districts.

16 "Bilingual education pupil" means a pupil enrolled in a program  
17 of bilingual education approved by the State board.

18 "Budgeted capital outlay" means those capital outlay expendi-  
19 tures that are included in the annual school budget.

20 "Categorical programs" means those programs and services  
21 recognized in this act as requiring per pupil expenditures over and  
22 above those applicable to regular programs, as provided in section  
23 20 of this act.

24 "Current expense" means all expenses of the school district, as  
25 enumerated in N. J. S. 18A:22-8, other than those required for  
26 interest and debt redemption charges and any budgeted capital  
27 project.

28 "Debt service" means and includes payments of principal and  
29 interest upon school bonds and other obligations issued to finance  
30 the acquisition of school sites and the acquisition, construction or  
31 reconstruction of school buildings, including furnishings, equipment  
32 and the costs of issuance of such obligations and shall include pay-  
33 ments of principal and interest upon bonds heretofore issued to  
34 fund or refund such obligations, and upon municipal bonds and  
35 other obligations which the commissioner approves as having been

36 issued for such purposes. Debt service pursuant to the provisions  
37 of P. L. 1971, c. 10 (C. 18A:58-33.6 et seq.) and P. L. 1968, c. 177  
38 (C. 18A:33.2 et seq.) is excluded.

39 "District equalized valuation per pupil" means the quotient re-  
40 sulting from dividing the total equalized valuations in the school  
41 district by the resident enrollment of the district; provided that in  
42 the determination of the equalized valuation per pupil of a county  
43 vocational school the total equalized valuations in the county shall  
44 be divided by the total resident enrollment in all school districts  
45 of the county to obtain the county vocational school equalized valua-  
46 tion per pupil.

47 "Equalized valuations" means the equalized valuation of the  
48 taxing district or taxing districts as certified by the Director of  
49 the Division of Taxation on October 1 of the pre-budget year.

50 With respect to regional districts and their constituent districts,  
51 however, the equalized valuations as described above shall be  
52 allocated among the regional and constituent districts in proportion  
53 to the number of pupils in each of them.

54 "Evening school pupils" means the equated full-time resident  
55 enrollment of pupils enrolled in an accredited evening high school,  
56 an evening vocational high school, and in other evening schools  
57 except schools offering programs for self-improvement and social  
58 enrichment.

59 "Goals" means a written statement of educational aspirations  
60 for learner achievement and the educational process stated in  
61 general terms.

62 "Guaranteed valuation per pupil" means the product, rounded  
63 to the nearest dollar, of 1.344 times the State average valuation  
64 per pupil for the year in which the calculation of aid is made.

65 "Joint Committee on the Public Schools" means the committee  
66 created pursuant to P. L. 1975, c. 16 (C. 52:9R-1 et seq.).

67 "Local vocational pupils" means the full-time equivalent of  
68 pupils enrolled in approved categorical vocational programs in  
69 school districts designated as local area vocational school districts.

70 "Minimum aid guaranteed valuation per pupil" means the  
71 product, rounded to the nearest whole dollar, of 11.5 times the  
72 State average equalized valuation per pupil for the year in which  
73 the calculation of aid is made.

74 "Needs assessment" means a written analysis of the current  
75 status of an educational system in terms of achieving its goals.

76 "Net current expense budget" means the balance after deduct-  
77 ing (1) State support for categorical programs pursuant to section  
78 20 of this act, (2) the difference between the transportation amount

79 in the current expense budget and 10% of the estimated approved  
80 transportation amount, and (3) all other revenue in the current  
81 expense budget except the amount to be raised by local taxation,  
82 equalization State support, the State support for approved trans-  
83 portation.

84 "Net current expenses per pupil" means the quotient resulting  
85 from dividing the net current expense budget by the resident  
86 enrollment.

87 "Net debt service and budgeted capital outlay" means the  
88 balance after deducting all revenues from the school debt service  
89 and budgeted capital outlay budgets of the school district and the  
90 school debt service amount included in the municipal budget, except  
91 the amount to be raised by local taxation and State support.

92 "Objective" means a written statement of the intended outcome  
93 of a specific educational process.

94 "Pre-budget year" means the school year preceding the year in  
95 which the school budget will be implemented.

96 "Resident enrollment" means the number of pupils who are resi-  
97 dent of the district and are enrolled in day or approved evening  
98 schools on the last school day of September of the pre-budget year  
99 and are attending: (1) the public schools of the district; (2)  
100 another school district or a State college demonstration school  
101 to which the district of residence pays tuition; or (3) a State  
102 facility; provided that a district shall count pupils regularly attend-  
103 ing both the schools of the district and of a county vocational school  
104 in the same county on an equated full-time basis.

105 "Standards" means the process and stated levels of proficiency  
106 used in determining the extent to which goals and objectives are  
107 being met.

108 "State average net current expense budget per pupil" means  
109 the quotient resulting from dividing the total net current expense  
110 budget of all districts in the State by the total resident enrollment  
111 in the State.

112 "State average valuation per pupil" means the quotient result-  
113 ing from dividing the total equalized valuations in the State as  
114 certified by the Director of the Division of Taxation on October 1  
115 by the total resident enrollment in the State. In the event that the  
116 equalized table certified by the Director of the Division of Taxation  
117 shall be revised by the [Division of Tax Appeals] *Tax Court* on or  
118 before January 30 of the next succeeding year, such revised valua-  
119 tion shall be used in any recomputation of aid for an individual  
120 district filing such appeal but will have no effect upon the State  
121 average valuation per pupil.

122 "State compensatory education pupil" means a pupil who is en-  
123 rolled in preventive and remedial programs *offered during the*  
124 *normal school day, or in programs offered beyond the normal*  
125 *school day or during summer vacation, which are integrated and*  
126 *coordinated with programs operated during the regular school day*  
127 *and year. Said programs shall be approved by the State board,*  
128 supplemental to the regular programs and designed to assist pupils  
129 who have academic, social, economic or environmental needs that  
130 prevent them from succeeding in regular school programs.

130A "State facility" means a State residential facility for the re-  
131 tarded; a day training center which is operated by or under  
132 contract with the State and in which all the children have been  
133 placed by the State; a State residential youth center; a State train-  
134 ing school or correctional facility; a State child treatment center  
135 or psychiatric hospital.

136 "State support limit" means the sixty-fifth percentile net current  
137 expense budget per pupil for the prebudget year when all district  
138 figures are ranked from low to high. The State support limit shall  
139 be calculated and applied separately for (a) limited purpose re-  
140 gional districts offering grades 9 through 12, (b) limited purpose  
141 regional districts offering grades 7 through 12, provided, however,  
142 that the figure used for such districts shall be not less than 90%  
143 of the sixty-fifth percentile for limited purpose regional districts  
144 offering grades 9 through 12, (c) constituent districts of limited  
145 purpose regional districts offering grades 9 through 12, (d) con-  
146 stituent districts of limited purpose regional districts offering  
147 grades 7 through 12, provided, however, that the figure used for  
148 such districts shall be not less than 90% of the sixty-fifth percentile  
149 for constituent districts of limited purpose regional districts offer-  
150 ing grades 9 through 12, and (e) all other districts.

1 3. R. S. 19:5-3 is amended to read as follows:

2 19:5-3. The members of the county committees of political par-  
3 ties shall be elected annually at the primary for the general elec-  
4 tion in the manner provided in this Title for the selection of party  
5 candidates to be voted for at the general election by voters of a  
6 municipality. The county committee shall consist of one male and  
7 one female member from each unit of representation in the county.  
8 The male receiving the highest number of votes among the male  
9 candidates and the female receiving the highest number of votes  
10 among the female candidates shall be declared elected. Members  
11 of the county committee shall actually reside in the districts or units  
12 which they respectively represent. The county committee shall de-

13 termine by its bylaws the units into which the county shall be  
14 divided for purpose of representation in the county committee.

15 The members of the county committee of each of the political  
16 parties shall take office on the first Saturday following their elec-  
17 tion, on which day the terms of all members of such committees  
18 theretofore elected shall terminate. The annual meeting of each  
19 county committee shall be held on the first Tuesday following the  
20 primary election, except that when such meeting day falls on a  
21 legal holiday then the said meeting shall be held on the day follow-  
22 ing, *and when such meeting day falls on the day of a municipal*  
23 *runoff election within the county then said meeting may be held on*  
24 *the day following*, at an hour and place to be designated in a notice  
25 in writing to be mailed by the chairman of the outgoing county com-  
26 mittee to each member-elect, at which annual meeting the members  
27 of such committee shall elect some suitable person as chairman  
28 who shall be a resident of such county to hold office for 1 year, or  
29 until his successor is elected. The members shall also elect a vice-  
30 chairman of the opposite sex of the chairman to hold office for 1 year  
31 or until his or her successor is elected and the vice-chairman shall  
32 perform all duties required of him or her by law and the constitution  
33 and bylaws of such committee. Such committee shall have power  
34 to adopt a constitution and bylaws for its proper government. The  
35 chairman shall preside at all meetings of the committee and shall  
36 perform all duties required of him by law and the constitution and  
37 bylaws of such committee.

38 When a member of a county committee ceases to be a resident  
39 of the district or unit from which elected, a vacancy on the county  
40 committee shall exist. A member of a county committee of any  
41 political party may resign his office to the committee of which he  
42 is a member, and upon acceptance thereof by the committee a  
43 vacancy shall exist. A vacancy in the office of a member of the  
44 county committee of any political party, caused by death, resigna-  
45 tion, failure to elect or otherwise, shall be filled for the unexpired  
46 term by the municipal committee of the municipality wherein the  
47 vacancy occurs, if there is such committee, and if not, by the  
48 remaining members of the county committee of such political party  
49 representing the territory in the county in which such vacancy  
50 occurs.

51 The chairman of the county committee of the several political  
52 parties shall before April 1, certify to the clerk of each municipality  
53 in the county the unit of representation in such municipality, to-  
54 gether with the enumeration of the election district or districts  
55 embraced within such unit.

1 4. Section 27 of P. L. 1970, c. 226 (C. 24:21-27) is amended to  
2 read as follows :

3 27. Conditional discharge for certain first offenses; expunging  
4 of records. a. Whenever any person who has not previously been  
5 convicted of any offense under the provisions of this act or, sub-  
6 sequent to the effective date of this act, under any law of the United  
7 States, this State or of any other state, relating to narcotic drugs,  
8 marihuana, or stimulant, depressant, or hallucinogenic drugs, is  
9 charged with or convicted of any offense under section 20 (C.  
10 24:21-20), the court, upon notice to the prosecutor and subject to  
11 subsection c. of *this* section [20], may on motion of the defendant or  
12 the court:

13 (1) Suspend further proceedings and with the consent of such  
14 person after reference to the Controlled Dangerous Substances  
15 Registry, as established and defined in the Controlled Dangerous  
16 Substances Registry Act of 1970, place him under supervisory  
17 treatment upon such reasonable terms and conditions as it may  
18 require; or

19 (2) After plea of guilt or finding of guilt, and without entering  
20 a judgment of conviction, and with the consent of such person after  
21 proper reference to the Controlled Dangerous Substances Registry  
22 as established and defined in the Controlled Dangerous Substances  
23 Registry Act of 1970, place him on supervisory treatment upon  
24 such reasonable terms and conditions as it may require, or as other-  
25 wise provided by law.

26 b. In no event shall the court require as a term or condition of  
27 supervisory treatment under this section, referral to any residential  
28 treatment facility for a period exceeding the maximum period of  
29 confinement prescribed by law for the offense for which the in-  
30 dividual has been charged or convicted, nor shall any term of  
31 supervisory treatment imposed under this subsection exceed a  
32 period of 3 years. Upon violation of a term or condition of super-  
33 visory treatment the court may enter a judgment of conviction and  
34 proceed as otherwise provided, or where there has been no plea of  
35 guilt or finding of guilt, resume proceedings. Upon fulfillment of  
36 the terms and conditions of supervisory treatment the court shall  
37 terminate the supervisory treatment and dismiss the proceedings  
38 against him. Termination of supervisory treatment and dismissal  
39 under this section shall be without court adjudication of guilt and  
40 shall not be deemed a conviction for purposes of disqualifications  
41 or disabilities, if any, imposed by law upon conviction of a crime  
42 or disorderly persons offense but shall be reported by the clerk of



43 the court pursuant to the Controlled Dangerous Substances Regis-  
44 try Act. Termination of supervisory treatment and dismissal under  
45 this section may occur only once with respect to any person. Im-  
46 position of supervisory treatment under this section shall not be  
47 deemed a conviction for the purposes of determining whether a  
48 second or subsequent offense has occurred under section 29 (C.  
49 24:21-29) of this act or any law of this State.

50 c. Proceedings under this section shall not be available to any  
51 defendant unless the court in its discretion concludes that:

52 (1) The defendant's continued presence in the community, or in  
53 a civil treatment center or program, will not pose a danger to the  
54 community; or

55 (2) That the terms and conditions of supervisory treatment will  
56 be adequate to protect the public and will benefit the defendant by  
57 serving to correct any dependence on or use of controlled substances  
58 which he may manifest.

1 5. Section 2 of P. L. 1971, c. 136 (C. 26:2H-2) is amended to  
2 read as follows:

3 2. The following words or phrases, as used in this act, shall  
4 have the following meanings, unless the context otherwise requires:

5 a. "Health care facility" means the facility or institution  
6 whether public or private, engaged principally in providing services  
7 for health maintenance organizations, diagnosis or treatment of  
8 human disease, pain, injury, deformity or physical condition, in-  
9 cluding, but not limited to, a general hospital, special hospital,  
10 mental hospital, public health center, diagnostic center, treatment  
11 center, rehabilitation center, extended care facility, skilled nursing  
12 home, nursing home, intermediate care facility, tuberculosis hos-  
13 pital, chronic disease hospital, maternity hospital, outpatient clinic,  
14 dispensary, home health care agency, residential health care facility  
15 and bioanalytical laboratory (*except as specifically excluded here-*  
16 *under*) or central services facility serving one or more such institu-  
17 tions but excluding institutions that provide healing solely by  
18 prayer *and excluding such bioanalytical laboratories as are inde-*  
19 *pendently owned and operated, and are not owned, operated, man-*  
20 *aged or controlled, in whole or in part, directly or indirectly by any*  
21 *one or more health care facilities, and the predominant source of*  
22 *business of which is not by contract with health care facilities within*  
23 *the State of New Jersey and which solicit or accept specimens and*  
24 *operate predominantly in interstate commerce.*

25 b. "Health care service" means the preadmission, outpatient,  
26 inpatient and postdischarge care provided in or by a health care

27 facility, and such other items or services as are necessary for such  
28 care, which are provided by or under the supervision of a physician  
29 for the purpose of health maintenance organizations, diagnosis or  
30 treatment of human disease, pain, injury, disability, deformity or  
31 physical condition, including, but not limited to, nursing service,  
32 home care nursing and other paramedical service, ambulance ser-  
33 vice, service provided by an intern, resident in training or physician  
34 whose compensation is provided through agreement with a health  
35 care facility, laboratory service, medical social service, drugs, bio-  
36 logicals, supplies, appliances, equipment, bed and board, but exclud-  
37 ing services provided by a physician in his private practice or by  
38 practitioners of healing solely by prayer, and services provided  
39 first aid, rescue and ambulance squads as defined in the "New  
40 Jersey Highway Safety Act of 1971," P. L. 1971, c. 351 (*C. 27:5F-1*  
41 *et seq.*).

42 c. "Construction" means the erection, building, or substantial  
43 acquisition, alteration, reconstruction, improvement, renovation,  
44 extension or modification of a health care facility, including its  
45 equipment, the inspection and supervision thereof; and the studies,  
46 surveys, designs, plans, working drawings, specifications, proce-  
47 dures, and other actions necessary thereto.

48 d. "Board" means the Health Care Administration Board  
49 established pursuant to this act.

50 e. "Commission" means the Hospital Rate Setting Commission  
51 established pursuant to this act.

52 f. "Government agency" means a department, board, bureau,  
53 division, office, agency, public benefit or other corporation, or any  
54 other unit, however described, of the State or political subdivision  
55 thereof.

56 g. "Statewide Health Coordinating Council" means the State-  
57 wide Health Coordinating Council formed under the provisions  
58 of Federal Law 93-641, as amended and supplemented.

59 h. "Health Systems Agency" means an officially recognized  
60 health systems agency formed under the provisions of Federal Law  
61 93-641 as amended and supplemented.

62 i. "Department" means the State Department of Health.

63 j. "Commissioner" means the State Commissioner of Health.

64 k. "Preliminary cost base" means that proportion of a hospi-  
65 tal's current cost which may reasonably be required to be reim-  
66 bursed to a properly utilized hospital for the efficient and effective  
67 delivery of appropriate and necessary health care services of high  
68 quality required by such hospital's mix of patients. The pre-

69 liminary cost base initially may include costs identified by the  
70 commissioner and approved or adjusted by the commission as being  
71 in excess of that proportion of a hospital's current costs identified  
72 above, which excess costs shall be eliminated in a timely and  
73 reasonable manner prior to certification of the revenue base. The  
74 preliminary cost base shall be established in accordance with regu-  
75 lations proposed by the commissioner and approved by the board.

76 l. "Certified revenue base" means the preliminary cost base  
77 adjusted by the commission, as appropriate and necessary pursuant  
78 to regulations proposed by the commissioner and approved by the  
79 board, to provide for the financial solvency of a hospital which is  
80 properly utilized and which delivers, effectively and efficiently,  
81 appropriate and necessary health care services of a high quality  
82 required by its mix of patients.

83 m. "Provider of health care" means an individual (1) who is  
84 a direct provider of health care service in that the individual's  
85 primary activity is the provision of health care services to indi-  
86 viduals or the administration of health care facilities in which such  
87 care is provided and, when required by State law, the individual  
88 has received professional training in the provisions of such services  
89 or in such administration and is licensed or certified for such pro-  
90 vision or administration; or (2) who is an indirect provider of  
91 health care in that the individual (a) holds a fiduciary position with,  
92 or has a fiduciary interest in, any entity described in subparagraph  
93 b (ii) or subparagraph b (iv); provided, however, that a member  
94 of the governing body of a county or any elected official shall not be  
95 deemed to be a provider of health care unless he is a member of the  
96 board of trustees of a health care facility or a member of a board,  
97 committee or body with authority similar to that of a board of  
98 trustees, or unless he participates in the direct administration of  
99 a health care facility; or (b) received, either directly or through  
100 his spouse, more than one-tenth of his gross annual income for  
101 any one or more of the following:

102 (i) Fees or other compensation for research into or instruc-  
103 tion in the provision of health care services;

104 (ii) Entities engaged in the provision of health care services  
105 or in research or instruction in the provision of health care  
106 services;

107 (iii) Producing or supplying drugs or other articles for in-  
108 dividuals or entities for use in the provision of or in research  
109 into or instruction in the provision of health care services;

110 (iv) Entities engaged in producing drugs or such other  
111 articles.

112 n. "Private long-term health care facility" means a nursing  
113 home, skilled nursing home or intermediate care facility presently  
114 in operation and licensed as such prior to the adoption of the 1967  
115 Life Safety Code by the State Department of Health in 1972 and  
116 which has a maximum 50-bed capacity and which does not accom-  
117 modate Medicare or Medicaid patients.

1 6. Section 2 of P. L. 1951, c. 138 (C. 30:4C-2) is amended to read  
2 as follows:

3 2. For the purposes of this act the following words and terms  
4 shall, unless otherwise indicated, be deemed and taken to have the  
5 meanings herein given to them:

6 (a) The title "Division of Youth and Family Services" successor  
7 to the "Bureau of Childrens Services" means the State agency for  
8 the care, custody, guardianship, maintenance and protection of  
9 children, as more specifically described by the provisions of this  
10 act, and succeeding the agency heretofore variously designated by  
11 the laws of this State as the State Board of Child Welfare or the  
12 State Board of Children's Guardians.

13 (b) The word "child" includes stepchild and illegitimate child,  
14 and further means any person under the age of 18 years.

15 (c) The term "care" means cognizance of a child for the pur-  
16 pose of providing necessary welfare services, or maintenance, or  
17 both.

18 (d) The term "custody" means continuing responsibility for  
19 the person of a child, as established by a surrender and release of  
20 custody or consent to adoption, for the purpose of providing  
21 necessary welfare services, or maintenance, or both.

22 (e) The term "guardianship" means control over the person  
23 and property of a child as established by the order of a court of  
24 competent jurisdiction, and as more specifically defined by the pro-  
25 visions of this act. Guardianship by the Division of Youth and  
26 Family Services shall be treated as guardianship by the Commis-  
27 sioner of Human Services exercised on his behalf wholly by and  
28 in the name of the Division of Youth and Family Services, acting  
29 through the chief executive officer of the division or his authorized  
30 representative. Such exercise of guardianship by the division shall  
31 be at all times and in all respects subject to the supervision of the  
32 commissioner.

33 (f) The term "maintenance" means moneys expended by the  
34 Division of Youth and Family Services to procure board, lodging,

35 clothing, medical, dental, and hospital care, or any other similar  
36 or specialized commodity or service furnished to, on behalf of, or  
37 for a child pursuant to the provisions of this act; *maintenance*  
38 *also includes but is not limited to moneys expended for shelter,*  
39 *utilities, food, repairs, essential household equipment, and other*  
40 *expenditures to remedy situations of an emergent nature to permit,*  
41 *as far as practicable, children to continue to live with their families.*

42 (g) The term "welfare services" means consultation, counseling,  
43 and referral to or utilization of available resources, for the purpose  
44 of determining and correcting or adjusting matters and circum-  
45 stances which are endangering the welfare of a child, and for the  
46 purpose of promoting his proper development and adjustment in  
47 the family and the community.

48 (h) The term "foster parent" means any person other than a  
49 natural or adoptive parent with whom a child in the care, custody  
50 or guardianship of the Division of Youth and Family Services is  
51 placed by said division, or with its approval, for temporary or  
52 long-term care, but shall not include any persons with whom a child  
53 is placed for the purpose of adoption.

54 (i) The term "foster home" means and includes private resi-  
55 dences, group homes and institutions wherein any child in the  
56 care, custody or guardianship of the Division of Youth and Family  
57 Services may be placed by the said division or with its approval  
58 for temporary or long-term care, and shall include any private  
59 residence maintained by persons with whom any such child is  
60 placed for adoption.

61 (j) The singular includes the plural form.

62 (k) The masculine noun and pronoun include the feminine.

63 (l) The word "may" shall be construed to be permissive.

64 (m) The term "group home" means and includes any single  
65 family dwelling used in the placement of 12 children or less pur-  
66 suant to law recognized as a group home by the Department of  
67 Human Services in accordance with rules and regulations adopted  
68 by the Commissioner of Human Services; provided, however,  
69 that no group home shall contain more than 12 children.

70 (n) The term "youth facility" means a facility within this State  
71 used to house or provide services to children under this act, includ-  
72 ing but not limited to group homes, residential facilities, day care  
73 centers, and day treatment centers.

74 (o) The term "youth facility aid" means aid provided by the  
75 Division of Youth and Family Services to public, private or volun-

76 tary agencies to purchase, construct, renovate, repair, upgrade or  
77 otherwise improve a youth facility in consideration for an agree-  
78 ment for the agency to provide residential care, day treatment or  
79 other youth services for children in need of such services.

80 (p) The term "day treatment center" means a facility used to  
81 provide counseling, supplemental educational services, therapy,  
82 and other related services to children for whom it has been deter-  
83 mined that such services are necessary, but is not used to house  
84 these children in a residential setting.

85 (q) The term "residential facility" means a facility used to  
86 house and provide treatment and other related services on a 24-hour  
87 basis to children determined to be in need of such housing and  
88 services.

1 7. R. S. 39:3-10 is amended to read as follows:

2 39:3-10. No person shall drive a motor vehicle on a public high-  
3 way in this State unless licensed to do so in accordance with this  
4 article. No person under 17 years of age shall be licensed to drive  
5 motor vehicles, nor shall a person be licensed until he has passed  
6 a satisfactory examination as to his ability as an operator. The  
7 examination shall include a test of the applicant's vision, his ability  
8 to understand traffic control devices, his knowledge of safe driv-  
9 ing practices, his knowledge of such portions of the mechanism  
10 of motor vehicles as is necessary to insure the safe operation of  
11 a vehicle of the kind or kinds indicated by the applicant and of  
12 the laws and ordinary usages of the road and a demonstration of  
13 his ability to operate a vehicle of the class designated.

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

16 a. Motorcycles;

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

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

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

26 Every applicant for a license under classification b. or c. [must]  
27 shall be a holder of a basic driver's license. Any issuance of a  
28 license under classification b. or c. shall be by endorsement on the  
29 basic driver's license.

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

33 The director, upon payment of the lawful fee and after he or an  
 34 inspector of his has examined the applicant and is satisfied of the  
 35 applicant's ability as an operator, may, in his discretion, license  
 36 the applicant to drive a motor vehicle. The license shall authorize  
 37 him to drive any registered vehicle, of the kind or kinds indicated,  
 38 and shall expire on the last day of the twenty-fourth calendar  
 39 month following the calendar month in which such license was  
 40 issued, provided, however, that in the case of a license bearing a  
 41 photograph of the licensee as provided by law, such license shall  
 42 expire on the last day of the thirty-sixth calendar month following  
 43 the calendar month in which such license was issued. The director  
 44 may, at his discretion and for good cause shown, issue licenses  
 45 which shall expire on a date fixed by him. The fee for such licenses  
 46 shall be fixed by the director in amounts proportionately less or  
 47 greater than the fee herein established.

48 The required fee for a license for the 24-month period shall be  
 49 as follows:

50	Motorcycle license or endorsement . . . . .	\$4.00
51	Omnibus or school bus endorsement . . . . .	\$8.00
52	Articulated vehicle endorsement . . . . .	\$4.00
53	Basic driver's license . . . . .	\$8.00

54 The required fee for a license for the 36 month period shall be  
 55 as follows:

56	Motorcycle license or endorsement . . . . .	\$6.00
57	Omnibus or school bus endorsement . . . . .	\$12.00
58	Articulated vehicle endorsement . . . . .	\$6.00
59	Basic driver's license . . . . .	\$12.00

60 *The director shall waive the payment of fees for issuance of*  
 61 *omnibus endorsements whenever an applicant establishes to the*  
 62 *director's satisfaction that said applicant will use the omnibus en-*  
 63 *dorsement exclusively for operating omnibuses owned by a non-*  
 64 *profit organization duly incorporated under Title 15 or 16 of the*  
 65 *Revised Statutes.*

66 The driver's license shall have the legal name of the licensee  
 67 endorsed thereon in his own handwriting. For purposes of this  
 68 section, legal name shall mean the name recorded on a birth cer-  
 69 tificate unless otherwise changed by marriage, divorce or order of  
 70 court. The director may require that only the legal name be re-  
 71 corded on the driver's license. A licensee who name is changed

72 due to marriage, divorce, or by judgment of the court, shall notify  
73 the director of the change in name within 2 weeks after the change  
74 is made. A person who violates this provision shall be subject to  
75 a penalty of not more than \$10.00.

76 The director shall issue licenses for the following license period  
77 on and after the first day of the calendar month immediately pre-  
78 ceding the commencement of such period, such licenses to be effec-  
79 tive immediately.

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

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

90 A person violating this section shall be subject to a fine not ex-  
91 ceeding \$500.00 or imprisonment in the county jail for not more  
92 than 60 days.

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

1 8. R. S. 39:3-13 is amended to read as follows :

2 39:3-13. The director may, in his discretion, issue to a person  
3 over 17 years of age an examination permit, under the hand and  
4 seal of the director, allowing such person, for the purpose of fitting  
5 himself to become a licensed driver, to operate a designated class  
6 of motor vehicles for a specified period of not more than 90 days,  
7 while in the company and under the supervision of a driver licensed  
8 to operate such designated class of motor vehicles. The permit  
9 shall be sufficient license for the person to operate such designated  
10 class of motor vehicles in this State during the period specified,  
11 while in the company of and under the control of a driver licensed  
12 by this State to operate such designated class of motor vehicles.  
13 Such person, as well as the licensed driver, shall be held accountable  
14 for all violations of this subtitle committed by such person while  
15 in the presence of the licensed driver.

16 No examination for a driver's license shall be given unless the  
17 applicant has first secured a special learner's permit or examina-  
18 tion permit and no road test shall be scheduled for an applicant



19 who has secured an examination permit until at least 20 days shall  
 20 have elapsed following the validation of the examination permit  
 21 for practice driving, except that in the case of an omnibus or school  
 22 bus endorsement no road test shall be scheduled until at least 10  
 23 days shall have elapsed.

24 Every applicant for an examination permit to qualify for an  
 25 omnibus endorsement or an articulated vehicle endorsement **[must]**  
 26 *shall* be a holder of a valid basic driver's license.

27 The required fees for special learners permits and examination  
 28 permits shall be as follows:

29	Basic driver's license	\$5.00
30	Motorcycle license or endorsement	5.00
31	Omnibus or school bus endorsement	25.00
32	Articulated vehicle endorsement	15.00

33 *The director shall waive the payment of fees for issuance of*  
 34 *examination permits for omnibus endorsements whenever the ap-*  
 35 *plicant establishes to the director's satisfaction that said applicant*  
 36 *will use the omnibus endorsement exclusively for operating omni-*  
 37 *buses owned by a nonprofit organization duly incorporated under*  
 38 *Title 15 or 16 of the Revised Statutes.*

39 The specified period for which a permit is issued may be extended  
 40 for not more than an additional 60 days, without payment of added  
 41 fee upon application made by the holder thereof where the holder  
 42 has applied to take the examination for a driver's license prior to  
 43 the expiration of the original period for which the permit was  
 44 issued and the director was unable to schedule an examination  
 45 during said period.

1 9. N. J. S. 40A:4-53 is amended to read as follows:

2 40A:4-53. A local unit may adopt an ordinance authorizing  
 3 special emergency appropriations for the carrying out of any of  
 4 the following purposes:

- 5 a. Preparation of an approved tax map.
- 6 b. Preparation and execution of a complete program of revalua-  
 7 tion of real property for the use of the local assessor, or of any  
 8 program to update and make current any previous revaluation  
 9 program when such is ordered by the county board of taxation.
- 10 c. Preparation of a revision and codification of its ordinances.
- 11 d. Engagement of special consultants for the preparation, and  
 12 the preparation of a master plan or plans, when required to con-  
 13 form to the planning laws of the State.
- 14 e. Preparation of drainage maps for flood control purposes.
- 15 f. Preliminary engineering studies and planning necessary for  
 16 the installation and construction of a sanitary sewer system.

17 *g. Authorized expenses of a consolidation commission established*  
 18 *pursuant to the "Municipal Consolidation Act" (P. L. 1977, c. 435;*  
 19 *C. 40:43-66.35 et seq.).*

20 A copy of all ordinances or resolutions as adopted relating to  
 21 special emergency appropriations shall be filed with the director.

1 10. N. J. S. 40A:14-70 is amended to read as follows:

2 40A:14-70. In any municipality not having a paid or part-paid  
 3 fire department and force, the governing body, upon application of  
 4 at least 5% of the registered voters or 20 legal voters whichever is  
 5 the greater, by ordinance, shall designate a territorial location or  
 6 locations for use as a fire district or fire districts and, by resolution,  
 7 provide for the election of a board of fire commissioners for the  
 8 district or each district to consist of five persons, residents therein,  
 9 and specify the time and place for such election.

10 The district or each district shall be assigned a number and  
 11 the commissioners thereof and their successors shall be a body  
 12 corporate, to be known as "the commissioners of fire district No.  
 13 in (name of municipality), county of  
 14 (name of county)". The said body cor-  
 15 porate shall have the power to acquire *hold, lease, sell or otherwise*  
 16 *convey in its corporate name, such real and personal property*  
 17 **[for its purposes. It]** *as the purposes of the corporation shall re-*  
 18 *quire. All sales and leases of real and personal property shall be in*  
 19 *accordance with the provisions of sections 13 or 14, as appropriate,*  
 20 *of the "Local Lands and Buildings Law," P. L. 1971, c. 199 (C.*  
 21 *40A:12-13 and 40A:12-14). Said body corporate may adopt and*  
 22 *use a corporate seal, sue or be sued and shall have such powers,*  
 23 *duties and functions as are usual and necessary for said purposes.*  
 24 At the time and place specified for the election of the first board  
 25 the clerk of the municipality shall conduct the election and shall  
 26 preside at the meeting until the board shall have been elected.

27 At the first meeting of a newly elected board of fire commis-  
 28 sioners of a district the board shall choose a chairman and fix  
 29 the time and place for the annual election. The members of the  
 30 board shall divide themselves by lot into three classes; the first to  
 31 consist of two members to be elected for terms of 1 year; the  
 32 second, two members for terms of 2 years; and the third, one  
 33 member for a term of 3 years. Upon the expiration of said terms  
 34 their successors shall be elected for terms of 3 years.

35 Any vacancy in the membership shall be filled by the remaining  
 36 members until the next succeeding annual election, at which time a  
 37 resident of the district shall be elected for the unexpired term.

1 11. R. S. 48:4-1 is amended to read as follows:

2 48:4-1. The term "autobus" as used in this chapter means and  
3 includes, except as hereinafter noted, any motor vehicle or motor-  
4 bus operated over public highways or public places in this State for  
5 the transportation of passengers for hire in intrastate business,  
6 notwithstanding such motor vehicle or motorbus may be used in  
7 interstate commerce.

8 Nothing contained herein shall be construed to include:

9 a. Vehicles engaged in the transportation of passengers for hire  
10 in the manner and form commonly called taxicab service unless such  
11 service becomes or is held out to be regular service between stated  
12 termini;

13 b. Hotel buses used exclusively for the transportation of hotel  
14 patrons to or from local railroad or other common carrier stations  
15 including local airport;

16 c. Buses operated for the transportation of enrolled children  
17 and adults only when serving as chaperons to or from a school,  
18 school connected activity, day camp, summer day camp, nursery  
19 school, child care center, pre-school center or other similar places  
20 of education, including "School Vehicle Type I" and "School  
21 Vehicle Type II" as defined in R. S. 39:1-1;

22 d. Any autobus with a carrying capacity of not more than **[10]**  
23 *13* passengers operated under municipal consent upon a route estab-  
24 lished wholly within the limits of a single municipality or with a  
25 carrying capacity of not more than 20 passengers operated under  
26 municipal consent upon a route established wholly within the limits  
27 of not more than four contiguous municipalities within any county  
28 of the fifth or sixth class, which route in either case does not in  
29 whole or in part parallel upon the same street the line of any street  
30 railway or traction railway or any other autobus route;

31 e. Autocabs, limousines or livery services as defined in R. S.  
32 48:16-13, unless such service becomes or is held to be regular  
33 service between stated termini.

34 The word "person" as used in this chapter means and includes  
35 any individual, copartnership, association, corporation or joint  
36 stock company, their lessees, trustees, or receivers appointed by any  
37 court.

38 The word "street" as used in this chapter means and includes  
39 any street, avenue, park, parkway, highway, road or other public  
40 place.

41 The term "charter bus operation" as used in this chapter means  
42 and includes the operation of an autobus or autobuses by the person

43 owning or leasing such bus or buses pursuant to a contract, agree-  
44 ment or arrangement to furnish an autobus or autobuses and a  
45 driver or drivers thereof to a person, group of persons or orga-  
46 nization (corporate or otherwise) for a trip designated by such  
47 person, group of persons or organization for a fixed charge per  
48 trip, per autobus or per mile.

49 The term "special bus operation" as used in this chapter means  
50 and includes the operation by the owner or lessee of an autobus or  
51 autobuses for the purpose of carrying passengers for hire, each  
52 passenger paying a fixed charge for his carriage, on a special trip  
53 arranged and designated by such owner or lessee, which fixed  
54 charge may or may not include meals, lodging, entertainment or  
55 other charges.

1 12. Section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is amended to read  
2 as follows:

3 3. Imposition of sales tax. On and after July 1, 1966 and con-  
4 tinuing through February 28, 1970 there is hereby imposed and  
5 there shall be paid a tax of 3%, and on and after March 1, 1970  
6 there is hereby imposed and there shall be paid a tax of 5% upon:

7 (a) The receipts from every retail sale of tangible personal  
8 property, except as otherwise provided in this act.

9 (b) The receipts from every sale, except for resale, of the follow-  
10 ing services:

11 (1) Producing, fabricating, processing, printing or imprinting  
12 tangible personal property, performed for a person who directly  
13 or indirectly furnishes the tangible personal property, not pur-  
14 chased by him for resale, upon which such services are performed.

15 (2) Installing tangible personal property, or maintaining, ser-  
16 vicing, repairing tangible personal property not held for sale in  
17 the regular course of business, whether or not the services are  
18 performed directly or by means of coin-operated equipment or by  
19 any other means, and whether or not any tangible personal prop-  
20 erty is transferred in conjunction therewith, except (i) such ser-  
21 vices rendered by an individual who is engaged directly by a  
22 private homeowner or lessee in or about his residence and who is  
23 not in a regular trade or business offering his services to the public,  
24 (ii) such services rendered with respect to personal property  
25 exempt from taxation hereunder pursuant to subsection (a) of  
26 section 8, (iii) services rendered with respect to trucks, tractors,  
27 trailers or semitrailers by a person who is not engaged, directly  
28 or indirectly through subsidiaries, parents, affiliates or otherwise,  
29 in a regular trade or business offering such services to the public,

30 (iv) any receipts from laundering, dry cleaning, tailoring, weaving,  
31 pressing, shoe repairing and shoeshining, and (v) services rendered  
32 in installing property which, when installed, will constitute an  
33 addition or capital improvement to real property, property or land.

34 (3) Storing all tangible personal property not held for sale in  
35 the regular course of business and the rental of safe deposit boxes  
36 or similar space.

37 (4) Maintaining, servicing or repairing real property, other than  
38 a residential heating system unit serving not more than three  
39 families living independently of each other and doing their cooking  
40 on the premises, whether the services are performed in or outside  
41 of a building, as distinguished from adding to or improving such  
42 real property, by a capital improvement, but excluding services  
43 rendered by an individual who is not in a regular trade or business  
44 offering his services to the public, and excluding interior cleaning  
45 and maintenance services, garbage removal and sewer services per-  
46 formed on a regular contractual basis for a term not less than  
47 30 days, other than window cleaning, and rodent and pest control.

48 (5) Advertising services except advertising services for use  
49 directly and primarily for publication in newspapers and maga-  
50 zines.

51 Wages, salaries and other compensation paid by an employer  
52 to an employee for performing as an employee the services  
53 described in this subsection are not receipts subject to the taxes  
54 imposed under this subsection (b).

55 Services otherwise taxable under paragraph (1) or (2) of this  
56 subsection (b) are not subject to the taxes imposed under this  
57 subsection where the tangible personal property upon which the  
58 services were performed is delivered to the purchaser outside this  
59 State for use outside this State.

60 (c) Receipts from the sale of food and drink except alcoholic  
61 beverages as defined in the Alcoholic Beverage Tax Law, in or by  
62 restaurants, taverns, vending machines or other establishments in  
63 this State, or by caterers, including in the amount of such receipts  
64 any cover, minimum, entertainment or other charge made to  
65 patrons or customers:

66 (1) In all instances where the sale is for consumption on the  
67 premises where sold[.];

68 (2) In those instances where the vendor or any person whose  
69 services are arranged for by the vendor, after the delivery of the  
70 food or drink by on on behalf of the vendor for consumption off  
71 the premises of the vendor, serves or assists in serving, cooks, heats  
72 or provides other services with respect to the food or drink, except

73 for meals especially prepared for and delivered to homebound  
74 elderly, age 60 or older, and to disabled persons, or meals pre-  
75 pared and served at a group-sitting at a location outside of the  
76 home to otherwise homebound elderly persons, age 60 or older,  
77 and otherwise homebound disabled persons, as all or part of any  
78 food service project funded in whole or in part by government or  
79 as part of a private nonprofit food service project available to all  
80 such elderly or disabled persons residing within an area of service  
81 designated by the private nonprofit organization; and

82 (3) In those instances where the sale is for consumption off  
83 the premises of the vendor, and consists of a meal, or food prepared  
84 and ready to be eaten, of a kind obtainable in restaurants as the  
85 main course of a meal, including a sandwich, except where food  
86 other than sandwiches is sold in an unheated state and is of a type  
87 commonly sold in the same form and condition in food stores other  
88 than those which are principally engaged in selling prepared foods.

89 (4) Sales of food and beverage sold through coin-operated vend-  
90 ing machines, at the wholesale price of such sale, which shall be  
91 defined as 70% of the retail vending machine selling price, except  
92 sales of milk which shall not be taxed. Nothing herein contained  
93 shall effect other sales through coin-operated vending machines  
94 taxable pursuant to subsection (a) above or the exemption thereto  
95 provided by subsection (i) of section 8.

96 The tax imposed by this subsection (c) shall not apply to food or  
97 drink which is sold to an air line for consumption while in flight.

98 (d) The rent for every occupancy of a room or rooms in a hotel  
99 in this State, except that the tax shall not be imposed upon (1) a  
100 permanent resident, or (2) where the rent is not more than at the  
101 rate of \$2.00 per day.

102 (e) (1) Any admission charge where such admission charge is  
103 in excess of \$0.75 to or for the use of any place of amusement in  
104 the State, including charges for admission to race tracks, baseball,  
105 football, basketball or exhibitions, dramatic or musical arts per-  
106 formances, motion picture theatres, *except charges for admission*  
107 *to boxing, sparring, or wrestling matches or exhibitions which*  
108 *charges are taxed under any other law of this State or under R. S.*  
109 *5:2-12, and, except charges to a patron for admission to, or use of,*  
110 facilities for sporting activities in which such patron is to be a  
111 participant, such as bowling alleys and swimming pools. For any  
112 person having the permanent use or possession of a box or seat  
113 or lease or a license, other than a season ticket, for the use of a box  
114 or seat at a place of amusement, the tax shall be upon the amount

115 for which a similar box or seat is sold for each performance or  
 116 exhibition at which the box or seat is used or reserved by the  
 117 holder, licensee or lessee, and shall be paid by the holder, licensee  
 118 or lessee.

119 (2) The amount paid as charge of a roof garden, cabaret or  
 120 other similar place in this State, to the extent that a tax upon such  
 121 charges has not been paid pursuant to subsection (c) hereof.

1 13. (New section) Receipts from the following are exempt from  
 2 the tax imposed under the Sales and Use Tax Act: sales of medicines  
 3 and drugs sold pursuant to a doctor's prescription for human use;  
 4 crutches, artificial limbs, artificial eyes, artificial hearing devices,  
 5 corrective eyeglasses, prosthetic aids, artificial teeth or dentures,  
 6 braces, tampons or like products, orthopedic appliances and arti-  
 7 ficial devices designed to correct or alleviate physical incapacity,  
 8 medical oxygen, human blood and its derivative when sold for  
 9 human use, wheelchairs, and replacement parts for any of the fore-  
 10 going.

11 Source: C. 54:32B-8(a).

1 14. (New section) Receipts from the following are exempt from  
 2 the tax imposed under the Sales and Use Tax Act: sales of food,  
 3 food products, beverages except alcoholic beverages, excluding  
 4 draft beer sold by the barrel, as defined in the Alcoholic Beverage  
 5 Tax Law (R. S. 54:41-1 et seq.), dietary foods and health suppl-  
 6 ments, sold for human consumption off the premises where sold but  
 7 not including a. candy and confectionery, and b. carbonated soft  
 8 drinks and beverages all of which shall be subject to the retail sales  
 9 and compensating use taxes, whether or not the item is sold in  
 10 liquid form. The exemption in this section is not applicable to food  
 11 and drink subject to tax under subsection (c) of section 3 of the  
 12 Sales and Use Tax Act (C. 54:32B-3(c)).

13 Source: C. 54:32B-8(b).

1 15. (New section) Receipts from sales of food sold in an ele-  
 2 mentary or secondary school cafeteria, sales of food sold in an  
 3 institution of higher education or in a fraternity, sorority or eating  
 4 club operated in connection therewith, to students of such an insti-  
 5 tution are exempt from the tax imposed under the Sales and Use  
 6 Tax Act.

7 Source: C. 54:32B-8(c).

1 16. (New section) Receipts from sales of articles of clothing and  
 2 footwear for human use except articles made of fur on the hide  
 3 or pelt of an animal or animals where such fur is the component  
 4 material of chief value of the article are exempt from the tax im-

5 posed under the Sales and Use Tax Act. "Clothing" as used in this  
6 section shall also mean and include sales to noncommercial pur-  
7 chasers of common wearing apparel materials intended to be in-  
8 corporated into wearing apparel as a constituent part thereof, such  
9 as fabrics, thread, knitting yarn, buttons and zippers. The director  
10 shall prescribe regulations to carry out the provisions of this  
11 section.

12 Source: C. 54:32B-8(d).

1 17. (New section) Receipts from sales of newspapers, magazines  
2 and periodicals are exempt from the tax imposed under the Sales  
3 and Use Tax Act.

4 Source: C. 54:32B-8(e).

1 18. (New section) Receipts from casual sales except as to sales  
2 of motor vehicles, whether for use on the highways or otherwise,  
3 and except as to sales of boats or vessels registered or subject to  
4 registration under the "New Jersey Boat Act of 1962," P. L. 1962,  
5 c. 73 (C. 12:7-34.36 et seq.), and all amendments and supplements  
6 thereto, are exempt from the tax imposed under the Sales and Use  
7 Tax Act.

8 Source: C. 54:32B-8(f).

1 19. (New section) Receipts from the following are exempt from  
2 the tax imposed under the Sales and Use Tax Act: sales of gas,  
3 water, steam, fuel, electricity, telephone or telegraph services  
4 delivered to consumers through mains, lines, pipe, or in containers  
5 or bulk.

6 Source: C. 54:32B-8(g).

1 20. (New section) Receipts from sales of motor fuels as motor  
2 fuels are defined for purposes of the New Jersey Motor Fuel Tax  
3 Law (R. S. 54:39-1 et seq.); and sales of fuel to an airline for use  
4 in its airplanes or to a railroad for use in its locomotives are exempt  
5 from the tax imposed under the Sales and Use Tax Act.

6 Source: C. 54:32B-8(h).

1 21. (New section) Receipts from sales of tangible personal prop-  
2 erty sold through coin-operated vending machines at \$0.10 or less,  
3 provided the retailer is primarily engaged in making such sales and  
4 maintains records satisfactory to the director are exempt from the  
5 tax imposed under the Sales and Use Tax Act.

6 Source: C. 54:32B-8(i).

1 22. (New section) Receipts from sales not within the taxing  
2 power of this State under the Constitution of the United States  
3 are exempt from the tax imposed under the Sales and Use Tax Act.

4 Source: C. 54:32B-8(j).



1 23. (New section) Receipts from charges for the transportation  
2 of persons or property are exempt from the tax imposed under the  
3 Sales and Use Tax Act.

4 Source: C. 54:32B-8(k).

1 24. (New section) Receipts from sales or charges for repairs,  
2 alterations or conversion of commercial ships or any component  
3 thereof including cargo containers of any type whatsoever, barges  
4 and other vessels of 50-ton burden or over, primarily engaged in  
5 interstate or foreign commerce, and of governmentally-owned ships,  
6 barges and other vessels and property used by or purchased for the  
7 use of such vessels for fuel, provisions, supplies, maintenance and  
8 repairs (other than articles purchased for the original equipping  
9 of a new ship) are exempt from the tax imposed under the Sales and  
10 Use Tax Act.

11 Source: C. 54:32B-8(l).

1 25. (New section) Receipts from the following are exempt from  
2 the tax imposed under the Sales and Use Tax Act:

3 a. Sales of machinery, apparatus or equipment for use or con-  
4 sumption directly and primarily in the production of tangible  
5 personal property by manufacturing, processing, assembling or  
5A refining;

6 b. Sales of machinery, apparatus or equipment for use or con-  
7 sumption directly and primarily in the production, generation,  
8 transmission or distribution of gas, electricity, refrigeration, steam  
9 or water for sale or in the operation of sewerage systems;

10 c. Sales of telephone lines, cables, central office equipment or  
11 station apparatus, or other machinery, equipment or apparatus, or  
12 comparable telegraph equipment, for use directly and primarily in  
13 receiving at destination or initiating, transmitting and switching  
14 telephone or telegraph communication.

15 The exemptions granted under this section shall not be construed  
16 to apply to sales, otherwise taxable, of machinery, equipment or  
17 apparatus whose use is incidental to the activities described in  
18 paragraphs a., b. and c. of this section.

19 The exemptions granted in this section shall not apply to motor  
20 vehicles or to parts with a useful life of 1 year or less or tools or  
21 supplies used in connection with the machinery, equipment or  
22 apparatus described in this section.

23 Source: C. 54:32B-8(m).

1 26. (New section) Receipts from sales of tangible personal  
2 property purchased for use or consumption directly and exclusively  
3 in research and development in the experimental or laboratory  
4 sense are exempt from the tax imposed under the Sales and Use

5 Tax Act. Such research and development shall not be deemed to  
6 include the ordinary testing or inspection of materials or products  
7 for quality control, efficiency surveys, management studies, con-  
8 sumer surveys, advertising, promotions or research in connection  
9 with literary, historical or similar projects.

10 Source: C. 54:32B-8(n).

1 27. (New section) Sales or use of wrapping paper, wrapping  
2 twine, bags, cartons, tape, rope, labels, nonreturnable containers,  
3 reusable milk containers and all other wrapping supplies when  
4 such use is incidental to the delivery of any personal property are  
5 exempt from the tax imposed under the Sales and Use Tax Act.

6 Source: C. 54:32B-8(o).

1 28. (New section) Receipts from sales of tangible personal prop-  
2 erty (except automobiles, and except property incorporated in a  
3 building or structure) for use and consumption directly and exclu-  
4 sively in the production for sale of tangible personal property on  
5 farms, including stock, dairy, poultry, fruit, fur-bearing animals,  
6 and truck farms, ranches, nurseries, greenhouses or other similar  
7 structures used primarily for the raising of agricultural or horti-  
8 cultural commodities, and orchards are exempt from the tax im-  
9 posed under the Sales and Use Tax Act.

10 Source: C. 54:32B-8(p).

1 29. (New section) Receipts from sales of tangible personal  
2 property sold by a mortician, undertaker or funeral director are  
3 exempt from the tax imposed under the Sales and Use Tax Act,  
4 but all tangible personal property sold to a mortician, undertaker  
5 or funeral director for use in the conducting of funerals shall not  
6 be deemed a sale for resale and shall not be exempt from the tax  
7 imposed under the Sales and Use Tax Act.

8 Source: C. 54:32B-8(q).

1 30. (New section) Receipts from sales of films, records, tapes  
2 or any type of visual or sound transcriptions to, or produced for  
3 exhibition in or use through the medium of, theaters and radio  
4 and television broadcasting stations or networks, and not used for  
5 advertising purposes are exempt from the tax imposed under the  
6 Sales and Use Tax Act.

7 Source: C. 54:32B-8(r).

1 31. (New section) Receipts from sales made prior to July 1, 1981  
2 of tangible personal property and services taxable under any mu-  
3 nicipal ordinance which was adopted pursuant to P. L. 1947, c. 71  
4 (C. 40:48-8.15 et seq.) and was in effect on April 27, 1966 are  
5 exempt from the tax imposed under the Sales and Use Tax Act  
6 subject to the following conditions:

7 a. To the extent that the tax that is or would be imposed under  
8 section 3 of P. L. 1966, c. 30 (C. 54:32B-3) is greater than the tax  
9 imposed by such ordinance, such sales shall not be exempt under  
10 this section; and

11 b. To the extent permitted in the following schedule, irrespective  
12 of the rate of tax imposed by such ordinance:

13 (1) Through June 30, 1980, such sales shall be exempt only to the  
14 extent that they are subject to taxation under such ordinance at  
15 a rate not exceeding 5%;

16 (2) From July 1, 1980 through June 30, 1981, such sales shall be  
17 exempt only to the extent that they are subject to taxation under  
18 such ordinance at a rate not exceeding 4%.

19 This section shall expire on June 30, 1981.

20 Source: C. 54:32B-8(s).

1 32. (New section) Receipts from sales of materials, such as chem-  
2 icals and catalysts, used to induce or cause a refining or chemical  
3 process, where such materials are an integral or essential part of  
4-9 the processing operation, but do not become a component part of  
10 the finished product are exempt from the tax imposed under the  
11 Sales and Use Tax Act.

12 Source: C. 54:32B-8(t).

1 33. (New section) Receipts from sales of school textbooks for use  
2 by students in a school, college, university or other educational  
3 institution, approved as such by the Department of Education or  
4 by the Department of Higher Education, when the educational  
5 institution, upon forms and pursuant to regulations prescribed  
6 by the director, has declared the books are required for school  
7 purposes and the purchaser has supplied the vendor with the form  
8 at the time of the sale are exempt from the tax imposed under the  
9 Sales and Use Tax Act.

10 Source: C. 54:32B-8(u).

1 34. (New section) Receipts from sales made to contractors, sub-  
2 contractors or repairmen of materials, supplies or services for  
3 exclusive use in erecting structures or building on, or otherwise  
4 improving, altering or repairing real property of organizations  
5 described in subsections (a) and (b) of section 9 of the Sales and  
6 Use Tax Act (C. 54:32B-9) are exempt from the tax imposed  
7 under that act, provided any person seeking to qualify for this  
8 exemption shall do so pursuant to such rules and regulations and  
9 upon forms as shall be prescribed by the director.

10 Source: C. 54:32B-8(w).

1 35. (New section) Receipts from the renting, leasing, licensing  
2 or interchanging of trucks, tractors, trailers or semitrailers by  
3 persons not engaged in a regular trade or business offering such  
4 renting, leasing, licensing or interchanging to the public, are  
5 exempt from the tax imposed under the Sales and Use Tax Act,  
6 provided, that such renting, leasing, licensing or interchanging is  
7 carried on with persons engaged in a regular trade or business  
8 involving carriage of freight by such vehicles.

9 Source: C. 54:32B-8(x).

1 36. (New section) Receipts from sales of cigarettes subject to  
2 tax under the "Cigarette Tax Act," P. L. 1948, c. 65 (C. 54:40A-1  
3 et seq.) are exempt from the tax imposed under the Sales and Use  
4 Tax Act.

5 Source: C. 54:32B-8(y).

1 37. (New section) Receipts from sales of the Bible or similar  
2 sacred scripture of a bona fide church or religious denomination  
3 are exempt from the tax imposed under the Sales and Use Tax Act.

4 Source: C. 54:32B-8(z).

1 38. (New section) Receipts from sales of the flag of the United  
2 States of America and of the flag of the State of New Jersey are  
3 exempt from the tax imposed under the Sales and Use Tax Act.

4 Source: C. 54:32B-8(aa).

1 39. (New section) Receipts from sales of locomotives, railroad  
2 cars and other railroad rolling stock, including repair and replace-  
3 ment parts therefor, track materials, and communication, signal  
4 and power transmission equipment, to a railroad whose rates are  
5 regulated by the Interstate Commerce Commission or by the Board  
6 of Public Utilities are exempt from the tax imposed under the  
7 Sales and Use Tax Act.

8 Source: C. 54:32B-8(bb).

1 40. (New section) Receipts from sales of buses for public pas-  
2 senger transportation, including repair and replacement parts  
3 therefor, to bus companies whose rates are regulated by the Inter-  
4 state Commerce Commission or the Board of Public Utilities or  
5 to an affiliate of said bus companies or to common or contract  
6 carriers for their use in the transportation of children to and from  
7 school are exempt from the tax imposed under the Sale and Use  
8 Tax Act. For the purposes of this section "affiliate" means a  
9 corporation whose stock is wholly owned by the regulated bus  
10 company or whose stock is wholly owned by the same persons who  
11 own all the stock of the regulated bus company.

12 Source: C. 54:32B-8(cc).

1 41. (New section) Receipts from sales of newspaper production  
2 machinery, apparatus and equipment for use and consumption  
3 directly and primarily in the publication of newspapers in the  
4 production departments of a newspaper plant, including, but not  
5 limited to: engraving, enlarging and development equipment, in-  
6 ternal process cameras and news transmission equipment, com-  
7 posing and pressroom apparatus and equipment, type fonts, lead,  
8 mats, ink, plates, conveyors, stackers, sorting, bundling, stuffing,  
9 labeling and wrapping equipment and supplies for any of the fore-  
10 going are exempt from the tax imposed under the Sales and Use  
11 Tax Act; but sales of motor vehicles, typewriters, and other equip-  
12 ment and supplies otherwise taxable under this act are not exempt.  
13 Source: C. 54:32B-8(dd).

1 42. (New section) Receipts from the sales of advertising to be  
2 published in a newspaper are exempt from the tax imposed under  
3 the Sales and Use Tax Act.

4 Source: C. 54:32B-8(ee).

1 43. (New section) Receipts from sales, renting or leasing of com-  
2 mercial motor vehicles, and vehicles used in combination therewith,  
3 as defined in R. S. 39:1-1 and registered in New Jersey for more  
4 than 18,000 pounds; or which are registered in New Jersey and  
5 operated pursuant to a certificate or permit issued by the Interstate  
6 Commerce Commission; and repair and replacement parts therefor  
7 are exempt from the tax imposed under the Sales and Use Tax Act.

8 Source: C. 54:32B-8(ff).

1 44. (New section) Receipts from the sales of gold or silver and  
2 storage thereof, in the form traded on any contract market or other  
3 board of trade or exchange licensed by the Federal Commodity  
4 Futures Trading Commission as defined in the Commodity Ex-  
5 change Act, as amended are exempt from the tax imposed under the  
6 Sales and Use Tax Act; provided that the sale shall have been in  
7 fulfillment of the obligations of a contract for future delivery of  
8 gold or silver, or an option to purchase or sell such commodity,  
9 entered into on and in accordance with the rules of such licensed  
10 contract or options market; provided, further that this exemption  
11 shall not apply with respect to any gold or silver subsequently  
12 converted to use by a purchaser and in such event such purchaser  
13 shall be liable for the sales and use tax imposed thereunder.

14 Source: C. 54:32B-8(gg).

1 45. (New section) Receipts from sales of solar energy devices or  
2 systems designed to provide heating or cooling, or electrical or  
3 mechanical power by collecting and transferring solar-generated

4 energy and including mechanical or chemical devices for storing  
5 solar-generated energy are exempt from the tax imposed under the  
6 Sales and Use Tax Act. The Director of the Division of Energy  
7 Planning and Conservation in the Department of Energy shall  
8 establish standards with respect to the technical sufficiency of solar  
9 energy systems for purposes of qualification for exemption.

10 Source: C. 54:32B-8(hh).

1 46. Section 8 of the Sales and Use Tax Act (P. L. 1966, c. 30, s. 8,  
2 C. 54:32B-8) is repealed.

1 47. This act shall take effect immediately.

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#### STATEMENT

This is an omnibus correction bill prepared by the Division of Legal Services in the Office of Legislative Services.

1. Section 1 amends N. J. S. 2C:1-6 to delete the reference to 2C:27-8. P. L. 1979, c. 178 revised various sections of chapter 27 of Title 2C and repealed 2C:27-8.

2. Section 2 restores the amendments added to section 3 of P. L. 1975, c. 212 (C. 18A:7A-3) by P. L. 1979, c. 353, but which were inadvertently omitted from P. L. 1979, c. 388.

3. Section 3 restores the amendments added to R. S. 19:5-3 by P. L. 1978, c. 29, but which were inadvertently omitted from P. L. 1979, c. 458.

4. Section 4 amends section 27 of P. L. 1970, c. 226 (C. 24:21-27) to correct a reference to subsection c. of section 20 of P. L. 1970, c. 226. It is clear that the reference, which formerly was to "subsection c.," was meant to apply to subsection c. of section 27 of P. L. 1970, c. 226.

5. Section 5 restores the amendments added to section 2 of P. L. 1971, c. 136 (C. 26:2H-2) by P. L. 1979, c. 388, but which were inadvertently omitted from P. L. 1979, c. 496.

6. Section 6 restores the amendments added to section 2 of P. L. 1951, c. 138 (C. 30:4C-2) by P. L. 1979, c. 208, but which were inadvertently omitted from P. L. 1979, c. 309.

7. Section 7 restores the amendments added to R. S. 39:3-10 by P. L. 1979, c. 97, but which were inadvertently omitted from P. L. 1979, c. 261.

8. Section 8 restores the amendments added to R. S. 39:3-13 by P. L. 1979, c. 97, but which were inadvertently omitted from P. L. 1979, c. 360.

9. Section 9 restores the amendments added to N. J. S. 40A:4-53 by P. L. 1977, c. 435, but which were inadvertently omitted from P. L. 1979, c. 15.

10. Section 10 restores the amendments added to N. J. S. 40A:14-70 by P. L. 1979, c. 325, but which were inadvertently omitted from P. L. 1979, c. 381.

11. Section 11 restores the amendments added to R. S. 48:4-1 by P. L. 1978, c. 72, but which were inadvertently omitted from P. L. 1979, c. 224.

12. Section 12 restores the amendments added to section 3 of P. L. 1966, c. 30 (C. 54:32B-3) by P. L. 1979, c. 170, but which were inadvertently omitted from P. L. 1979, c. 274.

13. Sections 13 through 45 make separate sections for the 33 categories of exemptions now all set forth as subsections in section 8 of the Sales and Use Tax Act and in section 31 inserts language enacted by P. L. 1979, c. 273 and inadvertently omitted from P. L. 1979, c. 291.

14. Section 46 repeals section 8 of the Sales and Use Tax Act to be replaced by sections 13 through 45.

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FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 12, 1980

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bills:

S-281, sponsored by Senator Bernard J. Dwyer (D-Middlesex), which gives judges the discretion of imposing a 30-day suspension of the motor vehicle license of a person who discards glass or other sharp, injurious or cutting objects on a highway or permits those objects to be discarded from his car.

Prior law provided that a \$100 to \$500 fine be imposed on any person who discarded such material himself. The license suspension will supplement the fine.

S-1114, sponsored by Senator Joseph P. Merlino (D-Mercer), which repeals five statutes enacted in 1877, which set forth powers, rules and procedures governing certain municipal boards.

A study by the Division of Legal Services revealed that no boards are currently governed by these statutes and they have outlived their useful purpose.

S-1219, sponsored by Senator Joseph Merlino (D-Mercer) is an omnibus bill to correct and restructure statutes that were in whole or in part inadvertently repealed or amended by other legislation.

Thirty-two sections of this bill deal with exemptions to the State Sales and Use Tax. Another 12 sections correct the inadvertent repeal of amendments adopted between the introduction and final passage of another bill that modifies the same statute.

S-1364, also sponsored by Senator Merlino is technically a companion bill to S-1219. S-1364 will immediately reinstate statutes on the taxation of alcoholic beverages at the wholesale level which would be repealed by the signing of S-1219.

S-1151, sponsored by Senator Steven Perskie (D-Atlantic) amends a 1979 law that gave condominium associations the right of first refusal on the resale of condominium units.