

**ACTS**  
OF THE  
**Second Annual Session**  
OF THE  
**Two Hundred and Sixteenth Legislature**  
OF THE  
STATE OF NEW JERSEY



**2015**

**New Jersey State Library**





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

Legislative Services Commission

*New Jersey State Library*



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of the  
**SECOND ANNUAL SESSION**  
of the  
**Two Hundred and Sixteenth Legislature**

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Monmouth, Ocean)  
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(Part of Monmouth)  
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Middlesex, Somerset)  
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EIGHTEENTH DISTRICT  
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JOSEPH F. VITALE

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**New Jersey State Library**

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Warren)  
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TWENTY-FIFTH DISTRICT  
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(Parts of Essex, Morris, Passaic)  
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(Parts of Essex, Morris)  
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TWENTY-EIGHTH DISTRICT  
(Part of Essex)  
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(Part of Essex)  
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THIRTY-SECOND DISTRICT  
(Parts of Bergen, Hudson)  
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THIRTY-THIRD DISTRICT  
(Part of Hudson)  
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THIRTY-FOURTH DISTRICT  
(Parts of Essex, Passaic)  
NIA H. GILL

THIRTY-FIFTH DISTRICT  
(Parts of Bergen, Passaic)  
NELLIE POU

THIRTY-SIXTH DISTRICT  
(Parts of Bergen, Passaic)  
PAUL A. SARLO

THIRTY-SEVENTH DISTRICT  
(Part of Bergen)  
LORETTA WEINBERG

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(Parts of Bergen, Passaic)  
ROBERT M. GORDON

THIRTY-NINTH DISTRICT  
(Parts of Bergen, Passaic)  
GERALD CARDINALE

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(Parts of Bergen, Essex, Morris,  
Passaic)  
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## MEMBERS OF THE GENERAL ASSEMBLY

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VINCENT MAZZEO

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ADAM J. TALIAFERRO<sup>1</sup>

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GABRIELA M. MOSQUERA

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PATRICIA EGAN JONES<sup>4</sup>

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TROY SINGLETON

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MARIA RODRIGUEZ-GREGG

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WAYNE P. DeANGELO

## FIFTEENTH DISTRICT

(Parts of Hunterdon, Mercer)  
REED GUSCIORA  
ELIZABETH MAHER MUOIO<sup>5</sup>

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(Parts of Hunterdon, Mercer,  
Middlesex, Somerset)  
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DONNA M. SIMON

SEVENTEENTH DISTRICT  
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NANCY J. PINKIN

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(Part of Middlesex)  
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JOHN S. WISNIEWSKI

TWENTIETH DISTRICT  
(Part of Union)  
JAMEL C. HOLLEY<sup>6</sup>  
ANNETTE QUIJANO

TWENTY-FIRST DISTRICT  
(Parts of Morris, Somerset, Union)  
JON M. BRAMNICK  
NANCY F. MUNOZ

TWENTY-SECOND DISTRICT  
(Parts of Middlesex, Somerset,  
Union)  
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LINDA STENDER

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(Parts of Hunterdon, Somerset,  
Warren)  
JOHN DiMAIO  
ERIK PETERSON

TWENTY-FOURTH DISTRICT  
(Sussex, Parts of Morris, Warren)  
ALISON LITTELL McHOSE<sup>7</sup>  
PARKER SPACE  
GAIL PHOEBUS<sup>8</sup>

TWENTY-FIFTH DISTRICT  
(Parts of Morris, Somerset)  
ANTHONY M. BUCCO  
MICHAEL PATRICK CARROLL

TWENTY-SIXTH DISTRICT  
(Parts of Essex, Morris, Passaic)  
BETTYLOU DeCROCE  
JAY WEBBER

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(Parts of Essex, Morris)  
MILA M. JASEY  
JOHN F. McKEON

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(Part of Essex)  
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CLEOPATRA G. TUCKER

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(Part of Essex)  
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L. GRACE SPENCER

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(Parts of Monmouth, Ocean)  
SEAN T. KEAN  
DAVID P. RIBLE

THIRTY-FIRST DISTRICT  
(Part of Hudson)  
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JASON O'DONNELL

THIRTY-SECOND DISTRICT  
(Parts of Bergen, Hudson)  
ANGELICA M. JIMENEZ  
VINCENT PRIETO

## MEMBERS

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THIRTY-THIRD DISTRICT  
(Part of Hudson)  
CARMELO G. GARCIA  
RAJ MUKHERJI

THIRTY-FOURTH DISTRICT  
(Parts of Essex, Passaic)  
THOMAS P. GIBLIN  
SHEILA Y. OLIVER

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(Parts of Bergen, Passaic)  
SHAVONDA E. SUMTER  
BENJIE E. WIMBERLY

THIRTY-SIXTH DISTRICT  
(Parts of Bergen, Passaic)  
MARLENE CARIDE  
GARY S. SCHAER

THIRTY-SEVENTH DISTRICT  
(Part of Bergen)  
GORDON M. JOHNSON  
VALERIE VAINIERI HUTTLE

THIRTY-EIGHTH DISTRICT  
(Parts of Bergen, Passaic)  
TIMOTHY J. EUSTACE  
JOSEPH A. LAGANA

THIRTY-NINTH DISTRICT  
(Parts of Bergen, Passaic)  
ROBERT AUTH  
HOLLY T. SCHEPISI

FORTIETH DISTRICT  
(Parts of Bergen, Essex, Morris,  
Passaic)  
SCOTT T. RUMANA  
DAVID C. RUSSO

<sup>1</sup>Sworn in 1/29/15

<sup>2</sup>Resigned 6/30/15

<sup>3</sup>Resigned 12/2/15

<sup>4</sup>Sworn in 11/9/15

<sup>5</sup>Sworn in 2/5/15

<sup>6</sup>Sworn in 2/23/15

<sup>7</sup>Resigned 10/17/15

<sup>8</sup>Sworn in 12/3/15





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# **LAWS**

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

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CHAPTER 1

AN ACT concerning the treatment of persons with disabilities in underrepresented communities.

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

1. The Commissioner of Health, in consultation with the Commissioner of Human Services, shall undertake a review of the impact of disabilities upon persons in minority and underrepresented communities, and shall report any findings and recommendations directly to the Governor, and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than twelve months from the effective date of this act.

2. This act shall take effect immediately.

Approved January 29, 2015.

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CHAPTER 2

AN ACT concerning certain unsolicited telemarketing sales calls and amending P.L.2003, c.76.

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

1. Section 12 of P.L.2003, c.76 (C.56:8-130) is amended to read as follows:

**C.56:8-130 Prohibited practices; “commercial mobile service,” “commercial mobile service device” defined.**

12. a. A telemarketer shall not make or cause to be made any unsolicited telemarketing sales call to a commercial mobile service device of any customer, except that a telemarketer that is a commercial mobile services company may call its customer using its commercial mobile services if its customer will not incur telecommunication charges or a usage allocation deduction as a result of the call and the call is directly related to the commercial mobile services of the commercial mobile services company, unless the customer has stated to the commercial mobile services company that the customer no longer desires to receive these calls.

b. For the purposes of this section, "commercial mobile service" means a type of mobile telecommunications service as defined in subsection (d) of section 332 of the Communications Act of 1934 (47 U.S.C. s.332(d)); and "commercial mobile service device" means any equipment used for the purpose of providing commercial mobile service.

c. The provisions of this section shall apply to those numbers for commercial mobile service devices which the division is able to distinguish from numbers for devices for telecommunications service, as defined in section 2 of P.L.1991, c.428 (C.48:2-21.17), on the 30th day following certification of such to the Governor and the Legislature.

2. This act shall take effect immediately.

Approved January 29, 2015.

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CHAPTER 3

AN ACT concerning traffic calming measures taken by municipalities on State roadways and amending P.L.2004, c.107.

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

1. Section 1 of P.L.2004, c.107 (C.39:4-8.9) is amended to read as follows:

**C. 39:4-8.9 Definitions relative to speed humps, traffic calming measures.**

1. As used in P.L.2004, c.107 (C.39:4-8.9 et seq.):

"Department" means the Department of Transportation.

"Private roads" means semipublic or private roads, streets, driveways, parkways, parking areas, or other roadways owned by a private person, corporation, or institution open to or used by the public for the purposes of vehicular travel by permission of those persons, corporations, or institutions and not as a matter of public right.

"Speed hump" means one of several traffic calming measures which use forces of vertical acceleration to discourage speeding. For purposes of this chapter, speed humps means all vertical speed deflectors, including but not limited to, speed tables, raised crosswalks, raised intersections, and modified speed humps.

"Traffic calming measure" means the combination of physical controls and community support to reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized users, and includes, but is not limited to, speed humps.

"Vertical speed deflector" means a raised area in the roadway pavement surface extending transversely across the travel way.

2. Section 2 of P.L.2004, c.107 (C.39:4-8.10) is amended to read as follows:

**C.39:4-8.10 Construction of speed humps, traffic calming measures by municipality, county.**

2. a. Pursuant to the provisions of section 3 of P.L.2004, c.107 (C.39:4-8.11), a municipality or county may, without the approval of the commissioner, construct a speed hump on two-lane residential streets and on one-way residential streets under municipal or county jurisdiction with a posted speed of 30 mph or less and which have fewer than 3,000 vehicles per day. The board of directors of any corporation, or the board of trustees of any corporation or other institution of a public or semipublic nature not for pecuniary profit, having control over private roads, may construct or provide for the construction of a speed hump on any private road subject to the provisions of Title 39 of the Revised Statutes, pursuant to P.L.1945, c.284 (C.39:5A-1 et seq.).

b. Pursuant to the provisions of section 3 of P.L.2004, c.107 (C.39:4-8.11), a municipality or county may, without the approval of the commissioner, construct traffic calming measures where appropriate, which may include, but are not limited to, speed humps on streets under municipal or county jurisdiction with a posted speed of 30 mph or less and which have fewer than 3,000 vehicles per day when any road construction project or repair of a street set forth in this subsection is undertaken and located within 500 feet of that street is a school or any property used for school purposes.

c. Pursuant to the provisions of section 3 of P.L.2004, c.107 (C.39:4-8.11), a municipality or county may, without the approval of the commissioner, construct traffic calming measures in business districts on streets, other than on a street designated as a coastal evacuation route by the Office of Emergency Management in the Division of the State Police, under municipal or county jurisdiction. The traffic calming measure shall comply with specifications provided in the Manual on Uniform Traffic Control Devices for Streets and Highways and any other department rule or regulation governing traffic calming measures. For the purposes of this subsection, "business district" shall have the same meaning as provided in R.S.39:1-1.

d. Prior to a municipality or county constructing a speed hump which places any impact on roadways in an adjoining municipality or county, the governing board or body of the municipality or county shall provide appropriate notice to the adjoining municipality or county.

e. Prior to a municipality or county constructing a speed hump or other traffic calming measure which places any impact on a State roadway, the county or municipality shall obtain the approval of the commissioner.

3. This act shall take effect immediately.

Approved January 29, 2015.

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#### CHAPTER 4

AN ACT establishing the "College Affordability Study Commission."

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

1. a. There is established a College Affordability Study Commission for the purpose of examining issues and developing recommendations to increase the affordability of higher education in New Jersey. The commission shall consist of 10 members appointed as follows:

(1) the Governor shall appoint two members including the president of a public research university, or a designee, and the president of a State college or university established pursuant to chapter 64 of Title 18A of the New Jersey Statutes, or a designee;

(2) the President of the Senate shall appoint four members including the president of a county college, or a designee, one member of the faculty of a public institution of higher education in the State, appointed upon the

joint recommendation of the American Association of University Professors, the New Jersey Education Association, and AFT New Jersey, and two public members, one upon the recommendation of the Minority Leader of the Senate; and

(3) the Speaker of the General Assembly shall appoint four members including the president of an independent institution of higher education, or a designee, one student who is enrolled in a public institution of higher education in the State, and two public members, one upon the recommendation of the Minority Leader of the General Assembly.

b. Appointments to the commission shall be made within 30 days of the effective date of this act. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

c. Members of the commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties within the limits of funds made available to the commission for its purposes.

2. a. The commission shall organize as soon as practicable, but no later than 30 days following the appointment of the members. The commission shall choose a chairperson from among its members and shall appoint a secretary who need not be a member of the commission.

b. The Office of Legislative Services shall provide such staff and related support services as the commission requires to carry out its work. The commission also shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available to it for its purposes.

3. It shall be the duty of the College Affordability Study Commission to study issues related to increasing the affordability of higher education in the State including:

a. The creation of an Accelerated Degree Pilot Program which would offer high performing high school students interested in pursuing a medical degree or graduate-level science or engineering degree the opportunity of receiving that degree earlier than would be possible under a traditional program;

b. The creation of an Affordable Degree Pilot Program which would permit students to earn a baccalaureate degree at a discounted tuition rate through a degree program partnership between a county college and a four-

year public institution of higher education, with the student completing the first two years of the program at the participating county college;

c. The creation of a Pay It Forward Pilot Program which would replace the current system of charging students tuition and fees for enrollment at public institutions of higher education and allow students to instead pay back a percentage of their income for a certain number of years;

d. Methods to increase the performance of the New Jersey Better Educational Savings Trust (NJBEST), N.J.S.18A:71B-35 et seq., including, but not limited to: setting specific high standards for the selection of the investment manager to ensure that the program is ranked nationally as one of the best based on rate of return, expense ratios, and other relevant criteria; improving investment options available to the investor, such as options that permit customers more flexibility to customize their portfolios; determining possible alternatives to the NJBEST Scholarship, such as an annual State matching amount per beneficiary without the requirement of the beneficiary attending a State institution of higher education; and allowing a gross income tax deduction for amounts contributed to NJBEST accounts;

e. Changes to the New Jersey College Loans to Assist State Students (NJCLASS) Loan Program, N.J.S.18A:71C-21 et seq., that will increase disclosure and make the program more consumer-friendly for student and parent borrowers including, but not limited to: advertisement of the Annual Percentage Rate for NJCLASS loans in addition to the interest rate; options for a borrower to choose either a co-signer or guarantor on a loan; an option for deferred loan payment of principal and interest while in school with a 10-15 year repayment period; and NJCLASS loan consolidation interest rates that more closely reflect market conditions; and

f. Any other proposals that the commission believes would increase the affordability of higher education in the State.

4. The commission shall issue a report of its findings and recommendations concerning the study described in section 3 of this act, to the Governor, the President of the Senate, and the Speaker of the General Assembly, no later than 18 months after the commission organizes.

5. This act shall take effect immediately, and the commission shall expire 30 days after the submission of its report.

Approved February 5, 2015.

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## CHAPTER 5

AN ACT concerning the Highlands region and the special appraisal process for the acquisition of lands for recreation and conservation purposes and for farmland preservation purposes, and amending P.L.1999, c.152.

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

1. Section 26 of P.L.1999, c.152 (C.13:8C-26) is amended to read as follows:

**C.13:8C-26 Allocation of funds appropriated; conditions.**

26. a. Moneys appropriated from the Garden State Green Acres Preservation Trust Fund to the Department of Environmental Protection shall be used by the department to:

(1) Pay the cost of acquisition and development of lands by the State for recreation and conservation purposes;

(2) Provide grants and loans to assist local government units to pay the cost of acquisition and development of lands for recreation and conservation purposes; and

(3) Provide grants to assist qualifying tax exempt nonprofit organizations to pay the cost of acquisition and development of lands for recreation and conservation purposes.

b. The expenditure and allocation of constitutionally dedicated moneys for recreation and conservation purposes shall reflect the geographic diversity of the State to the maximum extent practicable and feasible.

c. (1) Notwithstanding the provisions of section 5 of P.L.1985, c.310 (C.13:18A-34) or this act, or any rule or regulation adopted pursuant thereto, to the contrary, the value of a pinelands development credit, allocated to a parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive management plan adopted pursuant thereto, shall be made utilizing a value to be determined by either appraisal, regional averaging based upon appraisal data, or a formula supported by appraisal data. The appraisal and appraisal data shall consider as appropriate: land values in the pinelands regional growth areas; land values in counties, municipalities, and other areas reasonably contiguous to, but outside of, the pinelands area; and other relevant factors as may be necessary to maintain the environmental, ecological, and agricultural qualities of the pinelands area.

(2) No pinelands development credit allocated to a parcel of land pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive management plan adopted pursuant thereto that is acquired or obtained in connection with the acquisition of the parcel for recreation and conservation purposes by the State, a local government unit, or a qualifying tax exempt nonprofit organization using constitutionally dedicated moneys in whole or in part may be conveyed in any manner. All such pinelands development credits shall be retired permanently.

d. (Deleted by amendment, P.L.2010, c.70)

e. Moneys appropriated from the fund may be used to match grants, contributions, donations, or reimbursements from federal aid programs or from other public or private sources established for the same or similar purposes as the fund.

f. Moneys appropriated from the fund shall not be used by local government units or qualifying tax exempt nonprofit organizations to acquire lands that are already permanently preserved for recreation and conservation purposes, as determined by the department.

g. Whenever lands are donated to the State by a public utility, as defined pursuant to Title 48 of the Revised Statutes, for recreation and conservation purposes, the commissioner may make and keep the lands accessible to the public, unless the commissioner determines that public accessibility would be detrimental to the lands or any natural resources associated therewith.

h. Whenever the State acquires land for recreation and conservation purposes, the agency in the Department of Environmental Protection responsible for administering the land shall, within six months after the date of acquisition, inspect the land for the presence of any buildings or structures thereon which are or may be historic properties and, within 60 days after completion of the inspection, provide to the New Jersey Historic Preservation Office in the department (1) a written notice of its findings, and (2) for any buildings or structures which are or may be historic properties discovered on the land, a request for determination of potential eligibility for inclusion of the historic building or structure in the New Jersey Register of Historic Places. Whenever such a building or structure is discovered, a copy of the written notice provided to the New Jersey Historic Preservation Office shall also be sent to the New Jersey Historic Trust and to the county historical commission or advisory committee, the county historical society, the local historic preservation commission or advisory committee, and the local historical society if any of those entities exist in the county or municipality wherein the land is located.

i. (Deleted by amendment, P.L.2010, c.70)

j. (1) Commencing on the date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and through June 30, 2019 for lands located in the Highlands Region as defined pursuant to section 3 of P.L.2004, c.120 (C.13:20-3), when the department, a local government unit, or a qualifying tax exempt nonprofit organization seeks to acquire lands for recreation and conservation purposes using constitutionally dedicated moneys in whole or in part or Green Acres bond act moneys in whole or in part, it shall conduct or cause to be conducted an appraisal or appraisals of the value of the lands that shall be made using (a) the land use zoning of the lands, and any State environmental laws or Department of Environmental Protection rules and regulations that may affect the value of the lands, subject to the appraisal and in effect at the time of proposed acquisition, and (b) the land use zoning of the lands, and any State environmental laws or Department of Environmental Protection rules and regulations that may affect the value of the lands, subject to the appraisal and in effect on January 1, 2004. The higher of those two values shall be utilized by the department, a local government unit, or a qualifying tax exempt nonprofit organization as the basis for negotiation with the landowner with respect to the acquisition price for the lands. The landowner shall be provided with both values determined pursuant to this paragraph.

A landowner may waive any of the requirements of this paragraph and may agree to sell the lands for less than the values determined pursuant to this paragraph.

The provisions of this paragraph shall be applicable only to lands the owner of which at the time of proposed acquisition is the same person who owned the lands on the date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and who has owned the lands continuously since that enactment date, or is an immediate family member of that person.

(2) (Deleted by amendment, P.L.2010, c.70)

(3) The requirements of this subsection shall be in addition to any other requirements of law, rule, or regulation not inconsistent therewith.

(4) This subsection shall not:

(a) apply in the case of lands to be acquired with federal moneys in whole or in part;

(b) (Deleted by amendment, P.L.2010, c.70); or

(c) alter any requirements to disclose information to a landowner pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

(5) For the purposes of this subsection, "immediate family member" means a spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage, or adoption.

k. The department shall adopt guidelines for the evaluation and priority ranking process which shall be used in making decisions concerning the acquisition of lands by the State for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund and from any other source. The guidelines shall be designed to provide, to the maximum extent practicable and feasible, that such moneys are spent equitably among the geographic areas of the State. The guidelines, and any subsequent revisions thereto, shall be published in the New Jersey Register. The adoption of the guidelines or of the revisions thereto, shall not be subject to the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

l. In making decisions concerning the acquisition of lands by the State for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund, in the evaluation and priority ranking process the department shall accord three times the weight to acquisitions of lands that would protect water resources, and two times the weight to acquisitions of lands that would protect flood-prone areas, as those criteria are compared to the other criteria in the priority ranking process.

m. The department, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations that establish standards and requirements regulating any activity on lands acquired by the State for recreation and conservation purposes using constitutionally dedicated moneys to assure that the activity on those lands does not diminish the protection of surface water or groundwater resources.

Any rules and regulations adopted pursuant to this subsection shall not apply to activities on lands acquired prior to the adoption of the rules and regulations.

n. (1) The department, within three months after the date of the first meeting of the Highlands Water Protection and Planning Council established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), shall consult with and solicit recommendations from the council concerning land preservation strategies and acquisition plans in the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3).

The council's recommendations shall also address strategies and plans concerning establishment by the department of a methodology for prioritiz-

ing the acquisition of land in the Highlands preservation area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund, especially with respect to (a) any land that has declined substantially in value due to the implementation of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), and (b) any major Highlands development, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), that would have qualified for an exemption pursuant to paragraph (3) of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28) but for the lack of a necessary State permit as specified in subparagraph (b) or (c), as appropriate, of paragraph (3) of subsection a. of section 30 of P.L.2004, c.120 (C.13:20-28), and for which an application for such a permit had been submitted to the Department of Environmental Protection and deemed by the department to be complete for review on or before March 29, 2004. The recommendations may also include a listing of specific parcels in the Highlands preservation area that the council is aware of that meet the criteria of subparagraph (a) or (b) of this paragraph and for that reason should be considered by the department as a priority for acquisition, but any such list shall remain confidential notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

(2) In making decisions concerning applications for funding submitted by municipalities in the Highlands planning area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire or develop lands for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund, in the evaluation and priority ranking process the department shall accord a higher weight to any application submitted by a municipality in the Highlands planning area that has amended its development regulations in accordance with section 13 of P.L.2004, c.120 (C.13:20-13) to establish one or more receiving zones for the transfer of development potential from the Highlands preservation area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than that which is accorded to comparable applications submitted by other municipalities in the Highlands planning area that have not made such amendments to their development regulations.

o. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-1 et seq.) to the contrary, for State fiscal years 2005 through 2009, the sum spent by the department in each of those fiscal years for the acquisition of lands by the State for recreation and conservation purposes using moneys from the Garden State Green Acres Preservation Trust Fund in each county of the State shall be not less, and may be greater if additional sums become available, than the average annual sum spent by the department therefor in

each such county, respectively, for State fiscal years 2002 through 2004, provided there is sufficient and appropriate lands within the county to be so acquired by the State for such purposes.

2. Section 38 of P.L.1999, c.152 (C.13:8C-38) is amended to read as follows:

**C.13:8C-38 Acquisitions, grants with respect to farmland preservation.**

38. a. All acquisitions or grants made pursuant to section 37 of P.L.1999, c.152 (C.13:8C-37) shall be made with respect to farmland devoted to farmland preservation under programs established by law.

b. The expenditure and allocation of constitutionally dedicated moneys for farmland preservation purposes shall reflect the geographic diversity of the State to the maximum extent practicable and feasible.

c. The committee shall implement the provisions of section 37 of P.L.1999, c.152 (C.13:8C-37) in accordance with the procedures and criteria established pursuant to the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.) except as provided otherwise by this act.

d. The committee shall adopt the same or a substantially similar method for determining, for the purposes of this act, the committee's share of the cost of a development easement on farmland to be acquired by a local government as that which is being used by the committee on the date of enactment of this act for prior farmland preservation funding programs.

e. Notwithstanding the provisions of section 24 of P.L.1983, c.32 (C.4:1C-31) or this act, or any rule or regulation adopted pursuant thereto, to the contrary, whenever the value of a development easement on farmland to be acquired using constitutionally dedicated moneys in whole or in part is determined based upon the value of any pinelands development credits allocated to the parcel pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.) and the pinelands comprehensive management plan adopted pursuant thereto, the committee shall determine the value of the development easement by:

(1) conducting a sufficient number of fair market value appraisals as it deems appropriate to determine the value for farmland preservation purposes of the pinelands development credits;

(2) considering development easement values in counties, municipalities, and other areas (a) reasonably contiguous to, but outside of, the pinelands area, which in the sole opinion of the committee constitute reasonable development easement values in the pinelands area for the purposes of this subsection, and (b) in the pinelands area where pinelands development credits are or may be utilized, which in the sole opinion of the committee

constitute reasonable development easement values in the pinelands area for the purposes of this subsection;

(3) considering land values in the pinelands regional growth areas;

(4) considering the importance of preserving agricultural lands in the pinelands area; and

(5) considering such other relevant factors as may be necessary to increase participation in the farmland preservation program by owners of agricultural lands located in the pinelands area.

f. No pinelands development credit that is acquired or obtained in connection with the acquisition of a development easement on farmland or fee simple title to farmland by the State, a local government unit, or a qualifying tax exempt nonprofit organization using constitutionally dedicated moneys in whole or in part may be conveyed in any manner. All such pinelands development credits shall be retired permanently.

g. (Deleted by amendment, P.L.2010, c.70)

h. Any farmland for which a development easement or fee simple title has been acquired pursuant to section 37 of P.L.1999, c.152 (C.13:8C-37) shall be entitled to the benefits conferred by the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et al.) and the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et al.).

i. (Deleted by amendment, P.L.2010, c.70)

j. (1) Commencing on the date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and through June 30, 2019 for lands located in the Highlands Region as defined pursuant to section 3 of P.L.2004, c.120 (C.13:20-3), when the committee, a local government unit, or a qualifying tax exempt nonprofit organization seeks to acquire a development easement on farmland or the fee simple title to farmland for farmland preservation purposes using constitutionally dedicated moneys in whole or in part or Green Acres bond act moneys in whole or in part, it shall conduct or cause to be conducted an appraisal or appraisals of the value of the lands that shall be made using (a) the land use zoning of the lands, and any State environmental laws or Department of Environmental Protection rules and regulations that may affect the value of the lands, subject to the appraisal and in effect at the time of proposed acquisition, and (b) the land use zoning of the lands, and any State environmental laws or Department of Environmental Protection rules and regulations that may affect the value of the lands, subject to the appraisal and in effect on January 1, 2004. The higher of those two values shall be utilized by the committee, a local government unit, or a qualifying tax exempt nonprofit organization as the basis for negotiation with the landowner with respect to the acquisition price for the lands. The land-

owner shall be provided with both values determined pursuant to this paragraph.

A landowner may waive any of the requirements of this paragraph and may agree to sell the lands for less than the values determined pursuant to this paragraph.

The provisions of this paragraph shall be applicable only to lands the owner of which at the time of proposed acquisition is the same person who owned the lands on the date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and who has owned the lands continuously since that enactment date, or is an immediate family member of that person.

(2) (Deleted by amendment, P.L.2010, c.70)

(3) The requirements of this subsection shall be in addition to any other requirements of law, rule, or regulation not inconsistent therewith.

(4) This subsection shall not:

(a) apply in the case of lands to be acquired with federal moneys in whole or in part;

(b) (Deleted by amendment, P.L.2010, c.70); or

(c) alter any requirements to disclose information to a landowner pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

(5) For the purposes of this subsection, "immediate family member" means a spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage, or adoption.

k. The committee and the Department of Environmental Protection, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall jointly adopt rules and regulations that establish standards and requirements regulating any improvement on lands acquired by the State for farmland preservation purposes using constitutionally dedicated moneys to assure that any improvement does not diminish the protection of surface water or groundwater resources.

Any rules and regulations adopted pursuant to this subsection shall not apply to improvements on lands acquired prior to the adoption of the rules and regulations.

l. (1) The committee, within three months after the date of the first meeting of the Highlands Water Protection and Planning Council established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), shall consult with and solicit recommendations from the council concerning farmland preservation strategies and acquisition plans in the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3).



The council's recommendations shall also address strategies and plans concerning establishment by the committee of a methodology for prioritizing the acquisition of development easements and fee simple titles to farmland in the Highlands preservation area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), for farmland preservation purposes using moneys from the Garden State Farmland Preservation Trust Fund, especially with respect to farmland that has declined substantially in value due to the implementation of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.). The recommendations may also include a listing of specific parcels in the Highlands preservation area that the council is aware of that have experienced a substantial decline in value and for that reason should be considered by the committee as a priority for acquisition, but any such list shall remain confidential notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1 et seq.) or any other law to the contrary.

(2) In prioritizing applications for funding submitted by local government units in the Highlands planning area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), to acquire development easements on farmland in the Highlands planning area using moneys from the Garden State Farmland Preservation Trust Fund, the committee shall accord a higher weight to any application submitted by a local government unit to preserve farmland in a municipality in the Highlands planning area that has amended its development regulations in accordance with section 13 of P.L.2004, c.120 (C.13:20-13) to establish one or more receiving zones for the transfer of development potential from the Highlands preservation area, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), than that which is accorded to comparable applications submitted by other local government units to preserve farmland in municipalities in the Highlands planning area that have not made such amendments to their development regulations.

m. Notwithstanding any provision of P.L.1999, c.152 (C.13:8C-1 et seq.) to the contrary, for State fiscal years 2005 through 2009, the sum spent by the committee in each of those fiscal years for the acquisition by the committee of development easements and fee simple titles to farmland for farmland preservation purposes using moneys from the Garden State Farmland Preservation Trust Fund in each county of the State shall be not less, and may be greater if additional sums become available, than the average annual sum spent by the department therefor in each such county, respectively, for State fiscal years 2002 through 2004, provided there is sufficient and appropriate farmland within the county to be so acquired by the committee for such purposes.

3. This act shall take effect immediately.

Approved February 5, 2015.

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## CHAPTER 6

AN ACT concerning inspection reports for residential health care facilities, boarding homes, and emergency shelters for the homeless,, amending P.L.1971, c.136, P.L.1979, c.496, and P.L.1985, c.48, and supplementing Title 30 of the Revised Statutes.

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

1. Section 12 of P.L.1971, c.136 (C.26:2H-12) is amended to read as follows:

**C.26:2H-12 Operation, requirements for health care service, facility; application for license; fee.**

12. a. No health care service or health care facility shall be operated unless it shall: (1) possess a valid license issued pursuant to this act, which license shall specify the kind or kinds of health care services the facility is authorized to provide; (2) establish and maintain a uniform system of cost accounting approved by the commissioner; (3) establish and maintain a uniform system of reports and audits meeting the requirements of the commissioner; (4) prepare and review annually a long range plan for the provision of health care services; and (5) establish and maintain a centralized, coordinated system of discharge planning which assures every patient a planned program of continuing care and which meets the requirements of the commissioner which requirements shall, where feasible, equal or exceed those standards and regulations established by the federal government for all federally-funded health care facilities but shall not require any person who is not in receipt of State or federal assistance to be discharged against his will.

b. (1) Application for a license for a health care service or health care facility shall be made upon forms prescribed by the department. The department shall charge a single, nonrefundable fee for the filing of an application for and issuance of a license and a single, nonrefundable fee for any renewal thereof, and a single, nonrefundable fee for a biennial inspection of the facility, as it shall from time to time fix in rules or regulations; provided, however, that no such licensing fee shall exceed \$10,000 in the case of a

hospital and \$4,000 in the case of any other health care facility for all services provided by the hospital or other health care facility, and no such inspection fee shall exceed \$5,000 in the case of a hospital and \$2,000 in the case of any other health care facility for all services provided by the hospital or other health care facility. No inspection fee shall be charged for inspections other than biennial inspections. The application shall contain the name of the health care facility, the kind or kinds of health care service to be provided, the location and physical description of the institution, and such other information as the department may require.

(2) A license shall be issued by the department upon its findings that the premises, equipment, personnel, including principals and management, finances, rules and bylaws, and standards of health care service are fit and adequate and there is reasonable assurance the health care facility will be operated in the manner required by this act and rules and regulations thereunder.

(3) The department shall post on its Internet website each inspection report prepared following an inspection of a residential health care facility, as defined in section 1 of P.L.1953, c.212 (C.30:11A-1) or licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), that is performed pursuant to this subsection, along with any other inspection report prepared by or on behalf of the department for such facility.

If an inspection reveals a serious health and safety violation at a residential health care facility, the department shall post the inspection report, including the name of the facility and the owner of the facility, on its website no later than 72 hours following the inspection. If a license of a residential health care facility is suspended, the department shall post the suspension on its website no later than 72 hours following the suspension. The department shall update its website to reflect the correction of a serious health and safety violation, and the lifting of a suspension.

The department shall notify, as soon as possible, the Commissioner of Human Services, or the commissioner's designee, and the director of the county board of social services or county welfare agency, as appropriate, in the county in which a residential health care facility is located, of a serious health and safety violation at the facility and of any suspension of a license to operate such facility.

If the inspection responsibilities under this subsection with respect to such facility are transferred or otherwise assigned to another department, that other department shall post on its Internet website each inspection report prepared following an inspection of such facility performed pursuant to this subsection, along with any other inspection report prepared by or on

behalf of that department for such facility, and shall comply with the other requirements specified in this subsection.

c. (Deleted by amendment, P.L.1998, c.43).

d. The commissioner may amend a facility's license to reduce that facility's licensed bed capacity to reflect actual utilization at the facility if the commissioner determines that 10 or more licensed beds in the health care facility have not been used for at least the last two succeeding years. For the purposes of this subsection, the commissioner may retroactively review utilization at a facility for a two-year period beginning on January 1, 1990.

e. If a prospective applicant for licensure for a health care service or facility that is not subject to certificate of need review pursuant to P.L.1971, c.136 (C.26:2H-1 et al.) so requests, the department shall provide the prospective applicant with a pre-licensure consultation. The purpose of the consultation is to provide the prospective applicant with information and guidance on rules, regulations, standards and procedures appropriate and applicable to the licensure process. The department shall conduct the consultation within 60 days of the request of the prospective applicant.

f. Notwithstanding the provisions of any other law to the contrary, an entity that provides magnetic resonance imaging or computerized axial tomography services shall be required to obtain a license from the department to operate those services prior to commencement of services, except that a physician who is operating such services on the effective date of P.L.2004, c.54 shall have one year from the effective date of P.L.2004, c.54 to obtain the license.

g. (1) Notwithstanding the provisions of any other law to the contrary, an entity that operates a surgical practice on the effective date of this section of P.L.2009, c.24, as defined in this subsection, shall be required to register with the department within one year of the effective date of P.L.2009, c.24.

(2) An entity that has not commenced operation as a surgical practice on the effective date of this section of P.L.2009, c.24, but has filed or files before the 180th day after the effective date of this section of P.L.2009, c.24 its plans, specifications, and required documents with the municipality in which the surgical practice will be located, shall register with the department prior to the commencement of services.

(3) As a condition of registration with the department, a surgical practice shall be required to obtain certification by the Centers for Medicare and Medicaid Services as an ambulatory surgery center provider or obtain ambulatory care accreditation from an accrediting body recognized by the Centers for Medicare and Medicaid Services.

(4) As a condition of registration with the department, a surgical practice shall be required to report the following information annually: the number of patients served by payment source, including the number of Medicaid-eligible and medically indigent persons served; the number of new patients accepted; and the number of physicians, physician assistants, and advanced practice nurses providing professional services at the surgical practice.

(5) As used in this subsection and subsection i. of this section, "surgical practice" means a structure or suite of rooms that has the following characteristics:

(a) has no more than one room dedicated for use as an operating room which is specifically equipped to perform surgery, and is designed and constructed to accommodate invasive diagnostic and surgical procedures;

(b) has one or more post-anesthesia care units or a dedicated recovery area where the patient may be closely monitored and observed until discharged; and

(c) is established by a physician, physician professional association surgical practice, or other professional practice form specified by the State Board of Medical Examiners pursuant to regulation solely for the physician's, association's or other professional entity's private medical practice.

"Surgical practice" includes an unlicensed entity that is certified by the Centers for Medicare and Medicaid Services as an ambulatory surgery center provider.

(6) Nothing in this subsection shall be construed to limit the State Board of Medical Examiners from establishing standards of care with respect to the practice of medicine.

h. An ambulatory care facility licensed to provide surgical and related services shall be required to obtain ambulatory care accreditation from an accrediting body recognized by the Centers for Medicare and Medicaid Services as a condition of licensure by the department.

An ambulatory care facility that is licensed to provide surgical and related services on the effective date of this section of P.L.2009, c.24 shall have one year from the effective date of this section of P.L.2009, c.24 to obtain ambulatory care accreditation.

i. Beginning on the effective date of this section of P.L.2009, c.24, the department shall not issue a new registration to a surgical practice or a new license to an ambulatory care facility to provide surgical and related services unless:

(1) in the case of a registered surgical practice or licensed facility in which a transfer of ownership of the practice or facility is proposed, the

commissioner reviews the qualifications of the new owner or owners and approves the transfer;

(2) (a) except as provided in subparagraph (b) of this paragraph, in the case of a registered surgical practice or licensed facility for which a relocation of the practice or facility is proposed, the relocation is within 20 miles of the practice's or facility's current location or the relocation is to a "Health Enterprise Zone" designated pursuant to section 1 of P.L.2004, c.139 (C.54A:3-7), there is no expansion in the scope of services provided at the new location from that of the current location, and the commissioner reviews and approves the relocation; or

(b) in the case of a licensed facility described in paragraph (5) or (6) of this subsection for which a relocation of the facility is proposed, the commissioner reviews and approves the relocation;

(3) the entity is a surgical practice required to be registered pursuant to paragraph (1) of subsection g. of this section and meets the requirements of that subsection;

(4) the entity has filed its plans, specifications, and required documents with the Health Care Plan Review Unit of the Department of Community Affairs or the municipality in which the surgical practice or facility will be located, as applicable, on or before the 180th day following the effective date of this section of P.L.2009, c.24;

(5) the facility is owned jointly by a general hospital in this State and one or more other parties; or

(6) the facility is owned by a hospital or medical school.

j. (1) The department shall require an applicant for registration as a surgical practice, as provided in subsection g. of this section, to submit an application for registration in a form and manner prescribed by the department. The applicant shall submit the name and address of the surgical practice that is to be registered, the name of the chief administrator or designated agent of the practice, the names and addresses of all owners of the practice, the scope of services provided at the practice, proof of certification by the Centers for Medicare and Medicaid Services or accreditation from an accrediting body recognized by the Centers for Medicare and Medicaid Services, and such other information as the commissioner deems necessary and as provided by regulation.

(2) The registration shall be valid for a one-year period and may be renewed upon submission to the department of an application for renewal.

(3) The commissioner may suspend, revoke, or deny a registration if the registrant or applicant, as applicable, is not in compliance with the requirements of this section.

(4) No registered surgical practice shall be owned, managed, or operated by any person convicted of a crime relating adversely to the person's capability of owning, managing, or operating the practice.

(5) The department may charge a reasonable fee for filing an application for registration and for each renewal thereof.

2. Section 9 of P.L.1979, c.496 (C.55:13B-9) is amended to read as follows:

**C.55:13B-9 Inspection, review of records; violations.**

9. The commissioner shall ensure that each rooming or boarding house whose owner possesses a valid license is inspected and its records reviewed at least once each year for the purpose of determining whether the owner or operator is complying with standards promulgated pursuant to the provisions of P.L.1979, c.496 (C.55:13B-1 et seq.). If the commissioner determines, as a result of any such inspection and review of records, that an owner or operator is in violation of such standards, he shall serve the owner or operator of the facility with a written notice thereof, which shall fix a date by which the owner or operator shall enter into compliance. The commissioner shall not be required to perform annual inspections of facilities licensed and inspected by a municipality pursuant to P.L.1993, c.290 (C.40:52-9 et seq.), but shall have the authority to oversee and ensure the enforcement of the "Rooming and Boarding House Act of 1979," P.L.1979, c.496 (C.55:13B-1 et seq.), and the rules and regulations adopted pursuant thereto in those facilities. A municipality shall file with the commissioner a copy of an inspection report prepared following an inspection of a rooming or boarding house performed by the municipality pursuant to P.L.1993, c.290 (C.40:52-9 et seq.). The commissioner may prescribe a standard inspection report format to be used by the municipality.

The Department of Community Affairs shall post on its Internet website each inspection report prepared following an inspection performed on behalf of or filed with the commissioner pursuant to this section, along with any other inspection report prepared by or on behalf of the department for a rooming or boarding house.

If an inspection reveals a serious health and safety violation at a rooming or boarding house, the department shall post the inspection report, including the name of the rooming or boarding house and the owner of the rooming or boarding house, on its website no later than 72 hours following the inspection. If a license of a rooming or boarding house is suspended, the department shall post the suspension on its website no later than 72

hours following the suspension. The department shall update its website to reflect the correction of a serious health and safety violation, and the lifting of a suspension.

The department shall notify, as soon as possible, the Commissioner of Human Services, or the commissioner's designee, and the director of the county board of social services or county welfare agency, as appropriate, in the county in which a rooming or boarding house is located, of a serious health and safety violation at the rooming or boarding house and of any suspension of a license to operate such rooming or boarding house.

3. Section 3 of P.L.1985, c.48 (C.55:13C-3) is amended to read as follows:

**C.55:13C-3 State regulation.**

3. Notwithstanding any provision of any other statute or any municipal ordinance other than a zoning ordinance, or regulation to the contrary, the licensing, regulation and inspection of emergency shelters for the homeless in all municipalities of this State and the issuance of all necessary permits, approvals and certificates of occupancy shall be conducted by a public officer designated by the municipality in accordance with the regulations promulgated by the Commissioner of the Department of Community Affairs pursuant to section 5 of P.L.1985, c.48 (C.55:13C-5). A municipality shall file with the commissioner a copy of an inspection report prepared following an inspection conducted by the public officer pursuant to this section. The commissioner may prescribe a standard inspection report format to be used by the public officer.

The Department of Community Affairs shall post on its Internet website each inspection report filed with the commissioner pursuant to this section, along with any other inspection report prepared by or on behalf of the department for an emergency shelter for the homeless.

If an inspection reveals a serious health and safety violation at an emergency shelter for the homeless, the department shall post the inspection report, including the name of the shelter and the owner of the shelter, on its website no later than 72 hours following the inspection. If a license of an emergency shelter for the homeless is suspended, the department shall post the suspension on its website no later than 72 hours following the suspension. The department shall update its website to reflect the correction of a serious health and safety violation, and the lifting of a suspension.

The department shall notify, as soon as possible, the Commissioner of Human Services, or the commissioner's designee, and the director of the



county board of social services or county welfare agency, as appropriate, in the county in which an emergency shelter for the homeless is located, of a serious health and safety violation at the shelter and of any suspension of a license to operate such shelter.

**C.30:1-12.3 Report of violation; license suspension.**

4. a. Upon notification of a violation or license suspension pursuant to paragraph (3) of subsection b. of section 12 of P.L.1971, c.136 (C.26:2H-12) concerning residential health care facilities or section 9 of P.L.1979, c.496 (C.55:13B-9) concerning rooming or boarding houses, the Commissioner of Human Services, or the commissioner's designee, shall advise the chief executive officer, or the officer's designee, of a psychiatric facility and special psychiatric hospital, as those terms are defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), a general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) which has a psychiatric unit, and a State developmental center, of a serious health and safety violation in, or the suspension of a license of, a residential health care facility or rooming or boarding house.

b. An individual who is discharged or transferred, as applicable, from a psychiatric facility, special psychiatric hospital, psychiatric unit of a general hospital, or State developmental center shall not be placed in a residential health care facility or rooming or boarding house for which the inspection report for that facility or rooming or boarding house, as appropriate, reveals a serious health and safety violation, until such time as the violation has been corrected and any suspension of a license, if applicable, has been lifted.

**C.30:1-12.4 No placement of individuals in facilities which were suspended or in violation of license.**

5. Upon notification of a violation or license suspension of a residential health care facility pursuant to paragraph (3) of subsection b. of section 12 of P.L.1971, c.136 (C.26:2H-12), a rooming or boarding house pursuant to section 9 of P.L.1979, c.496 (C.55:13B-9), or an emergency shelter for the homeless pursuant to section 3 of P.L.1985, c.48 (C.55:13C-3), the Commissioner of Human Services, or the commissioner's designee, and the director of a county board of social services or county welfare agency, as appropriate, shall not place or refer an individual to that residential health care facility, rooming or boarding house, or emergency shelter for the homeless, until such time as the violation has been corrected and any suspension of a license, if applicable, has been lifted.

6. This act shall take effect immediately.

Approved February 5, 2015.

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## CHAPTER 7

AN ACT concerning the sale of cats and dogs, and amending and supplementing P.L.1999, c.336.

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

1. Section 2 of P.L.1999, c.336 (C.56:8-93) is amended to read as follows:

**C.56:8-93 Definitions relative to sales of cats and dogs.**

2. As used in P.L.1999, c.336 (C.56:8-92 et al.):

"Animal" means a cat or dog.

"Breeder" means any person, firm, corporation, or organization in the business of breeding cats or dogs.

"Broker" means any person, firm, corporation, or organization who sells a cat or dog to a pet shop, whether or not the broker is also the breeder of the cat or dog.

"Consumer" means a person purchasing a cat or dog not for the purposes of resale.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Pet dealer" means any person engaged in the ordinary course of business in the sale of cats or dogs to the public for profit or any person who sells or offers for sale more than five cats or dogs in one year.

"Pet shop" means a pet shop as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

"Quarantine" means to hold in segregation from the general population any cat or dog because of the presence or suspected presence of a contagious or infectious disease.

"Unfit for purchase" means any disease, deformity, injury, physical condition, illness or defect which is congenital or hereditary and severely affects the health of the animal, or which was manifest, capable of diagno-

sis or likely contracted on or before the sale and delivery of the animal to the consumer. The death of an animal within 14 days of its delivery to the consumer, except by death by accident or as a result of injuries sustained during that period, shall mean the animal was unfit for purchase.

"USDA" means the United States Department of Agriculture.

"USDA license number" means the license number issued to a breeder or broker by the United States Department of Agriculture pursuant to the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or any rules or regulations adopted pursuant thereto.

"Veterinarian" means a veterinarian licensed to practice in the State of New Jersey.

2. Section 4 of P.L.1999, c.336 (C.56:8-95) is amended to read as follows:

**C.56:8-95 Noncompliance by pet shop considered deceptive practice.**

4. a. Notwithstanding the provisions of any rule or regulation adopted pursuant to Title 56 of the Revised Statutes as such provisions are applied to pet shops, and without limiting the prosecution of any other practices which may be unlawful pursuant to Title 56 of the Revised Statutes, it shall be a deceptive practice for any owner or operator of a pet shop, or employee thereof, to sell animals within the State without complying with the provisions and requirements of this section and section 3 of P.L.2015, c.7 (C.56:8-95.1).

b. Within five days prior to the offering for sale of any animal, the owner or operator of a pet shop, or employee thereof, shall have the animal examined by a veterinarian licensed to practice in the State. The name and address of the examining veterinarian, together with the findings made and treatment, if any, ordered as a result of the examination, shall be noted on the animal history and health certificate for each animal as required by regulations adopted pursuant to Title 56 of the Revised Statutes. If 14 days have passed since the last veterinarian examination of the animal, the owner or operator of the pet shop, or employee thereof, shall have the animal reexamined by a veterinarian licensed to practice in the State as provided for in subsection g. of this section, except as otherwise provided in that subsection.

c. Every pet shop offering animals for sale shall post, in a conspicuous location on the cage or enclosure for each animal in the cage or enclosure, a sign declaring:

(1) The date and place of birth of each animal, and the actual age, or approximate age as established by a veterinarian, of the animal;

(2) The sex, color markings, and other identifying information of the animal, including any tag, tattoo, collar number, or microchip information;

(3) The name and address of the veterinarian attending to the animal while the animal is in the custody of the pet shop, and the date of the initial examination of the animal;

(4) The first and last name of the breeder of the animal, the full street address of where the breeder is doing business, an email address, if available, by which to contact the breeder, the breeder's USDA license number, and, if the breeder is required to be licensed in the state in which the breeder is located, the breeder's state license number;

(5) If the broker is different from the breeder, the first and last name of the broker of the animal, the full street address of where the broker is doing business, an email address, if available, by which to contact the broker, the USDA license number of the broker, and, if the broker is required to be licensed in the state in which the broker is located, the broker's state license number; and

(6) The statement "Know Your Rights" in bold type face and no less than 12 point type, followed by the statement in no less than 10 point type, "State law requires that every pet shop offering cats or dogs for sale post in a conspicuous location on or near each cat or dog's cage or enclosure the USDA inspection reports for the breeder and broker of each cat or dog for the two years prior to the first day that the cat or dog is offered for sale. If you do not see a required inspection report, please request the report from the pet shop. If you have any concerns, please contact the New Jersey Division of Consumer Affairs, 124 Halsey St., Newark, NJ 07102, (973) 504-6200. You may also view these and other USDA inspection reports for the breeder and broker of each cat or dog on the USDA Animal and Plant Health Inspection Service (APHIS) website. You are entitled to receive additional information from APHIS about the breeder's or broker's history through the federal Freedom of Information Act."

Every pet shop offering animals for sale shall also post, in a conspicuous location on or near the cage or enclosure for each animal in the cage or enclosure, the USDA inspection reports for the breeder and the broker of the animal for the two years prior to the first day that the animal is offered for sale by the pet shop.

The owner or operator of the pet shop shall regularly update the information required to be posted pursuant to this subsection and make changes as necessary to all signage required by this subsection so that the public has access to the correct information at all times.

d. The owner or operator of a pet shop, or employee thereof, shall quarantine any animal diagnosed as suffering from a contagious or infectious disease, illness, or condition and may not sell such an animal until such time as a veterinarian licensed to practice in the State treats the animal and determines that such animal is free of clinical signs of infectious disease or that the animal is fit for sale. All animals required to be quarantined pursuant to this subsection shall be placed in a quarantine area, separated from the general animal population of the pet shop.

e. The owner or operator of a pet shop, or designated employee thereof, may inoculate and vaccinate animals prior to purchase only upon the order of a veterinarian. No owner or operator of a pet shop, or employee thereof, may represent, directly or indirectly, that the owner or operator of the pet shop, or any employee thereof, other than a veterinarian, is qualified to, directly or indirectly, diagnose, prognose, treat, or administer for, prescribe any treatment for, operate concerning, manipulate or apply any apparatus or appliance for addressing, any disease, pain, deformity, defect, injury, wound, or physical condition of any animal after purchase of the animal, for the prevention of, or to test for, the presence of any disease, pain, deformity, defect, injury, wound, or physical condition in an animal after its purchase. These prohibitions include, but are not limited to, the giving of inoculations or vaccinations after purchase, the diagnosing, prescribing, and dispensing of medication to animals, and the prescribing of any diet or dietary supplement as treatment for any disease, pain, deformity, defect, injury, wound, or physical condition.

f. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall provide each owner or operator of a pet shop with notification forms, to be signed by the owner or operator of the pet shop, or employee thereof, and the consumer at the time of purchase of an animal. The notification form shall provide the following:

(1) The full text of the rights and responsibilities provided for in subsection h. of this section;

(2) The full text and description of the recourse to which the consumer is entitled pursuant to subsection i. of this section;

(3) The statement that it is the responsibility of the consumer to obtain such certification within the required amount of time provided by subsection h. of this section;

(4) The full text of the rights and responsibilities of the owner or operator of the pet shop, and the employees thereof, and the consumer provided in subsection l. of this section;

(5) The notification, reporting and enforcement provisions provided in section 5 of P.L.1999, c.336 (C.56:8-96), including the name and address of the local health authority with jurisdiction over the pet shop;

(6) The name, full street address, email address, if available, and USDA license number of the breeder of the animal and the broker of the animal, if the broker is different from the breeder;

(7) The breeder's state license number, if the breeder is required to be licensed in the state in which the breeder is located, and, if the broker is different from the breeder and the broker is required to be licensed in the state in which the broker is located, the broker's state license number; and

(8) An attestation by the owner or operator of the pet shop that, as of the date of purchase of the animal by the pet shop, which shall be specified in the attestation, the breeder and the broker of the animal were in compliance with the requirements concerning the maintenance and care of animals and the sanitary operation of kennels, pet shops, shelters and pounds established in rules and regulations adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14), as required pursuant to section 3 of P.L.2015, c.7 (C.56:8-95.1).

The owner or operator of the pet shop, or an employee thereof, shall obtain the signature of the consumer on the form and shall also sign and date the form at the time of purchase of an animal by the consumer, and shall provide the consumer with a signed copy of the form and retain a copy of the form on the pet shop premises. Copies of all such notices shall be readily available for inspection by an authorized representative of the Division of Consumer Affairs, upon request. No pet shop owner or operator, or employee thereof, may construe or use the signed notification form required pursuant to this subsection as an abdication of the right to recourse provided for in subsection i., or as a selection of recourse pursuant to subsection k. of this section.

g. The owner or operator of a pet shop, or an employee thereof, shall have any animal that has been examined more than 14 days prior to the date of purchase, reexamined by a veterinarian for the purpose of disclosing its condition, within 72 hours of the delivery of the animal to the consumer, unless the consumer has waived the right to the reexamination in writing. The owner or operator of a pet shop, or an employee thereof, shall provide a copy of the written waiver to the consumer prior to the signing of any contract or agreement to purchase the animal and the written waiver shall be in the form established by the director by regulation.

h. If at any time within 14 days after the sale and delivery of an animal to a consumer, the animal becomes sick or dies and a veterinarian certifies,

within the 14 days after the date of purchase of the animal by the consumer, that the animal is unfit for purchase due to a non-congenital cause or condition, or that the animal died from causes other than an accident, the consumer is entitled to the recourse described in subsection i. of this section.

If the animal becomes sick or dies within 180 days after the date of purchase and a veterinarian certifies, within the 180 days after the date of purchase of the animal by the consumer, that the animal is unfit for sale due to a congenital or hereditary cause or condition, or a sickness brought on by a congenital or hereditary cause or condition, or died from such a cause or condition or sickness, the consumer shall be entitled to the recourse provided in subsection i. of this section.

It shall be the responsibility of the consumer to obtain such certification within the required amount of time provided by this subsection, unless the owner or operator of the pet shop, or the employee thereof selling the animal to the consumer, fails to provide the notice required pursuant to subsection f. of this section. If the owner or operator of the pet shop, or the employee thereof, fails to provide the required notice, the consumer shall be entitled to the recourse provided for in subsection i. of this section.

i. Only the consumer shall have the sole authority to determine the recourse the consumer wishes to select and accept, provided that the recourse selected is one of the following:

(1) The right to return the animal and receive a full refund of the purchase price, including sales tax, plus the reimbursement of the veterinary fees, including the cost of the veterinarian certification, incurred prior to the receipt by the consumer of the veterinarian certification;

(2) The right to retain the animal and to receive reimbursement for veterinary fees incurred prior to the consumer's receipt of the veterinarian certification, plus the future cost of veterinary fees to be incurred in curing or attempting to cure the animal, including the cost of the veterinarian certification;

(3) The right to return the animal and to receive in exchange an animal of the consumer's choice, of equivalent value, plus reimbursement of veterinary fees, including the cost of the veterinarian certification, incurred prior to the consumer's receipt of the veterinarian certification; or

(4) In the event of the death of the animal from causes other than an accident, the right to a full refund of the purchase price of the animal, including sales tax, or another animal of the consumer's choice of equivalent value, plus reimbursement of veterinary fees, including the cost of the veterinarian certification, incurred prior to the death of the animal.

The consumer shall be entitled to be reimbursed an amount for veterinary fees up to and including two times the purchase price, including sales tax, of the sick or dead animal. No reimbursement of veterinary fees shall exceed two times the purchase price, including sales tax, of the sick or dead animal.

j. The veterinarian shall provide to the consumer in writing and within the seven days after the consumer consults with the veterinarian any certification that is appropriate pursuant to this section upon the determination that such certification is appropriate. The certification shall include:

- (1) The name of the owner;
- (2) The date or dates of examination;
- (3) The breed, color, sex, and age of the animal;
- (4) A statement of the findings of the veterinarian;
- (5) A statement that the veterinarian certifies the animal to be "unfit for purchase";
- (6) An itemized statement of veterinary fees incurred as of the date of certification;
- (7) If the animal may be curable, an estimate of the possible cost to cure, or attempt to cure, the animal;
- (8) If the animal has died, a statement establishing the probable cause of death; and
- (9) The name and address of the certifying veterinarian and the date of the certification.

k. Upon the presentation of the veterinarian certification required in subsection j. of this section to the pet shop, the consumer shall select the recourse to be provided and the owner or operator of the pet shop, or the employee thereof, shall confirm the selection of recourse in writing. The confirmation of the selection shall be signed by the owner or operator of the pet shop, or an employee thereof, and the consumer and a copy of the signed confirmation shall be given to the consumer and retained by the owner or operator of the pet shop, or employee thereof, on the pet shop premises. The confirmation of the selection shall be in the form established by the director by regulation.

l. The owner or operator of the pet shop, or an employee thereof, shall comply with the selection of recourse by the consumer no later than 10 days after the receipt of the veterinarian certification and the signed confirmation of selection of recourse form. In the event the owner or operator of the pet shop, or an employee thereof, wishes to contest the selection of recourse of the consumer, the owner or operator of the pet shop, or an employee thereof, shall notify the consumer and the director in writing within the five days after the receipt of the veterinarian certification and the signed confirmation



of selection of recourse form. After notification to the consumer and the director of the division, the owner or operator of the pet shop, or an employee thereof, may require the consumer to produce the animal for examination by a veterinarian chosen by the owner or operator of the pet shop, or employee thereof, at a mutually convenient time and place, except if the animal has died and was required to be cremated for public health reasons. The director shall set, upon receipt of such notice of contest on the part of the owner or operator of the pet shop, or an employee thereof, a hearing date and hold a hearing, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and the Uniform Administrative Procedure Rules adopted pursuant thereto, to determine whether the recourse selected by the consumer should be allowed. The consumer and the owner or operator of the pet shop, or employee thereof, shall be entitled to any appeal of the decision resulting from the hearing as may be provided for under the law, or any rule or regulation adopted pursuant thereto, but upon the exhaustion of such remedies and recourse, the consumer and the owner or operator of the pet shop shall comply with the final decision rendered.

m. Any owner or operator of a pet shop, or employee thereof, shall be guilty of a deceptive practice if the owner or operator, or employee thereof, secures or attempts to secure a waiver of any of the provisions of this section except as specifically authorized under subsection g. of this section.

n. The owner of a pet shop shall be responsible and liable for any recourse or reimbursement due to a consumer because of violations of any provisions of this section by the owner or operator of the pet shop, or any employee thereof, or because of any document signed pursuant to this section by the owner or operator of the pet shop, or any employee thereof.

o. Any pet shop in the State advertising for sale an animal bred by a USDA licensed breeder through print or electronic means, including those posted on the Internet or a website, shall continuously display the name, state of residence, and USDA license number of the breeder of the animal in the advertisement so that this information is easily legible to the consumer.

**C.56:8-95.1 Certain animals offered by breeder, broker, prohibited sale by pet shop.**

3. a. No pet shop shall sell or offer for sale, or purchase for resale whether or not actually offered for sale by the pet shop, any animal purchased from any breeder or broker who:

(1) is not in compliance with the requirements concerning the maintenance and care of animals and the sanitary operation of kennels, pet shops, shelters and pounds established in rules and regulations adopted pursuant to

section 14 of P.L.1941, c.151 (C.4:19-15.14) at the time of purchase of the animal by the pet shop;

(2) is not in possession of a current license issued by the USDA pursuant to 9 C.F.R. s.1.1 et seq.;

(3) is not in possession of all other licenses required for a breeder or broker by the state in which the breeder or broker is located;

(4) has been cited on a USDA inspection report for a direct violation of the federal “Animal Welfare Act,” 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et seq., during the two-year period prior to the purchase of the animal by the pet shop;

(5) has been cited on a USDA inspection report during the two-year period prior to the purchase of the animal by the pet shop for three or more indirect violations of the federal “Animal Welfare Act,” 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at sections 2.4, 2.40, 2.50 through 2.55, 2.60, 2.75 through 2.80, 2.130 through 2.132, 3.1 through 3.19, or 3.125 through 3.142 of Title 9 of the Code of Federal Regulations;

(6) is cited on the two most recent USDA inspection reports prior to the purchase of the animal by the pet shop for no-access violations pursuant to enforcement of the federal “Animal Welfare Act,” 7 U.S.C. s.2131 et seq., or the corresponding federal animal welfare regulations at 9 C.F.R. s.1.1 et seq.; or

(7) directly or indirectly obtained the animal from a breeder, broker, or other person, firm, corporation, or organization to whom paragraph (1), (2), (3), (4), (5), or (6) of this subsection applies.

b. Nothing in this subsection shall be construed as prohibiting or otherwise preventing a pet shop from:

(1) purchasing for resale or adoption, selling, or offering for adoption, an animal purchased or otherwise obtained from –

(a) a publicly operated animal control facility,

(b) an animal rescue organization or pound as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1), or

(c) a shelter as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) whose primary mission and practice is the placement of abandoned, unwanted, neglected, or abused animals and that is also a tax exempt organization under paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code (26 U.S.C. s.501), or any subsequent corresponding sections of the federal Internal Revenue Code, as from time to time amended; or

(2) transferring adopted animals to or from any entity enumerated in paragraph (1) of this subsection or to or from any pet shop.

c. Every pet shop shall submit, annually and no later than May 1 of each year, a report to the municipality in which it is located and licensed, providing:

(1) the name, full street address, email address, if available, and USDA license number of -

(a) any breeder from which the pet shop purchased an animal, whether or not the pet shop offered the animal for sale,

(b) any breeder that bred an animal that the pet shop purchased from a broker, whether or not the pet shop offered the animal for sale, and

(c) any broker from which the pet shop purchased an animal, whether or not the pet shop offered the animal for sale;

(2) if a breeder whose identity the pet shop is required to report pursuant to subparagraph (a) or (b) of paragraph (1) of this subsection is required to be licensed in the state in which the breeder is located, the breeder's state license number;

(3) if a broker whose identity the pet shop is required to report pursuant to subparagraph (c) of paragraph (1) of this subsection is different from any breeder whose identity the pet shop is required to report pursuant to subparagraph (a) or (b) of paragraph (1) of this subsection, and the broker is required to be licensed in the state in which the broker is located, the broker's state license number; and

(4) the total number of animals for each breeder and broker for which the pet shop has reporting requirements pursuant to subparagraphs (a), (b), and (c) of paragraph (1) of this subsection.

**C.56:8-95.2 Construction of act.**

4. No provision of P.L.2015, c.7 (C.56:8-95.1 et al.) shall be construed to limit or restrict any municipality, county, local health agency, or municipal or county board of health from enacting or enforcing, or interfere with the implementation of, or otherwise invalidate, any law, ordinance, rule, or regulation that places additional obligations on pet shops or restrictions on pet shops or pet shop sales.

**C.56:8-95.3 Violations, penalties.**

5. Any person who violates subsection c. of section 4 of P.L.1999, c.336 (C.56:8-95) or section 3 of P.L.2015, c.7 (C.56:8-95.1), and any owner or operator who fails to provide information or provides false information pursuant to the requirements of subsection f. of section 4 of

P.L.1999, c.336 (C.56:8-95), shall be subject to a fine of \$500 for each violation, to be collected by the division in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

6. This act shall take effect on the first day of the fourth month following the date of enactment.

Approved February 5, 2015.

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## CHAPTER 8

AN ACT eliminating consumer data collection requirements for certain gift cards, amending section 5 of P.L.2010, c.25 (C.46:30B-42.1).

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

1. Section 5 of P.L.2010, c.25 (C.46:30B-42.1) is amended to read as follows:

**C.46:30B-42.1 Presumption of abandonment of stored value card; exceptions; cash redemption.**

5. a. A stored value card for which there has been no stored value card activity for five years is presumed abandoned. This subsection shall apply to any stored value card issued on or after July 1, 2010.

b. The proceeds of a general purpose reloadable card presumed abandoned shall be the value of the card, in money, on the date the general purpose reloadable card is presumed abandoned. The proceeds of all other stored value cards presumed abandoned shall be 60% of the value of the card, in money, on the date the stored value card is presumed abandoned.

c. (Deleted by amendment, P.L.2015, c.8)

d. Nothing in this section shall be construed to prevent an issuer from honoring a stored value card, the unredeemed value of which has been reported to the State Treasurer pursuant to R.S.46:30B-1 et seq., and thereafter seeking reimbursement from the State Treasurer pursuant to R.S.46:30B-62.

e. This section does not apply to:

(1) a stored value card that is distributed by the issuer, directly or indirectly, to a person under a promotional, incentive, rewards, or customer

loyalty program or a charitable program for which no direct monetary consideration is paid by the owner;

(2) a stored value card that is donated or sold below face value to a nonprofit or charitable organization or an educational organization;

(3) a stored value card that is redeemable for admission to events or venues at a particular location or group of affiliated locations, or for goods or services in conjunction with admission to those events or venues, or both, at the event or venue or at specific locations affiliated with and in geographic proximity to the event or venue; and

(4) a stored value card issued by any issuer that in the past year sold stored value cards with a face value of \$250,000 or less. For purposes of this subsection, sales of stored value cards by businesses that operate either (1) under the same trade name as or under common ownership or control with another business or businesses in the State, or (2) as franchised outlets of a parent business, shall be considered sales by a single issuer.

f. The State Treasurer is authorized to grant an exemption from such provisions concerning stored value cards, on such terms and conditions as the State Treasurer may require, for a business or class of businesses that demonstrate good cause to the satisfaction of the State Treasurer. In exercising his discretion pursuant to this section, the State Treasurer may consider relevant factors including, but not limited to, the amount of stored value card transactions processed, the technology in place, whether or not stored value cards issued contain a microprocessor chip, magnetic strip, or other means designed to trace and capture information about place and date of purchase, and such other factors as the State Treasurer shall deem relevant.

g. Notwithstanding the provisions of this act or any other law to the contrary, only a stored value card which is exempt from the provisions of this act pursuant to subsection e. or f. of this section shall be deemed a gift card or gift certificate for purposes of P.L.2002, c.14 (C.56:8-110 et seq.).

h. Beginning September 1, 2012 if a stored value card is redeemed and a balance of less than \$5 remains on the card after redemption, at the owner's request the merchant or other entity redeeming the card shall refund the balance in cash to the owner.

A merchant or other entity required to comply with the provisions of this subsection shall be liable to a penalty of \$500 for each violation plus restitution of the amount of the cash value remaining on the stored value card, provided however that the amount of the penalty shall be trebled for an aggregate of 100 such violations occurring during any 12-month period. Failure to provide requested cash redemption for each stored value card shall be considered a separate violation. Upon receiving evidence of any

violation of the provisions of this subsection, the Director of the Division of Consumer Affairs, or the director's designee, is empowered to hold hearings upon those violations and upon finding the violation to have been committed, to assess a penalty against the person alleged to have committed the violation in the amounts provided in this subsection. The director shall thereafter return to the owner of the card the amount of the cash value remaining on the card recovered under this subsection, and this shall be the sole remedy available to the owner for those violations.

This subsection does not impose on an issuer or merchant or other entity required to comply with the provisions of this subsection an obligation to advertise the availability of a refund balance redemption. Notwithstanding the foregoing or any provision in section 3 of P.L.1981, c.454 (C.56:12-16), an issuer, seller or redeemer of stored value cards may elect to include a disclosure or may, in the alternative, include a statement on the stored value card or other marketing materials that the card "is not redeemable for cash except as required by law" or similar statement.

This subsection shall not apply to (1) a non-reloadable stored value card with an initial value of \$5 or less; or (2) a stored value card that is not purchased but is provided in lieu of a refund for returned merchandise; or (3) a stored value card that can be redeemed at multiple merchants that are not under common ownership or control, including but not limited to network-branded stored value cards.

i. The funds associated with a stored value card sold on or after December 1, 2012 shall be valid until redemption and shall not expire. However, a stored value card may contain an expiration date to the extent permitted by federal law that applies only to the card or other tangible medium through which the underlying funds can be accessed, provided those underlying funds do not expire.

j. For stored value cards sold on or after December 1, 2012, in addition to the requirements of section 37 of P.L.2002, c.35 (C.46:30B-43.1), no fees or charges shall be imposed on a stored value card except that the issuer may charge (1) an activation, issuance, purchase or similar fee related to the issuance and purchase of a stored value card and for each occurrence of adding value to an existing stored value card; and (2) a replacement card fee with respect to lost, stolen or damaged stored value cards provided that these fees are disclosed in writing prior to issuance or referenced on the stored value card or the stored value card packaging. The State Treasurer may adopt regulations regarding the establishment of activation, issuance, purchase or similar fees, fees for adding value to an existing stored value card, and replacement card fees.

A general purpose reloadable card shall not be subject to the provisions of this subsection.

k. As used in this section:

"Stored value card activity" means the purchase or issuance of the stored value card, a transaction executed by the owner that increased or decreased the value of the stored value card, or communication by the owner of the stored value card with the issuer of the stored value card concerning the value of the balance remaining on the stored value card as evidenced by a contemporaneous record prepared by or on behalf of the issuer.

"Issuer" means an issuer of a stored value card that is a person, retailer, merchant, vendor, provider or business association with the obligations of a holder to accept the stored value card as redeemable for, solely or a combination of, merchandise, services, or cash, and to report and deliver proceeds of the stored value card if abandoned.

"General purpose reloadable card" means a stored value card issued by a bank or other similarly regulated financial institution or by a licensed money transmitter that is (1) usable and honored upon presentation at multiple merchants or service providers that are not under common ownership or control for goods or services or at automated teller machines, (2) issued in a requested prepaid amount which amount may be, at the option of the issuer, increased in value or reloaded if requested by the cardholder, and (3) not marketed or labeled as a gift card; the term "reloadable card" includes a temporary non-reloadable card issued solely in connection with a reloadable card.

2. This act shall take effect immediately.

Approved February 5, 2015.

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## CHAPTER 9

AN ACT concerning substance use treatment facility performance, and supplementing Title 26 of the Revised Statutes.

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

**C.26:26-38 Annual preparation of Substance Use Treatment Provider Performance Report.**

1. a. The Division of Mental Health and Addiction Services in the Department of Human Services shall annually prepare a Substance Use Treat-

ment Provider Performance Report in accordance with the provisions of this section.

b. The performance report shall show and compare the overall performance of each substance use treatment provider in the State with the Statewide average performance based on national outcome measures for each level of care. The division shall use the national outcome measures identified in subsection c., and, as appropriate, any other national outcome measures identified by the Substance Abuse and Mental Health Services Administration.

c. The performance report shall include the following national outcome measures: (1) percentage of clients abstinent from alcohol on admission and discharge; (2) percentage of clients abstinent from drugs on admission and discharge; (3) percentage of clients employed on admission and discharge; (4) percentage of clients enrolled in school or a job training program at admission and discharge; (5) percentage of clients who are homeless on admission and discharge; and (6) average length of client treatment. The performance report may also include any other information the Assistant Commissioner deems appropriate.

d. The division shall post the performance report on its website, and shall make a hard copy of the report available to the public, upon request.

e. As used in this section:

“Assistant Commissioner” means the Assistant Commissioner for the New Jersey Division of Mental Health and Addiction Services in the Department of Human Services.

“Client” means a person who received treatment for substance use from a substance use treatment provider during the annual reporting period.

“Substance use treatment provider” means any substance use treatment provider licensed by the Department of Human Services.

2. This act shall take effect on the first day of the fourth month following the date of enactment.

Approved February 5, 2015.

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## CHAPTER 10

AN ACT concerning overdose prevention and sterile syringe access programs, and amending P.L.2006, c.99 and P.L.2013, c.46.



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

1. Section 3 of P.L.2013, c.46 (C.24:6J-3) is amended to read as follows:

**C.24:6J-3 Definitions relative to overdose prevention.**

3. As used in this act:

"Commissioner" means the Commissioner of Human Services.

"Drug overdose" means an acute condition including, but not limited to, physical illness, coma, mania, hysteria, or death resulting from the consumption or use of a controlled dangerous substance or another substance with which a controlled dangerous substance was combined and that a lay-person would reasonably believe to require medical assistance.

"Emergency medical response entity" means an organization, company, governmental entity, community-based program, or healthcare system that provides pre-hospital emergency medical services and assistance to opioid or heroin addicts or abusers in the event of an overdose.

"Emergency medical responder" means a person, other than a health care practitioner, who is employed on a paid or volunteer basis in the area of emergency response, including, but not limited to, an emergency medical technician acting in that person's professional capacity.

"Health care practitioner" means a prescriber, pharmacist, or other individual whose professional practice is regulated pursuant to Title 45 of the Revised Statutes, and who, in accordance with the practitioner's scope of professional practice, prescribes or dispenses an opioid antidote.

"Medical assistance" means professional medical services that are provided to a person experiencing a drug overdose by a health care practitioner, acting within the practitioner's scope of professional practice, including professional medical services that are mobilized through telephone contact with the 911 telephone emergency service.

"Opioid antidote" means naloxone hydrochloride, or any other similarly acting drug approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

"Patient" means a person who is at risk of an opioid overdose or a person who is not at risk of an opioid overdose who, in the person's individual capacity, obtains an opioid antidote from a health care practitioner, professional, or professional entity for the purpose of administering that antidote to another person in an emergency, in accordance with subsection c. of section 4 of P.L.2013, c.46 (C.24:6J-4). "Patient" includes a professional who

is acting in that professional's individual capacity, but does not include a professional who is acting in a professional capacity.

"Prescriber" means a health care practitioner authorized by law to prescribe medications who, acting within the practitioner's scope of professional practice, prescribes an opioid antidote. "Prescriber" includes, but is not limited to, a physician, physician assistant, or advanced practice nurse.

"Professional" means a person, other than a health care practitioner, who is employed on a paid basis or is engaged on a volunteer basis in the areas of substance abuse treatment or therapy, criminal justice, or a related area, and who, acting in that person's professional or volunteer capacity, obtains an opioid antidote from a health care practitioner for the purposes of dispensing or administering that antidote to other parties in the course of business or volunteer activities. "Professional" includes, but is not limited to, a sterile syringe access program employee, or a law enforcement official.

"Professional entity" means an organization, company, governmental entity, community-based program, sterile syringe access program, or any other organized group that employs two or more professionals who engage, during the regular course of business or volunteer activities, in direct interactions with opioid or heroin addicts or abusers or other persons susceptible to opioid overdose, or with other persons who are in a position to provide direct medical assistance to opioid or heroin addicts or abusers in the event of an overdose.

"Recipient" means a patient, professional, professional entity, emergency medical responder, or emergency medical response entity who is prescribed or dispensed an opioid antidote in accordance with section 4 of P.L.2013, c.46 (C.24:6J-4).

2. Section 4 of P.L.2013, c.46 (C.24:6J-4) is amended to read as follows:

**C.24:6J-4 Immunity from liability for certain prescribers, practitioners, dispensers.**

4. a. (1) A prescriber or other health care practitioner, as appropriate, may prescribe or dispense an opioid antidote:

(a) directly or through a standing order, to any recipient who is deemed by the health care practitioner to be capable of administering the opioid antidote to an overdose victim in an emergency;

(b) through a standing order, to any professional or emergency medical responder who is not acting in a professional or volunteer capacity for a professional entity, or an emergency medical response entity, but who is deemed by the health care practitioner to be capable of administering opi-

oid antidotes to overdose victims, as part of the professional's regular course of business or volunteer activities;

(c) through a standing order, to any professional who is not acting in a professional or volunteer capacity for a professional entity, but who is deemed by the health care practitioner to be capable of dispensing opioid antidotes to recipients, for administration thereby, as part of the professional's regular course of business or volunteer activities;

(d) through a standing order, to any professional entity or any emergency medical response entity, which is deemed by the health care practitioner to employ professionals or emergency medical responders, as appropriate, who are capable of administering opioid antidotes to overdose victims as part of the entity's regular course of business or volunteer activities;

(e) through a standing order, to any professional entity which is deemed by the health care practitioner to employ professionals who are capable of dispensing opioid antidotes to recipients, for administration thereby, as part of the entity's regular course of business or volunteer activities.

(2) (a) For the purposes of this subsection, whenever the law expressly authorizes or requires a certain type of professional or professional entity to obtain a standing order for opioid antidotes pursuant to this section, such professional, or the professionals employed or engaged by such professional entity, as the case may be, shall be presumed by the prescribing or dispensing health care practitioner to be capable of administering or dispensing the opioid antidote, consistent with the express statutory requirement.

(b) For the purposes of this subsection, whenever the law expressly requires a certain type of emergency medical responder or emergency medical response entity to obtain a standing order for opioid antidotes pursuant to this section, such emergency medical responder, or the emergency medical responders employed or engaged by such emergency medical response entity, as the case may be, shall be presumed by the prescribing or dispensing health care practitioner to be capable of administering the opioid antidote, consistent with the express statutory requirement.

(3) (a) Whenever a prescriber or other health care practitioner prescribes or dispenses an opioid antidote to a professional or professional entity pursuant to a standing order issued under paragraph (1) of this subsection, the standing order shall specify whether the professional or professional entity is authorized thereby to directly administer the opioid antidote to overdose victims; to dispense the opioid antidote to recipients, for their administration to third parties; or to both administer and dispense the opioid antidote. If a standing order does not include a specification in this regard, it shall be deemed to authorize the professional or professional entity only

to administer the opioid antidote with immunity, as provided by subsection c. of this section, and it shall not be deemed to authorize the professional or professional entity to engage in the further dispensing of the antidote to recipients, unless such authority has been granted by law, as provided by subparagraph (b) of this paragraph.

(b) Notwithstanding the provisions of this paragraph to the contrary, if the law expressly authorizes or requires a certain type of professional, professional entity, emergency medical responder, or emergency medical response entity to administer or dispense opioid antidotes pursuant to a standing order issued hereunder, the standing order issued pursuant to this section shall be deemed to grant the authority specified by the law, even if such authority is not expressly indicated on the face of the standing order.

(4) Any prescriber or other health care practitioner who prescribes or dispenses an opioid antidote in good faith, and in accordance with the provisions of this subsection, shall not, as a result of the practitioner's acts or omissions, be subject to any criminal or civil liability, or any professional disciplinary action under Title 45 of the Revised Statutes for prescribing or dispensing an opioid antidote in accordance with P.L.2013, c.46 (C.24:6J-1 et seq.).

b. (1) Any professional or professional entity that has obtained a standing order, pursuant to subsection a. of this section, for the dispensing of opioid antidotes, may dispense an opioid antidote to any recipient who is deemed by the professional or professional entity to be capable of administering the opioid antidote to an overdose victim in an emergency.

(2) Any professional or professional entity that dispenses an opioid antidote in accordance with paragraph (1) of this subsection, in good faith, and pursuant to a standing order issued under subsection a. of this section, shall not, as a result of any acts or omissions, be subject to any criminal or civil liability or any professional disciplinary action for dispensing an opioid antidote in accordance with P.L.2013, c.46 (C.24:6J-1 et seq.).

c. (1) Any emergency medical responder or emergency medical response entity that has obtained a standing order, pursuant to subsection a. of this section, for the administration of opioid antidotes, may administer an opioid antidote to overdose victims.

(2) Any emergency medical responder or emergency medical response entity that administers an opioid antidote, in good faith, in accordance with paragraph (1) of this subsection, and pursuant to a standing order issued under subsection a. of this section, shall not, as a result of any acts or omissions, be subject to any criminal or civil liability, or any disciplinary action, for administering the opioid antidote in accordance with P.L.2013, c.46 (C.24:6J-1 et seq.).

d. (1) Any person who is the recipient of an opioid antidote, which has been prescribed or dispensed for administration purposes pursuant to subsection a. or b. of this section, and who has received overdose prevention information pursuant to section 5 of P.L.2013, c.46 (C.24:6J-5), may administer the opioid antidote to another person in an emergency, without fee, if the antidote recipient believes, in good faith, that the other person is experiencing an opioid overdose.

(2) Any person who administers an opioid antidote pursuant to paragraph (1) of this subsection shall not, as a result of the person's acts or omissions, be subject to any criminal or civil liability for administering the opioid antidote in accordance with P.L.2013, c.46 (C.24:6J-1 et seq.).

e. In addition to the immunity that is provided by this section for authorized persons who are engaged in the prescribing, dispensing, or administering of an opioid antidote, the immunity provided by section 7 or section 8 of P.L.2013, c.46 (C.2C:35-30 or C.2C:35-31) shall apply to a person who acts in accordance with this section, provided that the requirements of those sections, as applicable, have been met.

3. Section 5 of P.L.2013, c.46 (C.24:6J-5) is amended to read as follows:

**C.24:6J-5 Overdose prevention information.**

5. a. (1) A prescriber or other health care practitioner who prescribes or dispenses an opioid antidote in accordance with subsection a. of section 4 of P.L.2013, c.46 (C.24:6J-4), shall ensure that overdose prevention information is provided to the antidote recipient. The requisite overdose prevention information shall include, but is not limited to: information on opioid overdose prevention and recognition; instructions on how to perform rescue breathing and resuscitation; information on opioid antidote dosage and instructions on opioid antidote administration; information describing the importance of calling 911 emergency telephone service for assistance with an opioid overdose; and instructions for appropriate care of an overdose victim after administration of the opioid antidote.

(2) A professional or professional entity that dispenses an opioid antidote pursuant to a standing order, in accordance with subsection b. of section 4 of P.L.2013, c.46 (C.24:6J-4), shall ensure that each patient who is dispensed an opioid antidote also receives a copy of the overdose prevention information that has been provided to the professional or professional entity pursuant to paragraph (1) of this subsection.

b. (1) In order to fulfill the information distribution requirements of subsection a. of this section, overdose prevention information may be provided by the prescribing or dispensing health care practitioner, by the dispensing professional or professional entity, or by a community-based organization, or other organization that addresses medical or social issues related to drug addiction, and with which the health care practitioner, professional, or professional entity, as appropriate, maintains a written agreement. Any such written agreement shall incorporate, at a minimum: procedures for the timely dissemination of overdose prevention information; information as to how employees or volunteers providing the information will be trained; and standards for recordkeeping under paragraph (2) of this subsection.

(2) The dissemination of overdose prevention information in accordance with this section, and the contact information for the persons receiving such information, to the extent known, shall be documented by the prescribing or dispensing health care practitioner, professional, or professional entity, as appropriate, in: (a) the patient's medical record, if applicable; or (b) another appropriate record or log, if the patient's medical record is unavailable or inaccessible, or if the antidote recipient is a professional or professional entity acting in their professional capacity; or (c) any other similar recordkeeping location, as specified in a written agreement that has been executed pursuant to paragraph (1) of this subsection.

c. In order to facilitate the dissemination of overdose prevention information in accordance with this section, the Commissioner of Human Services, in consultation with Statewide organizations representing physicians, advanced practice nurses, or physician assistants, and organizations operating community-based programs, sterile syringe access programs, or other programs which address medical or social issues related to drug addiction, may develop training materials in video, electronic, or other appropriate formats, and disseminate these materials to health care practitioners; professionals and professional entities that are authorized by standing order to dispense opioid antidotes; and organizations that are authorized to disseminate overdose prevention information under a written agreement executed pursuant to paragraph (1) of subsection b. of this section.

4. Section 3 of P.L.2006, c.99 (C.26:5C-27) is amended to read as follows:

**C.26:5C-27 Demonstration program for operation of sterile syringe access programs.**

3. The Commissioner of Health shall establish a demonstration program to permit up to six municipalities to operate a sterile syringe access

program in accordance with the provisions of this act. For the purposes of the demonstration program, the commissioner shall prescribe by regulation requirements for a municipality to establish, or otherwise authorize the operation within that municipality of, a sterile syringe access program to provide for the exchange of hypodermic syringes and needles in accordance with the provisions of P.L.2006, c.99 (C.26:5C-25 et seq.).

a. The commissioner shall:

(1) request an application, to be submitted on a form and in a manner to be prescribed by the commissioner, from any municipality that seeks to establish a sterile syringe access program, or from other entities authorized to operate a sterile syringe access program within that municipality as provided in paragraph (2) of subsection a. of section 4 of P.L.2006, c.99 (C.26:5C-28);

(2) approve those applications that meet the requirements established by regulation of the commissioner and contract with the municipalities or entities whose applications are approved to establish a sterile syringe access program as provided in paragraph (2) of subsection a. of section 4 of P.L.2006, c.99 (C.26:5C-28) to operate a sterile syringe access program in any municipality in which the governing body has authorized the operation of sterile syringe access programs within that municipality by ordinance;

(3) support and facilitate, to the maximum extent practicable, the linkage of sterile syringe access programs to: (a) health care facilities and programs that may provide appropriate health care services, including mental health services, medication-assisted drug treatment services, and other substance abuse treatment services to consumers participating in a sterile syringe access program; and (b) housing assistance programs, career and employment-related counseling programs, and education counseling programs that may provide appropriate ancillary support services to consumers participating in a sterile syringe access program;

(4) provide for the adoption of a uniform identification card or other uniform Statewide means of identification for consumers, staff, and volunteers of a sterile syringe access program pursuant to paragraph (9) of subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28); and

(5) maintain a record of the data reported to the commissioner by sterile syringe access programs pursuant to paragraph (11) of subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28).

b. The commissioner shall be authorized to accept funding as may be made available from the private sector to effectuate the purposes of P.L.2006, c.99 (C.26:5C-25 et seq.).

5. Section 4 of P.L.2006, c.99 (C.26:5C-28) is amended to read as follows:

**C.26:5C-28 Establishment, authorization by municipality of certain programs.**

4. a. In accordance with the provisions of section 3 of P.L.2006, c.99 (C.26:5C-27), a municipality may establish or authorize establishment of a sterile syringe access program that is approved by the commissioner to provide for the exchange of hypodermic syringes and needles.

(1) A municipality that establishes a sterile syringe access program, at a fixed location or through a mobile access component, may operate the program directly or contract with one or more of the following entities to operate the program: a hospital or other health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a federally qualified health center, a public health agency, a substance abuse treatment program, an AIDS service organization, or another nonprofit entity designated by the municipality. These entities shall also be authorized to contract directly with the commissioner in any municipality in which the governing body has authorized the operation of sterile syringe access programs by ordinance pursuant to paragraph (2) of this subsection. The municipality or entity under contract shall implement the sterile syringe access program in consultation with a federally qualified health center and the New Jersey Office on Minority and Multicultural Health in the Department of Health and Senior Services, and in a culturally competent manner.

(2) Pursuant to paragraph (2) of subsection a. of section 3 of P.L.2006, c.99 (C.26:5C-27), a municipality whose governing body has authorized the operation of sterile syringe access programs within the municipality may require within the authorizing ordinance that an entity as described in paragraph (1) of this subsection obtain approval from the municipality, in a manner prescribed by the authorizing ordinance, to operate a sterile syringe access program prior to obtaining approval from the commissioner to operate such a program, or may permit the entity to obtain approval to operate such a program by application directly to the commissioner without obtaining prior approval from the municipality.

(3) Two or more municipalities may jointly establish or authorize establishment of a sterile syringe access program that operates within those municipalities pursuant to adoption of an ordinance by each participating municipality pursuant to this section.

b. A sterile syringe access program shall comply with the following requirements:



(1) Sterile syringes and needles shall be provided at no cost to consumers 18 years of age and older;

(2) Program staff shall be trained and regularly supervised in: harm reduction; substance abuse, medical and social service referrals; and infection control procedures, including universal precautions and needle stick injury protocol; and programs shall maintain records of staff and volunteer training and of hepatitis C and tuberculosis screening provided to volunteers and staff;

(3) The program shall offer information about HIV, hepatitis C and other bloodborne pathogens and prevention materials at no cost to consumers, and shall seek to educate all consumers about safe and proper disposal of needles and syringes;

(4) The program shall provide information and referrals to consumers, including HIV testing options, access to medication-assisted drug abuse treatment programs and other substance abuse treatment programs, and available health and social service options relevant to the consumer's needs. The program shall encourage consumers to receive an HIV test, and shall, when appropriate, develop an individualized drug abuse treatment plan for each participating consumer;

(5) The program shall screen out consumers under 18 years of age from access to syringes and needles, and shall refer them to drug abuse treatment and other appropriate programs for youth;

(6) The program shall develop a plan for the handling and disposal of used syringes and needles in accordance with requirements set forth at N.J.A.C.7:26-3A.1 et seq. for regulated medical waste disposal pursuant to the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et al.), and shall also develop and maintain protocols for post-exposure treatment;

(7) (a) The program may obtain a standing order, pursuant to the "Overdose Prevention Act," P.L.2013, c.46 (C.24:6J-1 et seq.), authorizing program staff to carry and dispense naloxone hydrochloride or another opioid antidote to consumers and the family members and friends thereof;

(b) The program shall provide overdose prevention information to consumers, the family members and friends thereof, and other persons associated therewith, as appropriate, in accordance with the provisions of section 5 of the "Overdose Prevention Act," P.L.2013, c.46 (C.24:6J-5);

(8) The program shall maintain the confidentiality of consumers by the use of confidential identifiers, which shall consist of the first two letters of the first name of the consumer's mother and the two-digit day of birth and two-digit year of birth of the consumer, or by the use of such other uniform

Statewide mechanism as may be approved by the commissioner for this purpose;

(9) The program shall provide a uniform identification card that has been approved by the commissioner to consumers and to staff and volunteers involved in transporting, exchanging or possessing syringes and needles, or shall provide for such other uniform Statewide means of identification as may be approved by the commissioner for this purpose;

(10) The program shall provide consumers at the time of enrollment with a schedule of program operation hours and locations, in addition to information about prevention and harm reduction and drug abuse treatment services; and

(11) The program shall establish and implement accurate data collection methods and procedures as required by the commissioner for the purpose of evaluating the sterile syringe access programs, including the monitoring and evaluation on a quarterly basis of:

(a) sterile syringe access program participation rates, including the number of consumers who enter drug abuse treatment programs and the status of their treatment;

(b) the effectiveness of the sterile syringe access programs in meeting their objectives, including, but not limited to, return rates of syringes and needles distributed to consumers and the impact of the sterile syringe access programs on intravenous drug use; and

(c) the number and type of referrals provided by the sterile syringe access programs and the specific actions taken by the sterile syringe access programs on behalf of each consumer.

c. A municipality may terminate a sterile syringe access program established or authorized pursuant to this act, which is operating within that municipality, if its governing body approves such an action by ordinance, in which case the municipality shall notify the commissioner of its action in a manner prescribed by regulation of the commissioner.

6. Section 5 of P.L.2006, c.99 (C.26:5C-29) is amended to read as follows:

**C.26:5C-29 Reports to Governor, Legislature.**

5. a. (1) The Commissioner of Health and Senior Services shall report to the Governor and, pursuant to section 2 of P.L.1991, 164 (C.52:14-19.1), the Legislature, no later than one year after the effective date of P.L.2006, c.99 (C.26:5C-25 et seq.) and biennially thereafter, on the status of sterile syringe access programs established pursuant to sections 3 and 4 of

P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28), and shall include in that report the data provided to the commissioner by each sterile syringe access program pursuant to paragraph (11) of subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28).

(2) For the purpose of each biennial report pursuant to paragraph (1) of this subsection, the commissioner shall:

(a) consult with local law enforcement authorities regarding the impact of the sterile syringe access programs on the rate and volume of crime in the affected municipalities and include that information in the report; and

(b) seek to obtain data from public safety and emergency medical services providers Statewide regarding the incidence and location of needle stick injuries to their personnel and include that information in the report.

b. The commissioner shall report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, no later than six months after the date that the initial sterile syringe access program, which is approved by the commissioner pursuant to section 3 of P.L.2006, c.99 (C.26:5C-27), commences its operations, and shall include in that report:

(1) an assessment of whether an adequate number of drug abuse treatment program slots is available to meet the treatment needs of persons who have been referred to drug abuse treatment programs by sterile syringe access programs pursuant to paragraph (4) of subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28); and

(2) a recommendation for such appropriation as the commissioner determines necessary to ensure the provision of an adequate number of drug abuse treatment program slots for those persons.

c. The commissioner shall contract with an entity that is independent of the department to prepare a detailed analysis of the sterile syringe access programs, and to report on the results of that analysis to the Governor, the Governor's Advisory Council on HIV/AIDS and Related Blood-Borne Pathogens, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, no later than 24 months after the adoption of regulations required pursuant to subsection b. of section 7 of P.L.2006, c.99 (C.26:5C-31) and annually thereafter. The analysis shall include, but not be limited to:

(1) any increase or decrease in the spread of HIV, hepatitis C and other blood-borne pathogens that may be transmitted by the use of contaminated syringes and needles;

(2) the number of exchanged syringes and needles and an evaluation of the disposal of syringes and needles that are not returned by consumers;

(3) the number of consumers participating in the sterile syringe access programs and an assessment of their reasons for participating in the programs;

(4) the number of consumers in the sterile syringe access programs who participated in drug abuse treatment programs; and

(5) the number of consumers in the sterile syringe access programs who benefited from counseling and referrals to programs and entities that are relevant to their health, housing, social service, employment and other needs.

d. Within 90 days after receipt of the third report pursuant to subsection c. of this section, the commissioner shall submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature, on a day when both Houses of the Legislature are meeting in the course of a regular or special session, the commissioner's recommendations regarding whether or not to continue the demonstration program established pursuant to this act. The commissioner's recommendations shall be effective unless the Legislature passes a concurrent resolution overriding the commissioner's recommendations no later than the 45th day after its receipt of those recommendations.

7. This act shall take effect immediately.

Approved February 5, 2015.

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## CHAPTER 11

AN ACT concerning prison-based mental health and substance use disorder treatment programs, and amending P.L.1986, c.71.

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

1. Section 2 of P.L.1986, c.71 (C.30:4-82.2) is amended to read as follows:

**C.30:4-82.2 Provision of mental health, substance abuse disorder services to inmates.**

2. a. The Commissioner of Human Services and the Commissioner of Corrections shall formulate a plan to provide adequate and appropriate mental health and substance use disorder services to inmates in all State-owned, operated, or contracted correctional facilities.

The plan shall include, but need not be limited to, the following:

(1) Procedures for identifying a person in need of mental health and substance use disorder services when the person is initially admitted to a

State-owned, operated, or contracted correctional facility, and while the person is confined therein;

(2) Procedures for providing a mental health and substance use disorder evaluation to a person identified under subsection a. of this section to determine whether the person is in need of mental health or substance use disorder services;

(3) Procedures for providing adequate and appropriate mental health or substance use disorder treatment to a person determined to be in need under paragraph (2) of this subsection;

(4) Enumeration of the types of mental health and substance use disorder treatment that may be provided to a person determined to be in need under paragraph (2) of this subsection, which types of treatment shall include, but need not be limited to, individual or group counseling, treatment with prescription drugs, and increased monitoring as needed to prevent harm to self or others, which may include confinement in a secure hospital setting;

(5) Procedures for the provision of medication-assisted treatment in substance use disorder treatment programs, as appropriate and available;

(6) Procedures for terminating the treatment provided under paragraph (3) of this subsection when it is no longer needed by the person receiving it;

(7) Identifying community mental health and substance use disorder treatment providers and services to assist in a person's community reintegration upon the person's discharge from a State-owned, operated, or contracted correctional facility;

(8) Procedures for ensuring cooperation between the Department of Corrections and the Department of Human Services at all personnel levels and at every stage of identification, evaluation, treatment, and termination of treatment so that adequate and appropriate mental health and substance use disorder services are provided;

(9) Procedures for maintaining the confidentiality of mental health and substance use disorder treatment records; and

(10) Procedures for biennial review and revision of the plan developed under this section.

b. Mental health and substance use disorder treatment services in State-owned, operated, or contracted facilities, as appropriate, shall be delivered by licensed provider organizations.

c. The Department of Human Services shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to establish standards and requirements for the licensure of substance use disorder treatment programs operating within State-owned,

operated, or contracted correctional facilities, as appropriate. In developing regulations, the department shall take into consideration the unique characteristics of treatment programs operating within a correctional environment.

d. The Department of Human Services is authorized to develop a plan to provide mental health and substance use disorder services to inmates in county-operated correctional facilities, in consultation with the county-designated individual or entity charged with the planning of treatment services for county inmates.

2. This act shall take effect on the first day of the fourth month next following the date of enactment, except that the Commissioner of Human Services and the Commissioner of Corrections may take any anticipatory administrative action in advance thereof as may be necessary for the implementation of this act.

Approved February 5, 2015.

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## CHAPTER 12

AN ACT concerning the board of trustees of Rutgers University and amending N.J.S.18A:65-15, N.J.S.18A:65-16, and N.J.S.18A:65-30.

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

1. N.J.S.18A:65-15 is amended to read as follows:

**Board of trustees, members, classification, terms, etc.**

18A:65-15. I. The membership of the board of trustees shall be classified as follows and consist of:

- a. the president of the corporation, serving as an ex officio non-voting member;
- b. five public trustees, appointed and to be appointed by the Governor of the State, with the advice and consent of the Senate, serving under section 4 of chapter 49 of the Laws of 1945 for five-year terms expiring respectively, one, two, three, four, and five years after June 30, 1956, whose respective successors shall be appointed upon the expiration of such terms and annually thereafter to serve five-year terms;

c. not less than 12 nor more than 20 trustees who shall be alumni or alumnae of Rutgers, The State University, as may be determined from time to time by the board of trustees, elected by the board in accordance with such rules, regulations and schedules, and modifications thereof, as may be prepared and adopted from time to time by the board, the terms of such alumni trustees or alumnae trustees to be six years for full terms, with power in the board to provide for shorter or interim terms when deemed by it to be advisable.

d. Charter trustees:

i. in the number of trustees serving as such on August 31, 1956 without definite term, who shall continue to serve indefinitely; provided, that upon the occurrence of any vacancy among such charter trustees, no successor shall be elected to fill such vacancy until such time as the number of such trustees has been reduced below 25, and thereafter vacancies within that number shall be filled by the board subject to the following paragraph II; ii. two women elected by the board of trustees serving six-year terms expiring respectively on June 30, 1963 and 1965 and one woman elected by the board of trustees serving a five-year term expiring June 30, 1961, whose respective successors shall be elected by the board upon the expiration of such terms and thereafter to serve six-year terms.

II. All trustees elected or appointed for terms commencing on or after September 1, 1956, other than those serving pursuant to subsections I.a. and I.b. of this section, shall serve for terms of six years (subject to the provisions of subsection I.c. of this section and of subsection (a) of section 18A:65-16), and may succeed themselves for not more than one additional term after having served one full six-year term.

III. The ex officio members of the board of trustees as constituted on August 31, 1956, pursuant to the charter, statutes, or resolutions of the board from time to time adopted, ceased to be such members on August 31, 1956, with the exception of the president of the corporation who continued as ex officio trustee and ex officio governor, without voting power as hereinabove provided and the Commissioner of Education who so continued until July 1, 1967.

IV. A member of the board of trustees appointed to the board of governors pursuant to subsection b.ii. of N.J.S.18A:65-14 shall cease being a member of the board of trustees immediately upon taking the oath of office as a member of the board of governors.

2. N.J.S.18A:65-16 is amended to read as follows:

**Governors and trustees, beginning and ending of terms; vacancies.**

18A:65-16. (a) The terms of all governors and trustees which are limited shall, unless otherwise expressly provided herein, commence on July 1 in the first year, and end on June 30 in the last year, of such term.

(b) In case a governor or a trustee is elected president and he thereby becomes a nonvoting governor or trustee ex officio, a vacancy in his prior office as governor or trustee shall thereby occur.

(c) In case a trustee is appointed a governor by the Governor of the State, a vacancy in his prior office as trustee shall thereby occur.

(d) Any vacancy occurring during the term of any governor or trustee (other than by the expiration of his term) shall be filled for the unexpired term only, in the same manner and subject to the same provisions, as in the case of his appointment or election; subject, however, to the provisions of subsection I.d. of section 18A:65-15.

3. N.J.S.18A:65-30 is amended to read as follows:

**Powers of each board.**

18A:65-30. Each board shall have the power to appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from its members and such advisory committees or bodies, as it may deem necessary or conducive to the efficient management and operation of the corporation and the university, consistent with this chapter and other applicable statutes. The board of governors may appoint trustees to membership on its committees, without vote.

4. This act shall take effect immediately.

Approved February 5, 2015.

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**CHAPTER 13**

AN ACT concerning the emergency administration of epinephrine to students for anaphylaxis, amending and supplementing P.L.1997, c.368, and amending P.L.2007, c.57.

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



1. Section 1 of P.L.1997, c.368 (C.18A:40-12.5) is amended to read as follows:

**C.18A:40-12.5 Development of policy for emergency administration of epinephrine to students.**

1. Each board of education or chief school administrator of a nonpublic school shall develop a policy in accordance with the guidelines established by the Department of Education pursuant to section 4 of P.L.2007, c.57 (C.18A:40-12.6a) for the emergency administration of epinephrine via a pre-filled auto-injector mechanism to a pupil for anaphylaxis provided that:

a. the parents or guardians of the pupil provide to the board of education or chief school administrator of a nonpublic school written authorization for the administration of the epinephrine;

b. the parents or guardians of the pupil provide to the board of education or chief school administrator of a nonpublic school written orders from the physician or advanced practice nurse that the pupil requires the administration of epinephrine for anaphylaxis;

c. the board or chief school administrator of a nonpublic school informs the parents or guardians of the pupil in writing that the district and its employees or agents or the nonpublic school and its employees or agents shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism;

d. the parents or guardians of the pupil sign a statement acknowledging their understanding that the district or the nonpublic school shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism to the pupil and that the parents or guardians shall indemnify and hold harmless the district and its employees or agents or the nonpublic school and its employees or agents against any claims arising out of the administration of the epinephrine via a pre-filled auto-injector mechanism; and

e. the permission is effective for the school year for which it is granted and is renewed for each subsequent school year upon fulfillment of the requirements in subsections a. through d. of this section.

The policy developed by a board of education or chief school administrator of a nonpublic school shall require:

(1) the placement of a pupil's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school-sponsored function. The location of the epinephrine shall be indicated on the pupil's emergency care plan. Back-up epinephrine via a

pre-filled auto-injector mechanism shall also be available at the school if needed;

(2) the school nurse or designee to be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction; and

(3) the transportation of the pupil to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have resolved.

f. The policy developed by a board of education or chief school administrator of a nonpublic school shall also:

(1) permit the school nurse or trained designee to administer epinephrine via a pre-filled auto-injector mechanism to any pupil without a known history of anaphylaxis or any pupil whose parent or guardian has not met the requirements of subsections a., b., and d. of this section and has not received the notice required pursuant to subsection c. of this section when the nurse or designee in good faith believes that the pupil is having an anaphylactic reaction; and

(2) require each public and nonpublic school to maintain in a secure but unlocked and easily accessible location a supply of epinephrine auto-injectors that is prescribed under a standing protocol from a licensed physician or an advanced practice nurse, and is accessible to the school nurse and trained designees for administration to a pupil having an anaphylactic reaction.

2. Section 2 of P.L.1997, c.368 (C.18A:40-12.6) is amended to read as follows:

**C.18A:40-12.6 Policy for administration of epinephrine to pupil.**

2. The policy for the administration of medication to a pupil shall provide that the school nurse shall have the primary responsibility for the administration of the epinephrine. The school nurse shall designate, in consultation with the board of education, or chief school administrator of a nonpublic school additional employees of the school district or nonpublic school who volunteer to administer epinephrine via a pre-filled auto-injector mechanism to a pupil for anaphylaxis when the nurse is not physically present at the scene. In the event that a licensed athletic trainer volunteers to administer epinephrine, it shall not constitute a violation of the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.).

Except as otherwise provided pursuant to subsection f. of section 1 of P.L.1997, c.368 (C.18A:40-12.5), the school nurse shall determine that:

a. the designees have been properly trained in the administration of the epinephrine via a pre-filled auto-injector mechanism using standardized

training protocols established by the Department of Education in consultation with the Department of Health;

b. the parents or guardians of the pupil consent in writing to the administration of the epinephrine via a pre-filled auto-injector mechanism by the designees;

c. the board or chief school administrator of a nonpublic school informs the parents or guardians of the pupil in writing that the district and its employees or agents or the nonpublic school and its employees and agents shall have no liability as a result of any injury arising from the administration of the epinephrine to the pupil;

d. the parents or guardians of the pupil sign a statement acknowledging their understanding that the district or nonpublic school shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism to the pupil and that the parents or guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of the epinephrine via a pre-filled auto-injector mechanism to the pupil; and

e. the permission is effective for the school year for which it is granted and is renewed for each subsequent school year upon fulfillment of the requirements in subsections a. through d. of this section.

The Department of Education, in consultation with the Department of Health, shall require trained designees for students enrolled in a school who may require the emergency administration of epinephrine for anaphylaxis when the school nurse is not available.

Nothing in this section shall be construed to prohibit the emergency administration of epinephrine via a pre-filled auto-injector mechanism to a pupil for anaphylaxis by the school nurse or other employees designated pursuant to this section when the pupil is authorized to self-administer epinephrine pursuant to section 1 of P.L.1993, c.308 (C.18A:40-12.3), or when there is a coexisting diagnosis of asthma, or when a prescription is received from a licensed health care professional for epinephrine coupled with another form of medication, or when the epinephrine is administered pursuant to subsection f. of section 1 of P.L.1997, c.368 (C.18A:40-12.5).

3. Section 7 of P.L.2007, c.57 (C.18A:40-12.6d) is amended to read as follows:

**C.18A:40-12.6d Immunity from liability.**

7. No school employee, including a school nurse, or any other officer or agent of a board of education or nonpublic school, or a physician or an

advanced practice nurse providing a prescription under a standing protocol for school epinephrine pursuant to subsection f. of section 1 of P.L.1997, c.368 (C.18A:40-12.5), shall be held liable for any good faith act or omission consistent with the provisions of P.L.1997, c.368 (C.18A:40-12.5 et seq.), nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person designated in good faith by the school nurse pursuant to section 2 of P.L.1997, c.368 (C.18A:40-12.6). Good faith shall not include willful misconduct, gross negligence or recklessness.

**C.18A:40-12.6e Funds used for compliance in nonpublic schools.**

4. Notwithstanding any law to the contrary, funds appropriated or otherwise made available pursuant to P.L.1991, c.226 (C.18A:40-23 et seq.) may be used to comply with the requirements of subsection f. of section 1 of P.L.1997, c.368 (C.18A:40-12.5) in nonpublic schools.

5. This act shall take effect in the first full school year following the date of enactment.

Approved February 5, 2015.

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CHAPTER 14

AN ACT concerning licensing requirements for certain residential mortgage lending and amending P.L.2009, c.53.

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

1. Section 4 of P.L.2009, c.53 (C.17:11C-54) is amended to read as follows:

**C.17:11C-54 Licensing requirements.**

4. Except as provided under section 5 of this act, beginning no later than July 31, 2010, or a later date approved by the Secretary of the United States Department of Housing and Urban Development pursuant to the provisions of section 1508 of the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," Pub.L.110-289 (12 U.S.C. s.5107), the licensing requirements under this act shall be as follows:

a. For residential mortgage lenders and residential mortgage brokers, as business licensees:

(1) No person shall act as a residential mortgage lender or broker without first obtaining a license under this act, except that a person licensed as a residential mortgage lender may act as a broker, if proper disclosure is made. The department shall issue licenses which specify whether a business licensee is licensed as a residential mortgage lender or broker.

(2) No person shall be issued or hold a license as a residential mortgage lender or residential mortgage broker unless one officer, director, partner, owner or principal is a qualified individual licensee of that same type sought or held. The commissioner may, by regulation, require a licensed residential mortgage lender or broker to employ additional qualified individual licensees to properly supervise the business licensee in its branch offices. If a qualified individual licensee allows his license to lapse or for some other reason is no longer affiliated with the business licensee, the business licensee shall notify the commissioner within 10 days, and shall appoint another qualified individual licensee within 90 days or a longer period as permitted by the commissioner.

(3) No person licensed as a mortgage banker, correspondent mortgage banker, mortgage broker, or secondary lender under the provisions of the "New Jersey Licensed Lenders Act," sections 1 through 49 of P.L.1996, c.157 (C.17:11C-1 et seq.), prior to the effective date of its reform and re-titling as the "New Jersey Consumer Finance Licensing Act" pursuant to P.L.2009, c.53 (C.17:11C-51 et al.), shall continue to engage in any activities for which a license was previously issued, and henceforth act as a residential mortgage lender or residential mortgage broker without first obtaining a license under this act.

b. For residential mortgage lenders and residential mortgage brokers, as qualified individual licensees:

(1) No individual shall act as a qualified individual licensee for a residential mortgage lender or residential mortgage broker without first obtaining a license under this act. A qualified individual licensee licensed as a residential mortgage lender or broker may act as a mortgage loan originator.

(2) No individual licensee for a mortgage banker, correspondent mortgage banker, mortgage broker, or secondary lender under the provisions of the "New Jersey Licensed Lenders Act," sections 1 through 49 of P.L.1996, c.157 (C.17:11C-1 et seq.), prior to the effective date of its reform and re-titling as the "New Jersey Consumer Finance Licensing Act" pursuant to P.L.2009, c.53 (C.17:11C-51 et al.), shall continue to engage in any activi-

ties for which a license was previously issued, and henceforth act as a qualified individual licensee without first obtaining a license under this act.

c. For mortgage loan originators:

(1) (a) No individual shall act as a mortgage loan originator without first obtaining a license under this act.

(b) No individual, except as provided in paragraph (2) of this subsection, shall be issued or hold a license as a mortgage loan originator unless employed as an originator by one, and not more than one, business licensee, and is subject to the direct supervision and control of that licensee.

(2) No loan processor or underwriter who is an independent contractor shall act as a loan processor or underwriter without first obtaining a mortgage loan originator license under this act.

(3) No individual registered as a mortgage solicitor under the provisions of the "New Jersey Licensed Lenders Act," sections 1 through 49 of P.L.1996, c.157 (C.17:11C-1 et seq.), prior to the effective date of its reform and re-titling as the "New Jersey Consumer Finance Licensing Act" pursuant to P.L.2009, c.53 (C.17:11C-51 et al.), shall continue to engage in any activities for which a registration was previously issued, and henceforth act as a mortgage loan originator without first obtaining a license under this act.

2. Section 5 of P.L.2009, c.53 (C.17:11C-55) is amended to read as follows:

**C.17:11C-55 Inapplicability of act.**

5. The requirements of this act shall not apply to:

a. Depository institutions; but subsidiaries and service corporations of these institutions shall not be exempt.

b. A registered mortgage loan originator that is registered under the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," title V of Pub.L.110-289 (12 U.S.C. s.5101 et seq.).

c. A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a residential mortgage lender, residential mortgage broker, or mortgage loan originator.

d. A person licensed as a real estate broker or salesperson pursuant to R.S.45:15-1 et seq., and not engaged in the business of a residential mortgage lender or residential mortgage broker. Any person holding a license under this act as a residential mortgage lender or broker shall be exempt from the licensing and other requirements of R.S.45:15-1 et seq. in the performance of those functions authorized by this act.

e. Any employer, other than a residential mortgage lender, who provides residential mortgage loans to his employees as a benefit of employment which are at an interest rate which is not in excess of the usury rate in existence at the time the loan is made, as established in accordance with the law of this State, and on which the borrower has not agreed to pay, directly or indirectly, any charge, cost, expense or any fee whatsoever, other than that interest.

f. The State of New Jersey or a municipality, or any agency or instrumentality thereof, which, in accordance with a housing element that has received substantive certification from the Council on Affordable Housing pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), or in fulfillment of a regional contribution agreement with a municipality that has received a certification, employs or proposes to employ municipally generated funds, funds obtained through any State or federal subsidy, or funds acquired by the municipality under a regional contribution agreement, to finance the provision of affordable housing by extending loans or advances, the repayment of which is secured by a lien, subordinate to any prior lien, upon the property that is to be rehabilitated.

g. Any individual who offers or negotiates terms of a residential mortgage loan:

- (1) with or on behalf of an immediate family member; or
- (2) secured by a dwelling that served as the individual's residence.

h. Any person who, during a calendar year takes three or fewer residential mortgage loan applications or offers or negotiates the terms of three or fewer residential mortgage loans or makes three or fewer residential mortgage loans related to manufactured housing structures which are:

- (1) titled by the New Jersey Motor Vehicle Commission;
- (2) located in a mobile home park as defined in subsection e. of section 3 of P.L.1983, c.400 (C.54:4-1.4); and
- (3) exempt from taxation as real property pursuant to subsection b. of section 4 of P.L.1983, c.400 (C.54:4-1.5).

3. This act shall take effect immediately.

Approved February 5, 2015.

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## CHAPTER 15

AN ACT concerning school meals and supplementing chapter 33 of Title 18A of the New Jersey Statutes.

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

**C.18A:33-21 Schools meals, notification to parent of payment in arrears before denying to student.**

1. In the event that a school district determines that a student's school breakfast or school lunch bill is in arrears, the district shall contact the student's parent or guardian to provide notice of the arrearage and shall provide the parent or guardian with a period of 10 school days to pay the amount due. If the student's parent or guardian has not made full payment by the end of the 10 school days, then the district shall again contact the student's parent or guardian to provide notice that school breakfast or school lunch, as applicable, shall not be served to the student beginning one week from the date of the second notice unless payment is made in full.

2. This act shall take effect immediately.

Approved February 5, 2015.

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CHAPTER 16

AN ACT authorizing persons to institute in rem tax foreclosure actions against abandoned properties and amending R.S.54:5-86, P.L.1948, c.96, and P.L.1955, c.278.

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

1. R.S.54:5-86 is amended to read as follows:

**Action by municipality to foreclose right of redemption.**

54:5-86. a. When the municipality is the purchaser of a tax sale certificate, the municipality, or its assignee or transferee, may, at any time after the expiration of the term of six months from the date of sale, institute an action to foreclose the right of redemption. Except as provided in subsection a. of section 39 of P.L.1996, c.62 (C.55:19-58) or as provided in subsection b. of this section, for all other persons that do not acquire a tax sale certificate from a municipality, an action to foreclose the right of redemption may be instituted at any time after the expiration of the term of two



years from the date of sale of the tax sale certificate. On instituting the action the right to redeem shall exist and continue until barred by the judgment of the Superior Court.

b. Any person holding a tax sale certificate on a property that meets the definition of abandoned property as set forth in P.L.2003, c.210 (C.55:19-78 et al.), either at the time of the tax sale or thereafter, may at any time file an action with the Superior Court in the county wherein said municipality is situate, demanding that the right of redemption on such property be barred, pursuant to the "tax sale law," R.S.54:5-1 et seq., or the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.). The filing shall include a certification by the public officer or the tax collector that the property is abandoned, provided pursuant to subsection d. of section 6 of P.L.2003, c.210 (C.55:19-83). In the event that the certificate holder has unsuccessfully sought such certification from the public officer or tax collector, as the case may be, the certificate holder may submit to the court evidence that the property is abandoned, accompanied by a report and sworn statement by an individual holding appropriate licensure or professional qualifications, and shall provide a copy of those documents submitted to the court to the public officer and the tax collector. On the basis of this submission and any submission provided by the public officer or tax collector, as the case may be, the court shall determine whether the property meets the definition of abandoned property.

c. Any person holding a tax sale certificate on a property that meets the definition of abandoned property as set forth in P.L.2003, c.210 (C.55:19-78 et al.), either at the time of the tax sale or thereafter, may enter upon that property at any time after written notice to the owner by certified mail return receipt requested in order to make repairs, or abate, remove or correct any condition harmful to the public health, safety and welfare, or any condition that is materially reducing the value of the property.

d. Any sums incurred or advanced pursuant to subsection c. of this section may be added to the unpaid balance due the holder of the tax sale certificate at the statutory interest rate for subsequent liens.

2. Section 2 of P.L.1948, c.96 (C.54:5-104.30) is amended to read as follows:

**C.54:5-104.30 Definitions.**

2. When used in the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.):

(a) "Municipality" shall mean every taxing district having the power to assess and collect taxes.

(b) "Tax Collector" or "collector" shall mean the officer of the municipality charged by law with the duty of collecting general land taxes and the enforcement of tax liens.

(c) "County recording officer" shall mean the county officer in whose office deeds are recorded for the county in which the land affected by a proceeding under this act is located.

(d) "Land" or "lands" shall mean and include all real property.

(e) "Tax liens" shall mean all liens for general land taxes, and for all other municipal taxes which are liens on land, together with accrued interest, penalties and costs of collection thereon heretofore existing or hereafter arising pursuant to any law.

(f) "Tax lien title" shall mean the title derived from a sale according to law to satisfy any tax lien and evidenced by a tax sale certificate.

(g) "Person" or "persons" shall mean an individual, a corporation, an association, a municipal corporation, a body corporate and politic, a governing body of a municipality, or a governmental agency, and the singular may include the plural.

(h) "Abandoned property certificate holder" means a person authorized to file an action pursuant to subsection b. of R.S.54:5-86.

3. Section 3 of P.L.1948, c.96 (C.54:5-104.31) is amended to read as follows:

**C.54:5-104.31 Construction as remedial legislation.**

3. The In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.) shall be liberally construed as remedial legislation to encourage the barring of rights of redemption, and is an alternate and additional remedy to any other remedy provided by law, and shall apply to certificates of tax sales heretofore or hereafter issued and held by a municipality or an abandoned property certificate holder.

4. Section 4 of P.L.1948, c.96 (C.54:5-104.32) is amended to read as follows:

**C.54:5-104.32 In rem proceedings.**

4. Any municipality or abandoned property certificate holder may proceed, In Rem, pursuant to the provisions of the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.), similarly to bar rights of

redemption, after said certificate has been recorded in the office of the county recording officer. Neither the foreclosure nor the recording of any such judgment or certificate shall be construed to be a sale, transfer, or conveyance of title or interest to the subject property under the provisions of the "Uniform Fraudulent Transfer Act," R.S.25:2-20 et seq.

5. Section 6 of P.L.1948, c.96 (C.54:5-104.34) is amended to read as follows:

**C.54:5-104.34 Time for institution of action.**

6. No action may be instituted by a municipality under the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.), on any tax sale certificate unless:

a. More than six months have expired from the date of the tax sale out of which any such certificate arose; and

b. All or any portion of the general land taxes levied and assessed against the land for 21 months next preceding the commencement of the action, other than those subject to payment by installments authorized by a resolution adopted pursuant to R.S.54:5-65, remains unpaid.

Such action on a tax sale certificate may include the lien for unpaid taxes, utility liens or any other municipal liens in conjunction with or independent of one another.

6. Section 1 of P.L.1955, c.278 (C.54:5-104.72) is amended to read as follows:

**C.54:5-104.72 Irregularities in proceedings; instituting new proceedings.**

1. Where

(a) any proceeding pursuant to the provisions of the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.), to which P.L.1955, c.278 (C.54:5-104.72 et seq.) is a supplement, or

(b) any other proceeding for the foreclosure of a right of redemption where the right could then have been, but was not, foreclosed in the manner provided by the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.) if that act had then been in effect,

has been heretofore or shall be hereafter instituted and judgment obtained, and after the entry of such judgment it is discovered that there were irregularities, or that there may have been irregularities, in the conduct of the proceedings, the municipality or abandoned property certificate holder that instituted the proceedings, may conduct a proceeding under the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.), in the

same manner and with the same effect as the first proceeding would have had if it had been regularly prosecuted to judgment under that act.

7. Section 2 of P.L.1955, c.278 (C.54:5-104.73) is amended to read as follows:

**C.54:5-104.73 Right of purchaser to have prior foreclosure proceedings corrected.**

2. Where a municipality or abandoned property certificate holder has heretofore sold and transferred, or shall hereafter sell and transfer, lands to a purchaser, title to which was acquired by the municipality or abandoned property certificate holder under a tax sale certificate and the foreclosure thereof, the said purchaser may request the municipality or abandoned property certificate holder to further foreclose or reforeclose such tax sale certificate under the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.), to which P.L.1955, c.278 (C.54:5-104.72 et seq.) is a supplement, for the purpose of correcting and overcoming any irregularity in the prior foreclosure proceedings, or to bar any outstanding right of redemption of the lands from the tax sale which resulted in the said tax sale certificate, which right of redemption could have been but was not barred by the said prior foreclosure proceedings.

8. Section 3 of P.L.1955, c.278 (C.54:5-104.74) is amended to read as follows:

**C.54:5-104.74 Further foreclosure proceedings by municipality; title of purchaser not affected; contents of notice and complaint.**

3. Notwithstanding the prior sale of the property by the municipality or abandoned property certificate holder, the municipality or abandoned property certificate holder in any case, as provided for in the preceding section, shall have the right to further so foreclose or reforeclose the tax sale certificates for the purpose of correcting or overcoming any irregularity in the prior foreclosure proceeding, or to bar any outstanding right of redemption of the lands from the tax sale which resulted in the said tax sale certificate, which right was not barred by the said prior foreclosure proceeding, but could have been, in the manner provided by the In Rem Tax Foreclosure Act (1948), P.L.1948, c.96 (C.54:5-104.29 et seq.), to which P.L.1955, c.278 (C.54:5-104.72 et seq.) is a supplement, if that act was then in effect; provided, however, that in any such foreclosure proceeding brought pursuant to section 2 of P.L.1955, c.278 (C.54:5-104.73) the judgment of foreclosure therein obtained shall not affect the right, title, and interest in said lands of the said purchaser from the municipality or abandoned property certificate

holder or of any person deriving an interest therein from, through, or by any action of, the said purchaser, and the said judgment shall bar such outstanding interests as are foreclosed for the benefit of the said purchaser and the governing body of the municipality may by resolution or abandoned property certificate holder may as otherwise provided by law, as the case may be, authorize the giving to the said purchaser a confirmatory deed.

In every such further foreclosure, or reforeclosure proceeding, brought pursuant to the provisions of section 2 of P.L.1955, c.278 (C.54:5-104.73) or this section, the municipality or abandoned property certificate holder shall clearly set forth in the notice and in the complaint, that the proceeding is instituted pursuant to section 2 of P.L.1955, c.278 (C.54:5-104.73) or this section, and that the judgment to be obtained will specifically contain a provision giving full effect to the foregoing proviso and such judgment shall contain appropriate provisions to that effect.

9. This act shall take effect immediately.

Approved February 5, 2015.

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## CHAPTER 17

AN ACT concerning civil service reemployment lists and amending N.J.S.11A:4-9.

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

1. N.J.S.11A:4-9 is amended to read as follows:

**Types of eligible lists.**

11A:4-9. The commission may establish the following types of eligible lists:

- a. Open competitive, which shall include all qualified eligibles without regard to whether they are currently employed by the State or a political subdivision;
- b. Promotional, which shall include qualified permanent eligibles;
- c. Regular reemployment, which shall include former permanent employees who resigned in good standing and whose reemployment is certified by the appointing authority as in the best interest of the service. The name of any such employee shall not remain on a reemployment list for

more than three years from the date of resignation, unless otherwise extended pursuant to N.J.S.11A:4-6;

d. Police, sheriff's officer, or fire reemployment, which shall include former permanent uniformed members of a police department, sheriff's office, or fire department who have resigned in good standing and whose reemployment is certified by the appointing authority as in the best interest of the service; and

e. Special reemployment, which shall include permanent employees laid off or demoted in lieu of layoff from permanent titles.

2. This act shall take effect immediately and shall be retroactive to January 1, 2002.

Approved February 5, 2015.

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## CHAPTER 18

AN ACT concerning certain public water and wastewater assets, supplementing Title 58 of the Revised Statutes, and amending R.S.40:62-3.

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

**C.58:30-1 Short title.**

1. Sections 1 through 9 of this act shall be known and may be cited as the "Water Infrastructure Protection Act."

**C.58:30-2 Findings, declarations relative to water and wastewater treatment and conveyance systems.**

2. The Legislature finds and declares that:

a. The maintenance and operation of water and wastewater treatment and conveyance systems is vital to ensuring the protection of water quality and clean drinking water in New Jersey;

b. There are public water and wastewater systems in the State that present serious risks to the integrity of drinking water and the environment because of issues such as aging infrastructure systems, the deterioration of the physical assets of the systems, or damage to infrastructure so severe that it is beyond governmental capacity to restore;

c. Under the appropriate circumstances, the transfer of these threatened water and wastewater assets to a capable private or public entity with the financial resources and expertise to improve management, operation, and continued maintenance of the assets could help ensure the protection of drinking water; and

d. It is in the public interest that public entities have the option to transfer, lease, or sell water or wastewater assets if there exist emergent conditions that threaten drinking water or the environment.

**C.58:30-3 Definitions relative to water and wastewater treatment and conveyance systems.**

3. As used in this act,

“Board” means the Board of Public Utilities.

“Capable private or public entity” means any private or public water system owner who, at the time of submitting a proposal to long-term lease or purchase public water or wastewater assets, currently (1) owns a system serving no less than the number of residential and commercial accounts as the system which the entity is proposing to lease or purchase, and (2) is not a significant noncomplier, as defined pursuant to section 3 of P.L.1977, c.7 (C.58:10A-3), is not currently the subject of a formal enforcement action initiated by the New Jersey Department of Environmental Protection to address a material violation by the entity which has not been corrected over a reasonable period of time given the specific situation, or is not substantially out of compliance with an administrative consent order, settlement agreement, stipulation of settlement or judicial consent order entered into with the department.

“Department” means the Department of Environmental Protection.

“Director” means the Director of the Division of Local Government Services in the Department of Community Affairs.

“Governing body” means a “governing body” as defined in section 3 of the “New Jersey Wastewater Treatment Public-Private Contracting Act,” P.L.1995, c.216 (C.58:27-19 through C.58:27-27).

“Licensed engineer” means a professional engineer licensed pursuant to P.L.1938, c.342 (C.45:8-27 et seq.).

“Long-term lease” means a lease of longer than 30 years under which the municipal owner seeks to transfer ownership of the system at the end of the lease term.

“Owner” means any municipality, except a municipality that is a city of the first class with a population of 270,000 or more according to the latest federal decennial census, that owns water or wastewater assets. Munici-

palities constituting a joint meeting, and the joint meeting itself shall not be considered an owner for the purposes of this definition.

“Registered apprenticeship program” means an apprenticeship program registered with and approved by the United States Department of Labor and which provides to each trainee combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade, and which meets the program performance standards of enrollment and graduation under 29 C.F.R. s.29.6.

“System” means the plants, structures, and other real and personal property of an owner that is, or is to be, acquired, constructed, or operated for the purpose of processing water or wastewater, including sewage, for distribution or treatment.

“Water or wastewater assets” means any system along with any other related buildings, equipment, or other infrastructure.

**C.58:30-4 Sale, long-term lease of assets.**

4. If an owner determines that emergent conditions exist, the owner may long-term lease or sell its water or wastewater assets to a capable private or public entity pursuant to the provisions of sections 5 through 9 of P.L.2015, c.18 (C.58:30-5 through C.58:30-9). An owner may so long-term lease or sell its water or wastewater assets without any referendum except as may be required pursuant to subsection g. of section 5 of P.L.2015, c.18 (C.58:30-5).

**C.58:30-5 Determination of existence of emergent conditions.**

5. a. The determination that emergent conditions exist shall be made by certification of the mayor, the mayor’s designee of the municipality, and a licensed engineer.

b. Emergent conditions shall exist if at least one of the following conditions is met:

(1) The system is located in an area designated by the Department of Environmental Protection as an Area of Critical Water Supply Concern I or II, or any future designation or newly added area of critical water supply concern;

(2) The owner of the system is a significant noncomplier, as defined pursuant to section 3 of P.L.1977, c.7 (C.58:10A-3), has been the subject of a formal enforcement action initiated by the department, or is substantially out of compliance with an administrative consent order, settlement agreement, stipulation of settlement, or judicial consent order entered into with the department; or



(3) There is a present deficiency or violation of maximum contaminant levels established pursuant to the “Safe Drinking Water Act,” P.L.1977, c.224 (C.58:12A-1 et seq.), concerning the availability or potability of water, or concerning the provision of water at adequate volume or pressure, or distribution or treatment of wastewater;

(4) There is a demonstrated lack of historical investment, repair, or sustainable maintenance as determined by the department, or material damage to the infrastructure of the system; or

(5) The system owner lacks the financial, technical, or managerial capacity to adequately address any of the foregoing on a sustainable basis or own and operate the system in a way that supports economic activity in the municipality on a sustainable basis.

c. Should the owner determine that one or more emergent conditions contained in subsection b. of this section exists and that it is necessary to take steps to effectuate the sale or long-term lease of its water or wastewater assets to a capable private or public entity pursuant to this act to address these emergent conditions and to operate and maintain the system, the owner shall through the utilization of applicable public procurement laws of the State of New Jersey retain the services of an independent financial advisor to review, analyze and report on the value of the system and the short and long term impacts to rate-payers of the cash-flow structure of the proposed transaction and to provide an estimate as to the financial requirements necessary to address the emergent conditions and to operate and maintain the system. Upon completion of the analysis and review, the independent financial advisor shall transmit its report to the owner. Within 10 days of the approval of the report by the owner, the owner shall transmit copies to the board, the director, and the department and shall make the report available for public review.

d. After the independent financial advisor has completed its analysis of the financial aspects of the proposed transaction and has presented its report to the owner, a public hearing on the proposed emergent condition certification shall be held. The owner shall provide notice of the public hearing no less than 30 days prior to the date of the hearing. The notice shall prominently state the findings upon which the certification of emergent conditions is based, a summary of the findings by the independent financial advisor and that the certification is in anticipation of a proposed long-term lease or sale of water or wastewater assets to a capable private or public entity. Notice of the public hearing shall be published on the official Internet website of the municipality and at least once in one or more newspapers circulating in the municipality. Notice of the public hearing shall be

published on the official Internet website of the county and at least once in one or more newspapers circulating in the county. If an applicable official website does not exist, notice of the public hearing shall be published on the official Internet website of the Department of Community Affairs.

e. After the public hearing and after giving due consideration to the findings of the independent financial advisor, the governing body of the owner shall, by resolution adopted by at least two-thirds of its authorized membership, certify that one or more emergent conditions exist and that the owner intends to sell or long-term lease its water or wastewater assets to a capable private or public entity to address these emergent conditions and to operate and maintain the system. Within five days of the adoption of the resolution, the governing body of the owner shall transmit a true copy of the resolution, to the department, the board, and the director. Within 30 days of receipt of the resolution by the department, the department shall approve or reject the owner's emergent conditions certification as contained in the resolution.

f. Upon receipt of the approval of the emergent conditions certification by the Department of Environmental Protection, the owner shall publish notice of the approval if the owner chooses to proceed with the sale or long-term lease of its water or wastewater assets to a capable private or public entity. The notice shall prominently state that the certification is in anticipation of a long-term lease or sale of water or wastewater assets to a capable private or public entity. Notice of the approval shall be published on the official Internet website of the municipality and at least once in one or more newspapers circulating in the municipality, and shall prominently state that a petition may be filed within 45 days after the publication of such notice to require a referendum before a resolution authorizing the long-term lease or sale of water or wastewater assets may take effect. If an applicable official website does not exist, notice of the approval shall be published on the official Internet website of the Department of Community Affairs.

g. A petition may be filed with the municipal clerk, no later than 45 days after the notice of the approval of the emergent conditions certification is published, protesting the lease or sale of water or wastewater assets without a public referendum. If the petition is signed by a number of legal voters of the municipality equal to at least 15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected, a resolution to lease or sell water or wastewater assets shall not take effect unless the lease or sale of such assets is approved pursuant to R.S.40:62-4 and R.S.40:62-5. If a petition is not filed pursuant to this sub-

section, a resolution to lease or sell water or wastewater assets shall not be subject to a public referendum.

**C.58:30-6 Request for qualifications.**

6. a. A request for qualifications from a capable private or public entity wishing to be considered for the long-term lease or sale of the owner's system shall be advertised after the emergent conditions certification pursuant to subsection e. of section 5 of P.L.2015, c.18 (C.58:30-5), but no less than 30 days prior to the date on which responses to the request are due. The advertisement of the request for qualifications shall be published on the official Internet website of the municipality and at least once in one or more newspapers circulating in the municipality. An owner shall also publish the advertisement of the request for qualifications at least once in one or more newspapers with Statewide circulation. If an applicable official website does not exist, the advertisement of the request for qualifications shall be published on the official Internet website of the Department of Community Affairs.

b. After an emergent conditions certification is made pursuant to subsection e. of section 5 of P.L.2015, c.18 (C.58:30-5), the owner shall determine the qualified respondents. The owner shall issue a request for proposals to each qualified respondent no less than 14 days prior to the date established for submission of the proposals. The request for proposals shall include relevant technical submissions, documents, and criteria including but not limited to a description of the facilities and the debt related thereto and the evaluation criteria to be used in the selection of the designated respondent. The proposals shall include and shall be evaluated by, at a minimum, the following:

(1) the documented deficiencies of the owner's system upon which the emergent conditions certification is based and a description of the corrective measures to be undertaken by the respondent to address and correct the identified emergent conditions;

(2) a description of the financial, managerial, and technical capabilities of the respondent to operate and maintain the system in compliance with all applicable State and federal laws and regulations, as well as a description of all the respondent's outstanding and pending violations of the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.); P.L.1942, c.308 (C.58:11-9.1 et seq.); "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.); and the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.);

(3) an analysis of the relevant expenditures associated with such activities and the projected impact on customer rates;

(4) an analysis of any Internal Revenue Code or other tax code issues that may arise from the long-term lease or sale of a publicly funded water or wastewater asset, as well as any potential short-term or long-term costs arising there from;

(5) a long-term capital improvement or asset management plan; and

(6) any other pertinent information required of or deemed appropriate by the owner.

c. Upon a review of the proposals submitted by qualified respondents, the governing body of an owner shall, by resolution adopted by at least two-thirds of its authorized membership, designate one qualified respondent, whose proposal the governing body finds to be the most advantageous to the public, taking into consideration the evaluation criteria set forth in the request for proposals and as specified under subsection b. of this section. The resolution shall include a detailed summary of the governing body's findings that the proposal of the designated respondent is most advantageous to the public. The summary shall be published in accordance with the notification requirements of section 5 of P.L.2015, c.18 (C.58:30-5).

**C.58:30-7 Negotiations for a contract for lease or sale.**

7. a. After the designated respondent is selected, negotiations for a contract for the lease or sale of the water or wastewater assets may commence between the owner and the designated respondent.

b. (1) Every proposed contract shall include a clause stating that to the extent it does not violate any existing collective bargaining agreements between the capable private or public entity and its employees, the capable private or public entity shall give first consideration in hiring to any public employees displaced by the long-term lease or sale of the water or waste water assets.

(2) After an agreement on a proposed contract is reached between the owner and the designated respondent, the governing body of the owner shall, by resolution adopted by at least two-thirds of its authorized membership, cause the proposed contract to be submitted to the board for approval and cause the proposed use of proceeds of the long-term lease or sale to be submitted to the director for approval.

c. (1) The proposed contract submitted to the board shall include the rent or sale price, any appraisals supporting the rent or sale price, documentation regarding the defeasance of debt, and any other information requested by the board. The board shall approve or reject the proposed contract within 90 days of receipt thereof. If no disposition is made within 90 days, the proposed contract shall be deemed approved.

(2) For the purposes of rate making and recovery, the board shall accept the negotiated sale price between the owner and the designated respondent as the new rate base effective as of the date of the approval of the long-term lease or sale, as may be the case, provided the price is deemed reasonable.

The rent or sale price shall be deemed reasonable if it meets the following conditions:

(a) The rent or sale price is sufficient to defease the debt of the owner; and either

(b) (i) The rent or sale price is within the range of any appraisals obtained with respect to the long-term lease or sale of the water or wastewater assets; or

(ii) If there is little or no established rate base for the water or wastewater assets, the rent or sale price is reasonably comparable to a proxy rate base equivalent to the rate base of the designated respondent.

(3) In valuing the water or wastewater assets, appraisers shall comply with the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation.

(4) In valuing the water or wastewater assets and for the purposes of rate making, the original source of funding for any part of the water or wastewater assets shall not be relevant.

(5) Reasonable and prudent transaction, closing, and transition costs incurred by the designated respondent shall be recoverable in rates.

(6) The proposed use of proceeds submitted to the director shall include the rent or sale price, the total amount required to defease debt, any costs associated with compliance with the Internal Revenue Code or other tax code that may arise from the long-term lease or sale of a publicly funded water or wastewater asset, the remaining proceeds after the defeasance of debt and Internal Revenue Service compliance costs, the amount dedicated to the following, in order of priority: compliance with the provisions of the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.); P.L.1942, c.308 (C.58:11-9.1 et seq.); "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.); and the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), any outstanding fees or fines owed by the entity to any federal, State, county or local governmental units, capital improvements, community improvements, and general purposes of the owner. The amount dedicated to capital improvements shall comply with a previously adopted long-term capital improvement plan or asset management plan, and must represent at least 50 percent of the remaining proceeds once the debt is defeased. The director

shall approve or reject the proposed use of proceeds within 30 days of receipt thereof. If no disposition is made within 30 days, the proposed use of proceeds shall be deemed approved.

**C.58:30-8 Contract for long-term lease or sale.**

8. After the proposed contract and proposed use of proceeds have been approved pursuant to subsection c. of section 7 of P.L.2015, c.18 (C.58:30-7), the governing body of the owner may, by resolution adopted by at least two-thirds of its authorized membership, enter into a contract for the long-term lease or sale of the water or wastewater assets with the designated respondent.

**C.58:30-9 Requirements for contractor, subcontractor.**

9. Any contractor or subcontractor hired by the designated respondent, in the performance of a contract entered into pursuant to section 8 of P.L.2015, c.18 (C.58:30-8), shall:

a. (1) be paid, or pay any worker employed by the contractor or subcontractor, not less than the wage rate for their craft or trade as determined by the Commissioner of Labor and Workforce Development pursuant to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) and shall comply with the requirements of section 2 of P.L.2007, c.343 (C.34:13B-2.1);

b. only employ a worker from an apprenticeable trade who is either an apprentice participating in a registered apprenticeship program or who has completed a registered apprenticeship program, unless the contractor or subcontractor certifies that each such worker shall be paid no less than the journeyman rate established for the apprenticeable trade performed pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.); and

c. all contractors and subcontractors shall comply with the provisions of "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.).

10. R.S.40:62-3 is amended to read as follows:

**Ordinance authorizing sale or lease; laws governing.**

40:62-3. Any municipality owning a sewer plant, water plant, heat, light or power plant, system of transportation, or other public utility plant or system, may long-term lease or sell such plant or system. Such a long-term lease or sale to another municipality, a sanitary sewerage authority, a sewerage authority or any other authority, commission or public body shall be authorized by ordinance and may be made upon such terms as said ordi-

nance shall provide and the provisions of R.S.40:62-4 and R.S.40:62-5 shall not apply thereto. Such a long-term lease or sale to any person except another municipality, a sanitary sewerage authority, a sewerage authority or any other authority, commission or public body shall, except as otherwise provided by law, be made only upon compliance with the provisions of R.S.40:62-4 and R.S.40:62-5 and after the same is authorized by the legal voters of the municipality in accordance with said sections, or upon compliance with the provisions of section 2 of P.L.1981, c.16 (C.40:62-3.1) or the "Water Infrastructure Protection Act," sections 1 through 9 of P.L.2015, c.18 (C.58:30-1 et seq.).

11. This act shall take effect immediately.

Approved February 5, 2015.

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## CHAPTER 19

AN ACT consolidating the New Jersey Meadowlands Commission and the New Jersey Sports and Exposition Authority, reestablishing the Hackensack Meadowlands Transportation Planning District, adjusting the funding method for the intermunicipal tax sharing program in the New Jersey Meadowlands, and supplementing Title 13 of the Revised Statutes and revising various parts of the statutory law.

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

**C.5:10A-1 Short title.**

1. Sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) shall be known and may be cited as the "Hackensack Meadowlands Agency Consolidation Act."

**C.5:10A-2 Findings, declarations relative to the "Hackensack Meadowlands Agency Consolidation Act."**

2. The Legislature finds and declares that:

a. The New Jersey Meadowlands Commission is currently the zoning and planning agency for a 30.4 square-mile area covering parts of 14 municipalities in Bergen and Hudson Counties in New Jersey. The New Jersey Meadowlands Commission, created in 1969, was charged with the development and redevelopment of the Hackensack Meadowlands in an orderly

and comprehensive fashion, with special consideration to the ecological and environment challenges facing the Hackensack Meadowlands.

b. During the past 45 years, the New Jersey Meadowlands Commission has successfully provided for orderly comprehensive development, solid waste management, and environmental protection within the Hackensack Meadowlands, as well as guiding the investment of tens of millions of dollars in development, municipal services, and significant infrastructure projects, among other things.

c. There are several vital components necessary for the continuation and expansion of the comprehensive plan for the economic development growth of the Hackensack Meadowlands. Among them are infrastructure improvements, transportation, tourism, the completion of the development of the sport complex site, the delivery of municipal services, flood control, and the continuance of the Intermunicipal Tax Sharing Program, which is the fiscal underpinning of the district's master plan.

d. The New Jersey Sports and Exposition Authority has promoted the holding of athletic contests, horse racing, and other spectator sporting events, trade shows, and other expositions in the State.

e. The 750 acres of the New Jersey Sports and Exposition Authority complex in the Hackensack Meadowlands is a significant economic stimulant to the development of the meadowlands. The New Jersey Sports and Exposition Authority's ability to plan, construct, and maintain its holdings in the sports complex has been an extraordinary feat, making it a premier sporting facility.

f. It is also appropriate and necessary to recognize the consistent impact of the Hackensack Meadowlands on tourist related activities and development, including retail, sports, and entertainment venues constructed at New Jersey Sports and Exposition Authority properties with support from private investment.

g. The authority and powers of the New Jersey Sports and Exposition Authority and the New Jersey Meadowlands Commission should be reviewed and amended to reflect the issues of the day so as to adequately address the evolving economic and environmental issues in the Hackensack Meadowlands.

h. In order to more effectively address the modern needs of the Hackensack Meadowlands, the Legislature finds that the two agencies with the common interest of promoting the economic growth of the meadowlands and northern New Jersey, the New Jersey Sports and Exposition Authority and the New Jersey Meadowlands Commission, should be consolidated to



promote efficiency of operation, cost effectiveness, and the elimination of unnecessary government bureaucracy.

i. Nothing in P.L.2015, c.19 (C.5:10A-1 et al.) is intended to revise, limit, or nullify the rights of the New Jersey Sports and Exposition Authority under the provisions of P.L.1971, c.137 (C.5:10-1 et seq.). In the case of any conflict between P.L.1971, c.137 (C.5:10-1 et seq.) and the provisions of P.L.2015, c.19 (C.5:10A-1 et al.), the provisions of P.L.1971, c.137 (C.5:10-1 et seq.) shall control.

j. Except as expressly provided in P.L.2015, c.19 (C.5:10A-1 et al.) nothing is intended to revise, limit, or nullify the rights of the New Jersey Meadowlands Commission under P.L.1968, c.404 (C.13:17-1 et seq.). In the case of any conflict between P.L.1968, c.404 (C.13:17-1 et seq.) and the provisions of P.L.2015, c.19 (C.5:10A-1 et al.), the provisions of P.L.2015, c.19 (C.5:10A-1 et al.) shall control.

k. Notwithstanding anything in P.L.2015, c.19 (C.5:10A-1 et al.) to the contrary, sections 8 through 16, 18, 23, 24, 25, 30 through 48, and 74 of P.L.2015, c.19 (C.5:10A-8 through C.5:10A-16, C.5:10A-18, C.5:10A-23 through C.5:10A-25, C.5:10A-30 through C.5:10A-48, and C.5:10A-74) shall not apply to the sports complex, and with respect to the sports complex, the rights and powers of the commission shall only be those set forth in P.L.1971, c.137 (C.5:10-1 et seq.).

**C.5:10A-3 Definitions relative to the “Hackensack Meadowlands Agency Consolidation Act.”**

3. As used in sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68):

“Adjustment year” means the year in which the respective obligations of the intermunicipal account and the constituent municipalities of the district are due and payable.

“Apportionment rate” means a rate determined as follows:

(1) The total property taxes levied by a constituent municipality, as certified pursuant to R.S.54:4-52, in the comparison year after the meadowlands adjustment payment made in that comparison year has been subtracted or added, as the case may be, divided by

(2) The aggregate true value of all taxable real property, exclusive of Class II railroad property, located in the municipality, both within and without the district, in the comparison year, as determined by the Director of the Division of Taxation in the Department of the Treasury on October 1 of the comparison year, pursuant to section 2 of P.L.1954, c.86 (C.54:1-35.2), or as modified by the tax court. If a tax appeal is resolved after cal-

culations are finalized for an adjustment year, the next year's calculations must show a retroactive correction for the applicable preceding two years.

"Area in need" means an area whose redevelopment is necessary to effectuate the public purposes described herein, as determined by the commission. An area designated as "in need" may contain lands, buildings, or improvements which, of themselves, are not detrimental to the public health, safety, or welfare, but nevertheless must be included in the area designated as "in need," with or without change in condition, for the effective redevelopment of the area of which they are a part.

"Base year" refers to the term as defined by section 59.1 of P.L.1968, c.404 (C.13:17-61).

"Bonds" means any bonds, notes, interim certificates, debentures, or other obligations, issued by the commission pursuant to sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68).

"Commission" means the New Jersey Sports and Exposition Authority, which may be referred to as the "Meadowlands Regional Commission," as established by section 6 of P.L.2015, c.19 (C.5:10A-6).

"Committee" means the Hackensack Meadowlands Municipal Committee established pursuant to the "Hackensack Meadowlands Redevelopment Act," P.L.1968, c.404 (C.13:17-1 et seq.).

"Comparison year" means the second calendar year preceding the adjustment year.

"Constituent municipalities" means the municipalities of Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, South Hackensack, and Teterboro in Bergen county; and Jersey City, Kearny, North Bergen, and Secaucus in Hudson county.

"District" means the Hackensack Meadowlands District, the area delineated within section 5 of P.L.2015, c.19 (C.5:10A-5).

"Hackensack meadowlands" means the Hackensack Meadowlands District as established by section 5 of P.L.2015, c.19 (C.5:10A-5).

"Hotel" means a building or portion of it, which is regularly used for the lodging of guests and is subject to taxation pursuant to the "Hotel Occupancy Tax Act," P.L.1981, c.77 (C.40:48E-1 et seq.).

"Improvement" means (1) the laying out, opening, construction, widening, straightening, enlargement, extension, alteration, changing of location, grading, paving, or otherwise improving, a street, alley, or public highway; (2) curbing or guttering of a sidewalk along a street, alley, or highway; (3) construction and improvement of bridges and viaducts; (4) construction, enlargement, or extension of a sewer or drain or of a sewerage or drainage system including, but not limited to, such systems under streets, alleys, or

public highways, or works for the sanitary disposal of sewerage or drainage; (5) the installation of service connections to water and other utility works, including the laying, construction, or placing of mains, conduits, or cables under or along a street, alley, or highway; (6) the construction, enlargement, or extension of water mains or water distribution works; (7) extension of landfills or other facilities for the disposal of solid wastes; (8) the installation of lighting standards, appliances, and appurtenances required for the illumination of streets; (9) the widening, deepening, or improvement of, the removal of obstructions in, and the construction, enlargement, and extension of any waterway, or of enclosing walls, or of a pipe or conduit along a water course; (10) the development and improvement of parks, recreational facilities, and flood control structures; (11) environmental enhancements and remediation; and (12) the construction of buildings and other structures.

“Intermunicipal account” means the device established and administered by the commission to record all of the transactions made for the purpose of calculating the meadowlands adjustment payment for each constituent municipality, and to act as the clearinghouse for the transfer of the meadowlands adjustment payments among the constituent municipalities as required by section 59 of P.L.2015, c.19 (C.5:10A-59).

“Master plan” means the comprehensive plan for the district prepared and adopted by the commission.

“Meadowlands adjustment payment” means the amount that is payable by each constituent municipality to the intermunicipal account, or the amount that is payable by the intermunicipal account to each municipality, as the commission shall determine the case to be.

“Owner” means all persons having any title or interest in any property, rights, easements, and interests authorized to be acquired, assessed, or regulated by sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68).

“Person” means all individuals, partnerships, associations, private or municipal corporations, and all political subdivisions of the State.

“Project” means any plan, work, or undertaking by the commission, constituent municipality, or redeveloper, pursuant to the master plan or a redevelopment plan.

“Project area” means all or a portion of a redevelopment area.

“Redeveloper” means any person, firm, corporation, or public or private agency that engages in development, redevelopment, or improvement of an area or any part thereof under the provisions of sections 1 through 68

of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), or in the construction of any project pursuant to the master plan or redevelopment plan.

“Redevelopment” means a plan for planning, development, and redevelopment; the rehabilitation of any improvements; conservation or rehabilitation work; the construction and provision for construction of projects; and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for such projects or other public purposes incidental or appurtenant thereto, in accordance with the master plan or any part thereof, or a redevelopment plan.

“Redevelopment plan” means a plan adopted by the commission, applicable to an area in need, for a redevelopment project or projects, which shall conform to the master plan.

“Resident enrollment” means the number of full-time pupils who are residents of the school district and who are enrolled in day schools on the last day of September during the school year in which calculation of aid is made and are attending the public schools of the school district or a school district or State teachers’ college demonstration school in which the school district of residence pays tuition; school district may count in its enrollment any pupil regularly attending, on a full-time basis, a county vocational school in the same county, for which the school district pays tuition.

“Site plan” means a plan for an existing lot or plot or a subdivided lot on which is shown topography, location of all existing or proposed buildings, structures, drainage facilities, roads, rights-of-way, easements, parking areas, together with any other information, and at such a scale as may be required by a commission site plan review and approval resolution.

“Solid waste” means any refuse matter, trash, or garbage.

“Solid waste and recycling facilities” means the plants, structures, and other real and personal property acquired, constructed, or operated, or to be acquired, constructed, or operated by the commission, as hereinafter provided, including landfills or other plants or facilities for the treatment of recycling materials and disposal of solid waste.

“Sports complex” means the 750 acre sports and exposition site located in the Borough of East Rutherford and any other land owned by the New Jersey Sports and Exposition Authority in Hudson County or Bergen County under the jurisdiction of the New Jersey Sports and Exposition Authority as of the effective date of P.L.2015, c.19 (C.5:10A-1 et al.).

“Special assessment” means an assessment for benefits accruing from the construction of improvements by or at the direction of the commission.

“Subdivision” means the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether

immediate or future, of sale or building development except that the following divisions shall not be considered subdivisions within the meaning of P.L.2015, c.19 (C.5:10A-1 et al.); provided, however, that no new streets or roads are involved; divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property pursuant to court order.

**C.5:10A-4 References mean and refer to New Jersey Sport and Exposition Authority.**

4. On and after the effective date of P.L.2015, c.19 (C.5:10A-1 et al.), any reference in any law, rule, regulation, order, contract, or document to the Hackensack Meadowlands Development Commission or the New Jersey Meadowlands Commission shall mean and refer to the New Jersey Sports and Exposition Authority as established by section 4 of P.L.1971, c.137 (C.5:10-4), as modified by P.L.2015, c.19 (C.5:10A-1 et al.).

**C.5:10A-5 Districts delineated.**

5. a. Except as otherwise provided, the commission shall carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) within the following district:

Beginning at a point on Hendricks Causeway at its junction with the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch in Ridgefield;

Thence southerly along the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch to its junction with the Fairview-Ridgefield Municipal boundary;

Thence westerly along the Fairview-Ridgefield Municipal boundary to its junction with the Fairview-North Bergen Municipal boundary;

Thence easterly along the Fairview-North Bergen Municipal boundary to its junction with the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch;

Thence southerly along the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch to its junction with Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;

Thence southerly along Tonnelle Avenue (U.S. Route 1 and 9) to its intersection with the Pulaski Skyway;

Thence westerly along a line formed by the Pulaski Skyway to a point where the Port Authority Trans-Hudson tracks pass under the Pulaski Skyway;

Thence westerly along the Port Authority Trans-Hudson tracks to their intersection with the Harrison-Kearny Municipal Boundary;

Thence northwesterly along the Harrison-Kearny Municipal Boundary, as it jogs and curves, to its intersection with the Erie-Lackawanna Railroad, Harrison-Kingsland connecting branch of the Morris and Essex Division;

Thence northerly along the tracks of the Erie-Lackawanna Railroad, Harrison-Kingsland connecting branch of the Morris and Essex Division to its junction with Orient Way in Lyndhurst;

Thence northerly along Orient Way to its junction with Valley Brook Avenue-Smith Street;

Thence easterly along Smith Street to its junction with Madison Street;

Thence northerly along Madison Street to its junction with Evergreen Place;

Thence westerly along Evergreen Place to its junction with Meadow Road;

Thence northerly along Meadow Road to its junction with Rutherford Avenue;

Thence northerly along a straight line drawn between the intersection of Rutherford Avenue and Meadow Road and the junction of Union Avenue and Erie-Lackawanna-New Jersey and New York Railroad;

Thence northerly along the tracks of the Erie-Lackawanna-New Jersey and New York Railroad to its intersection with the Wood-Ridge-Carlstadt municipal boundary;

Thence easterly along the Wood-Ridge-Carlstadt municipal boundary to its intersection with the Moonachie-Wood-Ridge municipal boundary;

Thence northerly and westerly along the Moonachie-Wood-Ridge municipal boundary to its intersection with the Hasbrouck Heights-Moonachie municipal boundary;

Thence easterly and northerly along the Hasbrouck Heights-Moonachie municipal boundary to its intersection with the Moonachie-Teterboro municipal boundary;

Thence westerly and northerly along the Hasbrouck Heights-Teterboro municipal boundary to its intersection with U. S. Route 46;

Thence easterly along U. S. Route 46 to its intersection with the Teterboro-Little Ferry municipal boundary;

Thence southerly along the Teterboro-Little Ferry municipal boundary to its intersection with the Moonachie-Little Ferry boundary;

Thence southerly along the Moonachie-Little Ferry municipal boundary to its intersection with Red Neck Road;

Thence southerly along Red Neck Road to its junction with Moonachie Avenue in Moonachie;

Thence easterly along Moonachie Avenue to its junction with Moonachie Road;

Thence northerly along Moonachie Road to its junction with Maple Street;

Thence easterly along Maple Street approximately 930 feet to its intersection with the Transcontinental gas pipeline;

Thence northeasterly along a straight line drawn between the intersection of Maple Street and the Transcontinental gas pipeline and the intersection of Bertolotto Avenue and the Moonachie-Little Ferry Municipal boundary (Losen Slofe Creek);

Thence easterly along Bertolotto Avenue to its junction with Eckel Road;

Thence southerly along 5th Street to its junction with Mansfield Avenue;

Thence easterly along Columbus Avenue to its junction with Mehrhof Road;

Thence northerly along Mehrhof Road to its junction with Washington Avenue;

Thence easterly and northerly along Washington Avenue to its junction with Main Street;

Thence easterly along Main Street extended to the Little Ferry-Ridgefield Park Municipal boundary; (The middle of the Hackensack River);

Thence southerly along the Little Ferry-Ridgefield Park Municipal boundary (in the middle of the Hackensack River) to its intersection with the Ridgefield Park-Ridgefield Municipal boundary;

Thence easterly along the Ridgefield Park-Ridgefield Municipal boundary (in the middle of Overpeck Creek) to its intersection with Bergen Turnpike;

Thence southerly along Bergen Turnpike to its junction with Hendricks Causeway;

Thence southeasterly along Hendricks Causeway to its junction with the tracks of the Lackawanna Railroad--Northern Branch, the point of beginning.

b. The commission shall not carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), take any action, or have any jurisdiction within the following district:

Beginning at a point on Old New Jersey Route 3 (New Jersey Route 153) (Paterson Plank Road) at its junction with County Avenue in Secaucus;

Thence southerly along County Avenue to its junction with Secaucus Road;

Thence westerly along Secaucus Road a distance of 1,321 feet, more or less, to its junction with Private Road;

Thence northerly along a straight line drawn between the intersection of Secaucus Road and the aforementioned Private Road and the intersection of Pandolfi Avenue-Golden Avenue in Secaucus;

Thence westerly along Pandolfi Avenue to its junction with 5th Street;

Thence southerly along 5th Street to its junction with Mansfield Avenue;

Thence westerly along Mansfield Avenue to its junction with Walter Place;

Thence northerly along Walter Place to its junction with Mansfield Avenue;

Thence westerly along Mansfield Avenue to its junction with 9th Street;

Thence northerly along 9th Street to its junction with Grace Street;

Thence easterly along Grace Street to its junction with Eighth Street;

Thence northerly along Eighth Street to its junction with Old New Jersey Route 3 (Route 153);

Thence easterly along Old New Jersey Route 3 (Route 153) to its junction with Paterson Plank Road;

Thence easterly continuing along Old New Jersey Route 3 (Route 153) (Paterson Plank Road) to its junction with County Avenue, the point of beginning.

c. The commission shall not carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), take any action, or have any jurisdiction within the following district:

Beginning at a point on Maple Avenue at its junction with 7th Street in Secaucus;

Thence northerly and easterly along 7th Street to its junction with Paterson Plank Road;

Thence northerly along Paterson Plank Road to its junction with Farm Road;

Thence northerly along Farm Road to its junction with Meadow Lane;

Thence easterly along Meadow Lane to its junction with Stonewall Lane and Mill Ridge Road;

Thence easterly along Mill Ridge Road to its junction with Koelle Boulevard;

Thence southerly along Koelle Boulevard to its junction with Huber Street;

Thence westerly along Huber Street to its junction with Radio Avenue;

Thence southerly on Radio Avenue to its junction with Pikeview Terrace;



Thence westerly and northerly along Pikeview Terrace to its intersection with Lausecker Lane;

Thence westerly along Lausecker Lane to its junction with Paterson Plank Road;

Thence southerly along Paterson Plank Road to its junction with Maple Street;

Thence westerly along Maple Street to its junction with 7th Street, the point of beginning.

**C.5:10A-6 New Jersey Meadowlands Commission dissolved.**

6. The New Jersey Meadowlands Commission is dissolved. All property, funds, and assets of the New Jersey Meadowlands Commission are vested in and belong to the commission as defined by section 4 of P.L.2015, c.19 (C.5:10A-4).

**C.5:10A-7 Additional powers of commission.**

7. In addition to any powers established pursuant to section 5 of P.L.1971, c.137 (C.5:10-5), the commission, as defined by section 4 of P.L.2015, c.19 (C.5:10A-4), shall have the following powers:

a. To enter upon any building or property in order to conduct investigations, examinations, and surveys necessary to carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68);

b. To prepare, adopt, and implement a master plan for the physical development of all lands, which shall take into consideration any lease agreements entered into by the New Jersey Sports and Exposition Authority as of the effective date of P.L.2015, c.19 (C.5:10A-1 et al.), or a portion thereof, lying within the district, and to adopt and enforce regulations, codes, and standards for the effectuation of such plan;

c. To undertake any development or other project or improvement as it finds necessary to redevelop and improve the land within the district;

d. To recover by special assessments the cost of improvements from the increase of property values attributable to such improvements;

e. Generally to establish, charge, and collect rates, fees, and other charges for the use of any facilities operated and maintained by the commission, and to collect fees as otherwise established by law, rule, or regulation;

f. To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the commission to carry out its responsibilities subject to the provisions of section 6 of P.L.1984, c.128 (C.13:17-6.1);

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- g. To plan, establish, and implement programs promoting and facilitating economic development opportunities in the district;
- h. To review and regulate plans for any subdivision or development within the district;
- i. To cause to be prepared plans, specifications, designs, and estimates of costs for the construction of projects and improvements under the provisions of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), and to modify such plans, specifications, designs, or estimates;
- j. To determine the existence of areas in need of redevelopment or rehabilitation and to approve or undertake redevelopment projects therein;
- k. To provide solid waste disposal and recycling facilities for the treatment of solid waste;
- l. To assist and coordinate shared services among the constituent municipalities of the district and to enter into, from time to time, contracts with one or more municipalities, counties, or other public agencies for the operation of public improvements, works, facilities, services, or undertakings of such municipalities, counties, or agencies, or of the commission;
- m. To undertake all the necessary steps to develop plans and undertake flood control projects and to maintain and construct necessary flood control structures and ditches;
- n. To take any action necessary for the purpose of promoting and marketing tourism, entertainment, sports, and all related activities within the district or at any other location owned or operated by the commission. The commission may create a not-for-profit entity that will implement this function;
- o. To preserve and protect the environment of the district and to provide programs for environmental education that benefit schools and the general public;
- p. To create a transportation planning district and develop strategies to improve regional comprehensive planning;
- q. To receive and accept, from any federal or other public agency or governmental entity, grants or loans for, or in aid of, the planning or construction of any project or improvement, or the acquisition of any property, and to receive and accept aid or contributions from any other source, of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants, loans, and contributions may be made, and to enter into co-operative agreements with the federal government, or any other public or governmental agency, for the performance of such acts as may be necessary and proper for the reclamation

of the Hackensack meadowlands and to comply with established requirements for such participation;

r. To establish engineering standards and a building code specifying the maximum weight, size, and density of all buildings and structures to be placed on any land within its jurisdiction;

s. To conduct examinations and investigations, hear testimony, and take proof, under oath at public and private hearings, of any material matter, require attendance of witnesses and the production of books and papers, and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;

t. To subordinate, waive, sell, assign, or release any right, title, claim, lien, or demand, however acquired, including any equity or right of redemption; to foreclose, sell, or assign any mortgage held by it, or any interest in real or personal property; and to purchase at any sale upon such terms and at such prices as it determines to be reasonable and to take title to property, real, personal, or mixed, so acquired, and to sell, exchange, assign, convey, lease, mortgage, or otherwise dispose of any such property, subject to such conditions and restrictions as it deems necessary to carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68); and

u. To collect, and disburse, the assessments authorized in section 85 of P.L.2015, c.19 (C.5:10A-85), for the purposes set forth in that section.

**C.5:10A-8 Notification to municipalities of plans of the commission.**

8. Whenever the commission prepares plans for the development, redevelopment, or rezoning of, or for the construction or reconstruction of buildings or structures on land within the district, the commission shall notify, within seven days, the governing body of the constituent municipality or municipalities in which the land is located. During the preparation of the plans, the commission shall meet and consult with the notified governing body or bodies. If the final plans of the commission are inconsistent with any recommendations of the governing body or bodies of the municipality or municipalities in which the land is located, the commission shall inform the governing body or bodies, in writing, of the reasons for the inconsistencies prior to the submission of the plans to the committee, and shall include a copy of that writing when submitting the plans to the committee.

**C.5:10A-9 Submission to the committee prior to final action.**

9. a. The commission shall submit to the committee for review, prior to final action thereon, codes and standards formulated by the commission, the

district master plan and amendments thereto, development and redevelopment plans, and improvement plans. The commission may also submit to the committee any other matter which the commission deems advisable. The committee may also coordinate shared services and cooperative agreements among the constituent municipalities and conduct studies and provide reports to the commission regarding issues which impact the constituent municipalities.

b. The committee shall review matters submitted to it by the commission pursuant to this section and shall indicate its position, in writing, to the commission. Failure of the committee to convey to the commission its position within 30 days of the receipt of any matter referred to the committee shall constitute approval of the proposed action of the commission; provided, however, that the committee shall have 120 days after receipt of a major revision of the master plan to convey its position, in writing, to the commission.

c. The commission shall not take action on any matter required to be submitted to the committee, which matter has been formally rejected by the committee, except by an affirmative vote of the majority of authorized members of the commission.

**C.5:10A-10 Master plan.**

10. a. After a public hearing and pursuant to the procedures hereinafter provided, the commission shall prepare, or cause to be prepared, and adopt a master plan, or portion thereof, for the physical development of all lands lying within the district. The master plan may include proposals for various stages for the future development of the district. The commission may amend the master plan in accordance with the procedures established herein. The master plan shall include a report presenting the objectives, assumptions, standards, and principles, as set forth in the master plan. The master plan shall be a composite of the one or more written proposals recommending the physical development of the lands within the district, in its entirety or a portion thereof, which the commission shall prepare after meetings with the governing bodies of the constituent municipalities and affected counties, and any agencies and instrumentalities thereof.

b. In preparing the master plan or any portion thereof or amendment thereto the commission shall consider the existing patterns of the development in constituent municipalities, and any master plan or other plan of development adopted by any constituent municipality prior to the effective date of P.L.2015, c.19 (C.5:10A-1 et al.), or prior to the preparation of the master plan by the commission.

c. In preparing the master plan or any portion thereof or amendment thereto, the commission shall consult with any federal or State agency having an interest in the district. At least 60 days prior to taking any action relating to the district, any interested agency shall file with the commission any proposed plans for the commission's review and recommendation.

d. A master plan examination and revision shall be conducted by the commission every 10 years, the first of which shall be conducted 10 years from the date on which the first master plan was adopted by the commission pursuant to this section. The master plan in effect on the effective date of P.L.2015, c.19 (C.5:10A-1 et al.) shall remain in effect until the commission's next examination and revision, which shall be within five years of the effective date of P.L.2015, c.19 (C.5:10A-1 et al.).

e. The master plan shall include provisions or criteria for the location and use of buildings, structures, facilities, and land for solid waste disposal and recycling, and may include provisions for:

- (1) the use of land and buildings, residential, commercial, industrial, park, and other like purposes;
- (2) service-water supply, utilities, sewerage, and other like matters;
- (3) transportation, streets, parking, public transit lines and stations, both above and below ground level, freight facilities, airports, harbors, channels, docks, and wharves, and other like matters;
- (4) housing, including affordable housing, residential standards, clearance, redevelopment, rehabilitation, conservation, and other like matters;
- (5) water, soil conservation, flood control, and other like matters;
- (6) public and semipublic facilities including but not limited to civic centers, schools, libraries, parks, playgrounds, fire houses, police buildings, hospitals, and other like matters;
- (7) the distribution and density of population;
- (8) planned unit development;
- (9) community appearance;
- (10) financing and programming capital improvements;
- (11) plan and develop facilities for tourism, sports, and entertainment; and
- (12) other related elements of growth and development, including the social implications of any proposed development, and advances in technology related to any subject included in the plan.

f. In accordance with sections 1 through 68 of P.L.2015, c.15 (C.5:10A-1 through C.5:10A-68), and in addition to any other law, rule, or regulation concerning affordable housing, the master plan may also include codes and standards covering land use, comprehensive zoning, subdivisions, building construction and design, housing, and the control of air and

water pollution, and other subjects necessary to carry out the plan or to undertake a workable program of community improvement. No codes or standards concerning building construction and design shall be promulgated without the certificate of the chief engineer or equivalent official of the commission that the proposed codes and standards meet the engineering standards adopted by the commission. No municipality shall adopt, and no municipal official shall enforce, any code which is inconsistent with the code contained in the master plan insofar as such code applies to property within the district; provided, however, that the governing body or other appropriate body of each constituent municipality may adopt zoning ordinances and any other codes or standards, which it is authorized by the laws of this State to adopt, for lands within the boundaries of said municipality which are subject to the jurisdiction of the commission and which will effectuate the purposes of the commission's master plan.

**C.5:10A-11 Municipality, authority to approve, reject land use or zoning applications.**

11. a. A constituent municipality that adopts the commission's master plan, zoning regulations, codes, and standards shall have the authority to approve or reject land use or zoning applications. The municipality shall provide the commission all documentation, plans, and information regarding all applications. All fees generated by these applications and approvals shall be retained by the municipality.

b. For those municipalities that do not adopt the commission's master plan, zoning regulations, codes, and standards, the commission shall have the authority to issue the permit.

c. Any municipality which undertakes projects for public recreation, public safety, and the general welfare of its citizens will not be required to file an application with the commission. The codes and standards of that municipality shall apply. All documentation plans and necessary information regarding the project shall be submitted to the commission upon completion of the project.

d. Any project which requires a use variance pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70) or special exception from any provision of the commission's master plan must be submitted directly to the commission for review and approval or rejection. Any project which requires a bulk variance pursuant to subsection c. of section 57 of P.L.1975, c.291 (C.40:55D-70) or approval for a minor subdivision, as defined by section 3.2 of P.L.1975, c.291 (C.40:55D-5), may be approved by the appropriate board of a constituent municipality.

**C.5:10A-12 Municipalities not adopting commission's master plan.**

12. For those municipalities that do not adopt the commission's master plan, zoning regulations, codes, and standards, the commission shall review and regulate subdivisions and land development within the district, in accordance with procedures and engineering and planning standards adopted by the commission, which shall require that:

- a. All subdivisions, site plans, buildings, and other development shall be in accordance with the master plan and any applicable redevelopment plan;
- b. Adequate drainage facilities and easements be provided;
- c. Road improvements be provided for subdivisions or sites when necessary to protect the safety and convenience of the traveling public, such improvements to include, but not be limited to, additional rights-of-way or pavement widths, marginal access streets, reverse frontage and highway and traffic design features necessitated by increased traffic, and potential safety hazards or traffic flow impediments caused by the subdivision or development;
- d. Public water and sewer systems be provided when necessary to protect public health and to ensure an adequate supply of water; and
- e. Performance guarantees, maintenance bonds, and agreements be provided specifying minimum standards of construction for required improvements by the commission, not to exceed the full cost of the facility and installation thereof, or the developer's proportionate share thereof. Any bonds, moneys, or guarantees received by the commission under this paragraph shall not duplicate bonds, moneys, or guarantees required by municipalities for municipal purposes.

**C.5:10A-13 Submission of applications for subdivision, site plan, or building permit.**

13. a. Pursuant to the commission's jurisdiction established in section 12 of P.L.2015, c.19 (C.5:10A-12), each application for a subdivision, site plan, or building permit shall be submitted to the commission for review and, when appropriate, approval, prior to any determination by the applicable local constituent municipal approving authority. Commission approval of any subdivision application shall be limited by, and based upon, the rules, regulations, and standards in a resolution adopted by the commission. The constituent municipal approval authority shall defer taking final action on a subdivision application until receipt of the commission report thereon. The commission shall report to the municipal authority within 45 days from the date of receipt of the application. If the commission fails to report to the municipal approving authority within the 45-day period, the subdivision application shall be deemed to have been approved by the commission unless, by mutual agreement between

the commission and municipal approving authority, with approval of the applicant, the 45-day period shall be extended for an additional 45-day period, and any such extension shall so extend the time within which a municipal approving authority shall be required by law to act thereon.

b. The commission shall review each subdivision plan and building permit application and withhold approval if an application does not meet the requirements adopted by the commission. In the event of the withholding of approval or the disapproval of any such application, the reasons for such action shall be set forth in writing, and a copy thereof shall be forwarded to the applicant and the municipality.

**C.5:10A-14 Notification by commission to certain municipalities.**

14. Whenever the commission receives an application for the development, improvement, or redevelopment of, or for the construction or reconstruction of buildings or structures on, land in the district, and the municipality did not adopt the commission's master plan and zoning regulations, the commission shall notify, within seven days, in writing, the governing body of the constituent municipalities in which the land is located. Before approving an application, the commission shall consult with the notified governing body or bodies. If the commission approves an application which the governing body or bodies oppose in any manner, the commission shall inform the governing body or bodies, in writing, by certified mail, of the reasons for approval within seven days of that approval.

**C.5:10A-15 Certification of approval of commission required.**

15. The county clerk or register of deeds and mortgages shall not accept for filing any subdivision plat for lands in the district unless it bears the certification of approval of the commission in addition to all other requirements for filing a subdivision plat. If the commission has not taken action on an application within the period required by section 13 of P.L.2015, c.19 (C.5:10A-13), at the request of the developer, the commission shall certify such fact upon the plat. This certification shall be sufficient authorization for further action by the municipal approving authority and filing with the appropriate county recording officer.

**C.5:10A-16 Written notice of hearing to commission.**

16. a. Whenever notice and a hearing is required in any constituent municipality or affected county with respect to the adoption or amendment of a master plan, official map, zoning or subdivision regulations, or the granting of variances or special exceptions, involving property within the



district or within 200 feet of its borders, the person required to give such notice shall also, at least 30 days prior to the hearing, provide written notice of the hearing to the commission by registered or certified mail. This notice of hearing shall contain a brief description of the property involved, its location, a concise statement of the matters to be heard, and a copy of any plan, code, regulations, or standards to be considered at the hearing.

b. The commission shall be considered a party in interest at the local hearing. No public body of a constituent municipality or affected county shall take any action involving a municipal master plan, zoning ordinance, subdivision, building, or site plan approval, the official map, or the grant of a variance, or other special exception which is inconsistent with the master plan.

c. If portions of the master plan contain proposals for drainage rights-of-way, roads or streets, schools, colleges, parks, playgrounds, or for any project before approving any subdivision or site plan, the commission may require that such project sites be shown in locations and of sizes suitable to their intended uses. The commission shall be permitted to reserve the location and extent of such project sites shown on the master plan, or any part thereof, for a period of one year after the approval of the subdivision or site plan, or within such further time as agreed to by the applying party. Unless during each one-year period or extension thereof the commission shall have entered into a contract to purchase or institute condemnation proceedings according to law for the project site, the developer shall not be bound by the proposals for such areas shown on the plan. This subsection shall not apply to streets, roads, and drainage rights-of-way required for approval of any subdivision or site plan and deemed essential to the public welfare.

**C.5:10A-17 Establishment of waiver of strict compliance to alleviate hardship.**

17. The commission may establish provisions for the waiver, according to definite criteria, of strict compliance with the standards promulgated, when necessary to alleviate hardship. A developer can request that the chief engineer grant a waiver based on the defined criteria. The chief engineer shall make a recommendation to the commission concerning whether the hardship criteria has been met.

**C.5:10A-18 Approval required prior to construction, alteration of building or structure; violations, fines, civil action.**

18. a. If any person constructs or alters any building or structure within the district, or directly causes the construction or alteration of any building or structure within the district, without first obtaining the approval of the commission or municipality of any application for a subdivision, site plan

or building permit as may be required by sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), the person shall be subject to a fine of not more than \$5,000, and each parcel, lot, plot, building, or rental unit so disposed of or agreed or caused to be disposed of shall be deemed a separate violation.

b. The commission and or municipality may cancel and revoke any permit, approval, or certificate required or permitted to be granted or issued to any person pursuant to P.L.2015, c.19 (C.5:10A-1 et al.), if the commission finds that the person has violated this section. When any violation of this section is of a continuing nature, each day during which the continuing violation remains unabated, after the date fixed by the commission or municipality in any order or notice for the correction or termination of the violation, constitutes an additional, separate, and distinct violation. The commission, in the exercise of its administrative authority pursuant to this act, may levy and collect the fines in the amounts set forth in this section. If an administrative penalty order has not been satisfied, the penalty may be recovered by the commission in a civil action brought in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

c. In addition to the foregoing, the commission or municipality may in the case of any violation of subsection a. of this section, institute a civil action:

- (1) for injunctive relief;
- (2) to prevent such unlawful sale, rental, erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- (3) to restrain, correct, or abate such violation;
- (4) to prevent the occupancy of said dwelling, structure, or land; and
- (5) to prevent any illegal act, conduct, business, or use in, or about, such premises.

**C.5:10A-19 Safeguarding of environmental resources of district.**

19. The commission shall safeguard the environmental resources of the district and provide quality public recreation and educational opportunities. The commission shall:

- a. Target and prioritize potential preservation sites for acquisition, deed restriction, and conservation easements, including large tracts of wetlands sites;
- b. Preserve wetlands to protect wildlife, water quality, and flood storage value;

- c. Review preservation sites for potential wetland enhancement and mitigation;
- d. Improve connections among the district's trails and habitats, reducing fragmentation;
- e. Identify missing links in the existing trail system, as well as key locations for connecting to wildlife viewing stations, environmental venues, boat launches, docks, and other active and passive recreational attractions;
- f. Increase both active and passive recreational uses;
- g. Eliminate or control the presence of other invasive plant and animal species;
- h. Maintain and improve targeted habitats relative to breeding, wintering, feeding, and other wildlife activities;
- i. Maintain the value of the Hackensack meadowlands as an urban sanctuary for birds using the Atlantic Flyway;
- j. Seek available funding for land acquisition, protection, and management of wildlife preserves;
- k. Maintain and restore the ecology of the waterways, including the estuary, shorelines, and nursery habitat for fish;
- l. Continue monitoring water quality by collecting and analyzing data to determine trends, document improvements, and assess the need for additional, or more stringent, measures. Monitoring should include the analysis of historic data to form a baseline to measure the degree of change over time;
- m. Evaluate, approve, and implement any plan or plans for the further preservation, development, enhancement, or improvement of Liberty State Park and the buildings, structures, properties, and appurtenances related thereto, or incidental to, necessary for, or complimentary to the park. The commission may avail itself of any plans under review by the Department of Environmental Protection from any source that may promote expanded and diverse recreational, cultural, and educational opportunities for visitors to Liberty State Park and provide greater access to park facilities. Any approved plans shall constitute a project of the commission, and shall be adopted as part of the master plan; and
- n. The commission shall operate a not-for-profit organization which shall continue research opportunities of the Meadowlands Environmental Research Institute.

**C.5:10A-20 Strategies, funding for flood control infrastructure.**

20. The commission shall develop strategies and seek funding for flood control infrastructure based on flood modeling for the district and surrounding areas.

- a. The commission shall:
  - (1) identify all drainage basins in the district and any drainage areas that directly impact the district; and
  - (2) develop strategies to address the major causes of flooding.
- b. The commission may:
  - (1) use special assessment powers to fund flood control projects in, or near, the drainage areas that impact the Hackensack meadowlands; and
  - (2) maintain flood control infrastructure that it constructed.

**C.5:10A-21 Provision of solid waste and recycling disposal facilities.**

21. In providing the solid waste and recycling disposal facilities, the commission shall, prior to preparing any plans or specifications for such facilities, consult with those persons utilizing the district for the treatment and disposal of solid waste, and contract with any such persons who desire to utilize solid waste disposal facilities provided by the commission. In providing such facilities, the commission may:

- a. Acquire or construct any such facilities as an improvement, and may recover the cost of such acquisition or construction in the same manner, and pursuant to the same procedure, provided for any other improvement undertaken by the commission;
- b. Operate and maintain any such facilities, as owner, lessor, or lessee, and generally fix and collect rates, fees, or other charges for any such facilities in the same manner, and pursuant to the same procedure, provided for any other facilities operated and maintained by the commission;
- c. Join and participate with any agency, municipality, county, or authority created by the State, or by any political subdivision or subdivisions thereof, through an intergovernmental agreement without need for that agency, municipality, county, or authority to go to public bid for the purpose of treating or disposing of solid waste and recycling;
- d. Permit, by contract or agreement, any agency, instrumentality, or authority created by the State, or by any political subdivision thereof, for the purpose of treating or disposing of solid waste, to acquire, construct, or operate and maintain any solid waste disposal facilities which such agency, instrumentality, or authority is authorized by law to acquire, construct, or operate and maintain. Any such facilities acquired, constructed, or operated and maintained by any such agency, instrumentality, or authority may be located either within the district or without the district, but shall be within the jurisdiction of such agency, instrumentality, or authority;
- e. For the purposes of acquiring or constructing any solid waste disposal facility, the commission is authorized to issue bonds and notes and to

pay or redeem said bonds and notes from revenue derived from the fees and other charges collected for such facilities. Any cost incurred by the commission in providing any solid waste disposal facilities shall be charged to the persons utilizing such facilities, and nothing herein contained shall be interpreted as requiring the commission to bear the cost of any solid waste disposal facility provided by the commission.

**C.5:10A-22 Municipal Assistance Program Fund.**

22. a. In the event that surplus moneys become available from the operation of solid waste disposal facilities by the commission, which are not required by any contract with the holders of any bonds, notes, or other obligations of the commission to be retained in any fund or account for the security of the commission's bonds, notes, or other obligations, then 75 percent of that surplus shall be used by the commission for any lawful purpose and 25 percent of that surplus shall be placed in a special Municipal Assistance Program fund established by the commission for the purpose of infrastructure improvements.

b. The commission may establish a surcharge on solid waste which enters into its facilities. Revenue collected pursuant to this subsection shall be dedicated, exclusively, to the Municipal Assistance Program fund created by the commission pursuant to subsection a. of this section.

**C.5:10A-23 Declaration of area in need.**

23. a. Pursuant to the procedure hereinafter provided, the commission shall have the exclusive power to declare the district, or any portion thereof, to be an area in need.

b. Prior to declaring any portion of the district as an area in need, the commission, by resolution, shall provide for a preliminary investigation. Upon the adoption of such a resolution, the commission shall prepare a map showing the boundaries of the proposed area and the location of the various parcels of property located therein, and shall append thereto a statement setting forth the reasons for the investigation.

c. The commission shall thereupon cause a hearing to be held at an appointed time and place for the purpose of hearing persons interested in, or who would be affected by, a determination that the area is an area in need, as defined in section 3 of P.L.2015, c.19 (C.5:10A-3), and who are in favor of, or are opposed to, such determination.

d. A notice of such hearing shall be given setting forth the general boundaries of the area to be investigated and stating that a map has been prepared and can be inspected at the office of the commission. The commission

shall cause the publication of the notice in a newspaper of general circulation in the district once each week for two consecutive weeks, and the last publication shall be not less than 10 days prior to the date set for the hearing. A copy of the notice shall be mailed at least 10 days prior to the date set for the hearing to the last known owner, if any, of each parcel of property within the area according to the assessment records of the municipality where the parcel is located. Such notice shall be sent to the last known postal address of such owners. The commission shall also send notice to any persons at their last known address, if any, whose names appear on said assessment records as claimants of an interest in any such parcel. The assessor of a constituent municipality shall make such a notation upon the said records when requested so to do by any person claiming to have an interest in any parcel of property in such municipality. Failure to mail notice as required by this section shall not invalidate the investigation or determination thereon.

e. At the hearing, the commission shall hear all persons interested in the investigation and shall consider any written objections that may be filed, and any evidence which may be introduced, in support of the objections, or any opposition to a determination that the area is in need. After the hearing, the commission shall, by resolution, determine that the area or any part thereof is, or is not, in need. A determination that an area is in need, if supported by substantial evidence, shall be binding and conclusive upon all persons affected by the determination. If the determination is that an area is in need, the commission, within 10 days after such determination, shall mail a copy of the resolution to each person who filed a written objection at, or prior to, the hearing, so long as the address of the objector was stated in, or to, the written objection.

f. Any person who shall have filed such a written objection with the commission may have a determination that an area is in need reviewed by the Superior Court by procedure in lieu of prerogative writs. An action for any such review shall be commenced within 30 days after the determination by the commission. In any such action, the court may make any incidental order that shall be deemed by the court to be proper.

g. If the determination is that an area is in need, the commission may acquire the real property within the area by purchase, or by eminent domain proceedings in accordance with the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), and may proceed with the clearance, planning, development, or redevelopment of the area as a public purpose and for public use, or the commission may, by resolution, agree that a redeveloper may undertake such clearance, planning, development, or redevelopment.

**C.5:10A-24 Preparation, adoption of redevelopment plans.**

24. a. The commission shall prepare and adopt a redevelopment plan for each area in the district determined by the commission to be an area in need.

b. A municipality which has land subject to the jurisdiction of the commission and adopts the commission's redevelopment plan shall have the authority to approve or reject an application for a permit. The municipality shall provide the commission all documentation, plans, and information regarding all applications. All fees generated by these applications and approvals shall be retained by the municipality. Any approval of any plan review or subdivision application by a municipality pursuant to this subsection shall be limited by, and based upon, the rules, regulations, and standards in a resolution adopted by the commission and the municipality. All fees generated by these applications and approvals shall be retained by the municipality.

c. For those municipalities that do not adopt the commission's redevelopment plan, the commission may issue the permit for the proposed construction or alteration as being in conformity with the redevelopment plan. Any variations and modifications of the redevelopment plan shall be the responsibility of the commission. A permit shall not be issued without a certificate from the chief engineer or equivalent official of the commission that the proposal is in conformity with the commission's redevelopment plan.

d. In undertaking projects pursuant to any redevelopment plan, the commission may:

(1) Acquire, by condemnation or otherwise, real or personal property, or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in an area in need and in any area within the district designated by the commission as necessary for relocation of residents, industry, or commerce displaced from a redevelopment area;

(2) clear or reclaim any area so acquired and install, construct, or reconstruct projects therein necessary to prepare such area for development;

(3) relocate or arrange or contract with public or private agencies for the relocation of residents, industry, or commerce displaced from the area in need;

(4) dispose of real property so acquired by sale, lease, or exchange for the uses and purposes specified in the redevelopment plan, to any person or public agency;

(5) study the recommendations of the constituent municipality's planning board impacted by the redevelopment plan for redevelopment of any

area within that municipality and make its own investigations as to current trends in the area in need, as established by the commission;

(6) by contract or contracts with public agencies or redevelopers or by its own employees' or consultants' plan, plan, construct, reconstruct, operate, maintain, and repair any redevelopment or other project or any part thereof; and

(7) make and adopt plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and for the enforcement of codes and laws relating to the use of land, the use and occupancy of buildings and improvements, and the control over the pollution of water and air and the disposal of solid waste.

**C.5:10A-25 Provisions of agreements, leases, deeds, other instruments.**

25. All agreements, leases, deeds, and other instruments between the commission and a redeveloper shall contain, at least, the following provisions:

a. A covenant running with the land to the effect that the land, and any buildings or improvements thereon, shall be used only for the purposes designated in the redevelopment plan;

b. A provision that the redeveloper shall be without power to sell, lease, or otherwise transfer the redevelopment area or project, or any part thereof, without the prior written consent of the commission; and

c. Any other covenants, provisions, and continuing controls as may be deemed necessary to effectuate the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), including, but not limited to, deed restrictions or easements to promote environmental and ecological sustainability.

**C.5:10A-26 Issuance of negotiable bonds and notes.**

26. The commission may issue negotiable bonds and notes for any corporate purpose in accordance with the power provided to the commission in subsection g. of section 5 of P.L.1971, c.137 (C.5:10-5).

**C.5:10A-27 Bonds, notes not deemed debt or liability of State.**

27. Except as otherwise provided by or pursuant to Section II of Article VIII of the State Constitution and approved by a majority of the legally constituted voters of the State voting thereon, or except when any county or municipality shall have guaranteed principal or interest thereon, bonds and notes issued by the commission shall not be deemed to constitute a debt or liability of the State, or of any political subdivision thereof, or a pledge of the faith and credit of the State, or of any political subdivision except the



commission, and all such bonds or notes shall contain on the face thereof a statement to that effect.

**C.5:10A-28 Collaboration; establishment of not-for-profit organization.**

28. a. The commission shall collaborate with the Division of Travel and Tourism in the Department of State and the Meadowlands Convention and Visitors Bureau. The tourism structure should work closely, or integrate with, the work of agencies within the Department of State dedicated to advancing an economic development plan developed pursuant to subsection g. of section 7 of P.L.2015, c.19 (C.5:10A-7).

b. The commission shall make a vigorous effort to establish collaboration among private tourist marketing operations, and between those operations and the commission, through conversations with leaders of such operations, as well as stakeholders associated with such operations.

c. The commission shall promote the image of “one-stop shopping” for those seeking tourist information and assistance or wishing to host an event.

d. The commission may establish a not-for-profit organization that will be responsible for the operation of the sports and entertainment area, and may collaborate with the Division of Travel and Tourism and the Meadowlands Convention and Visitors Bureau to attract major events to the area. The not-for-profit organization established pursuant to this section may be a public-private partnership and may raise funds to support these activities. The goal of the not-for-profit organization is to consolidate event planning and establish sources of revenue as part of an overall strategy to create positive economic development opportunities that will impact the Hackensack meadowlands.

**C.5:10A-29 Acquisition of real property.**

29. Subject to the limitations established in subsection m. of section 5 of P.L.1971, c.137 (C.5:10-5), if for any of its authorized purposes, including temporary purposes, the commission shall find it necessary or convenient to acquire any real property within its jurisdiction, or if for any of its authorized purposes, including temporary construction purposes, the commission shall find it necessary to acquire any real property contiguous to property within its jurisdiction, whether for immediate or future use, the commission may take such action in accordance with the “Eminent Domain Act of 1971,” P.L.1971, c.361 (C.20:3-1 et seq.).

**C.5:10A-30 Projects, lands, property declared public property.**

30. All projects, lands, and other property of the commission are hereby declared to be public property devoted to an essential public and govern-

mental function and purpose. The provisions of section 9 of P.L.1978, c.1 (C.5:10-35) and section 18 of P.L.1971, c.137 (C.5:10-18) shall be applicable to all projects, lands, and other property of the commission.

**C.5:10A-31 Flood improvement zones.**

31. The commission may form, within the district, flood improvement zones for any authorized purpose in order to levy special assessments against real estate located within such zones for benefits rendered.

**C.5:10A-32 Division of land into classes.**

32. a. All land within the district shall be divided by the commission into three classes as follows:

(1) Class one--Land owned by the State of New Jersey, any of its political subdivisions, or any other public agency or instrumentality which enjoys the privilege of general property tax exemption under the laws of the State, and which land is designated by the owner as presently or ultimately intended for a public use.

(2) Class two--Land owned by the State of New Jersey, any of its political subdivisions, or any other public agency or instrumentality which enjoys the privilege of general property tax exemption under the laws of the State, and which land is designated by the owner as ultimately disposable to private ownership, or usable by private parties.

(3) Class three--All other land.

b. The State, its political subdivisions, or any other public agency or instrumentality owning land in the district shall be required to certify to the commission, by a date established by the commission, whether said lands are in class one or class two; and in the case of land being in class one, the State, its political subdivisions, or any other public agency or instrumentality, as appropriate, shall indicate the nature of the present or ultimate use. The commission shall approve or modify the certifications by resolution. The commission may also reclassify lands by a majority vote, upon the request of the State, its political subdivisions, or any other public agency or instrumentality owning land in the district for such reclassification.

c. In the case that the title of lands designated to be in class three passes to the State of New Jersey, its political subdivisions, or any other public agency or instrumentality, the commission shall change the designation of the class of that land to reflect the future use of that land.

**C.5:10A-33 Procedure for construction of improvements.**

33. If, in its judgment, public necessity or interest demands the construction of improvements which would benefit lands within an area in

need, the commission shall pass a resolution of its intention to undertake any such improvement and shall give notice of the proposal by advertising in one or more newspapers circulating in the district. The advertisement shall fix a time and place, not earlier than two weeks after notice, for a hearing on said proposed action and, prior to said hearing, the commission shall prepare a tentative assessment which shall be presented at the hearing and open to inspection. Any person desiring to testify concerning the proposal shall have the right to do so. After such hearing, if the commission decides to carry out the proposals, the commission shall pass a resolution setting forth this determination, acquire the necessary funding for the project, and proceed to make such improvements.

**C.5:10A-34 Statement showing cost of improvement.**

34. The appropriate officer of the commission shall prepare a statement showing, in detail, the cost of the improvement proposed pursuant to section 33 of P.L.2015, c.19 (C.5:10A-33). Such statement shall also show the proportion of the amount to the whole cost of improvement, if any, paid or contributed by any public body or by any individual or entity. The total amount of assessment levied upon the land benefited by the improvement shall not exceed the cost thereof.

**C.5:10A-35 Hearing relative to improvement.**

35. The appropriate officer of the commission shall examine the estimated cost of the work of any improvement and view all lands benefited thereby and shall thereupon fix the time and place for hearing all persons interested. Notice of the time and place of the hearing shall be mailed to owners of land affected, directed to their last known post-office addresses, and shall be published at least 10 days before the hearing. Failure to mail the notice shall not invalidate any proceeding or assessment. Such officer of the commission shall attend the hearing, scheduled at the time and place designated by the commission, and shall give all parties interested or affected by an improvement the opportunity to be heard upon the subject of assessment. Thereafter, such officer shall make a just and equitable assessment of the benefits conferred upon any land by reason of such improvement, having due regard to the rights and interests of all persons concerned, and the increment in the value of the land benefited thereby and levy the same.

**C.5:10A-36 Assessments levied.**

36. All assessments levied under section 35 of P.L.2015, c.19 (C.5:10A-35) for any improvement shall, in each case, be as nearly as may be in proportion to, and not in excess of, the benefit, advantage, or increase

in value which respective lots and parcels of land shall be deemed to receive by reason of such improvement.

**C.5:10A-37 Damage deducted from amount of benefits assessed.**

37. In addition to the making of assessments for benefits, the appropriate officer of the commission shall fix and determine the amount, if any, the property is damaged incidentally to the making of the improvement and deduct such amount from the amount of benefits assessed thereon. If the amount of any such damages, as confirmed by the commission, shall exceed the benefits assessed on the same property, if in case no benefits shall accrue thereto, or if such property is damaged subsequent to the levying and collection of an assessment which shall be confirmed by the commission to be a direct result of the making of the improvement, the balance or amount of such damages so fixed, may be raised from the general revenues of the commission and shall be paid by the commission to the owner of the property so damaged. Any person aggrieved by such assessment or award of damages may after the same has been confirmed by the commission, appeal therefrom as provided in section 48 of P.L.2015, c.19 (C.5:10A-48).

**C.5:10A-38 Award for damages.**

38. When owners of any property have been or shall have been awarded damages as incidental to any improvement undertaken pursuant to sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), and such award has been or shall have been duly confirmed, the amount thereof shall be tendered to the person or persons entitled thereto. If there is uncertainty as to the person entitled to receive the award or if the party entitled to receive the amount awarded shall refuse upon tender thereof to receive the same, or shall be out of the State or under any legal disability, or if several parties interested in the fund shall not agree as to the distribution thereof, or the lands damaged are encumbered by any mortgage, judgment, or other lien, or if for any other reason the commission cannot safely pay the amount awarded to any person, in all such cases the amount awarded may, with leave of the Superior Court, be paid into said court and thereupon distributed according to law, on the application of any person interested therein.

**C.5:10A-39 Certification of benefits, awards.**

39. Assessments for benefits for any improvement together with any accompanying awards for incidental damages and all awards of damages for land or interests therein taken from any improvement shall be certified by the officer making the assessment to the commission by a report, in writ-

ing, signed by the officer. The report shall be accompanied by a map showing the land taken, damaged, or benefited by the improvement and for which damages or benefits have been assessed.

**C.5:10A-40 Consideration of report, map; adoption.**

40. The report submitted pursuant to section 39 of P.L.2015, c.19 (C.5:10A-39) may be considered by the commission at any meeting, notice whereof shall be published in a newspaper circulating in the district, once each week for two weeks prior to the meeting, and also by mailing a copy of the notice to the owners named in the report, directed to their last known post-office addresses, and the affidavit of the appropriate officer of the commission shall be conclusive as to such mailing. The notice shall briefly state the object of the meeting with reference to the assessment. At that, or any subsequent meeting, the commission, after considering the report and map, may adopt and confirm the report and map, with or without alterations, and may refer such matter to any committee of the commission, or to the officer making the assessment, for revision or correction before taking final action thereon. When the commission adopts the report, with or without alterations, it shall be final and conclusive, and may be appealed directly to the Appellate Division of the Superior Court by an appropriate party as a matter of right in accordance with other laws, rules, or regulations. Failure to mail the notice required by this section shall not invalidate the proceedings.

**C.5:10A-41 Bills for assessment.**

41. Immediately after the confirmation of any assessment, a duplicate thereof, duly certified by the commission, shall be delivered to the appropriate officer of the commission, who shall immediately thereafter send out by mail, or deliver, to owners of such land, bills for such assessment. Such officer shall mail or deliver a bill for an assessment in the manner required in connection with local improvements and shall keep a record and books of assessments in the same manner required for local improvements under R.S.40:56-31. The commission may make additional requirements for recording, accounting for, and collecting assessments.

**C.5:10A-42 Special assessments.**

42. a. Special assessments levied against land in class one shall be considered to be of general benefit to the entire district and areas outside of the district, as it relates to flood control projects, and shall be included as a charge against general revenues of the commission, or paid out of any funds of the commission which shall be available for such purpose.

b. When any assessment shall not be paid within two months after the date of confirmation thereof, interest thereon from the date of confirmation shall be imposed at the rate of six percent.

**C.5:10A-43 Assessment for improvement first lien on land.**

43. Every assessment for any improvement, together with interest thereon and all costs and charges connected therewith, shall be, upon authorization of the assessment by resolution of the commission, a first lien on the land described in the assessment, paramount to all prior or subsequent alienations and descents of such land or encumbrances thereon, and shall constitute a lien in the same manner as taxes and assessments for State purposes, notwithstanding any mistake in the name or names of any owner or owners, or any omission to name any owner or owners who are unknown, and notwithstanding any lack of form therein, or in any proceeding which does not impair the substantial rights of the owner or owners or person or persons having a lien upon or interest in any such land. Confirmation of the amount of the assessment by the commission, or by the court, shall be considered as determining the amount of the existing lien and not as establishing the lien. All assessments for improvements shall be presumed to have been regularly assessed and confirmed, and every assessment or proceeding preliminary thereto shall be presumed to have been regularly made or conducted until the contrary be demonstrated.

**C.5:10A-44 New assessment.**

44. In all cases in which any assessment incident to any improvement has been set aside by a court of competent jurisdiction, and the improvement shall have been actually made in the manner provided by law, the officer charged with the duty of making assessments for benefits for improvements shall make a new assessment of benefits upon the property benefited by the improvement, in the manner and by the proceeding herein provided. All such new assessments shall become a lien upon the land so assessed in the same manner and with like effect and be enforceable in the same way as an original assessment for like improvements.

**C.5:10A-45 Refund of illegally made assessment.**

45. When any court of competent jurisdiction shall decide that any assessment has been illegally made, the commission shall refund the amount thereof, if the same has been paid, and if a new assessment of less amount is to be made, then the difference between the new assessment and the amount paid shall be refunded.

**C.5:10A-46 Payment of assessment in installments.**

46. The commission may, by resolution, provide that the owner of any land, upon which any assessments for any improvement shall have been made, pay such assessments in equal yearly installments, for a number of years as may be provided by the rules and regulations of the commission, with legal interest thereon, provided that any person assessed may pay the whole of any assessment, or any balance of installments, with accrued interest thereon, at one time. If any such installment becomes due and is not paid, the whole assessment, or balance due thereon, shall become immediately due, draw interest at the rate of six percent, and be collected in the same manner as is provided in sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) for other past due assessments.

**C.5:10A-47 Sale of property to enforce lien.**

47. When any unpaid assessment, interest thereon, or other charges for collection thereof, remains in arrears on July 1 of the calendar year following the calendar year when the same became in arrears, the appropriate officer of the commission shall enforce the lien by selling the property in the manner set forth in R.S.54:5-19 through R.S.54:5-129.

**C.5:10A-48 Appeal.**

48. The owner of any property assessed for benefits, or awarded damages incident to any improvement under sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), may, within 30 days after confirmation of such assessment or award, appeal the determination to the Appellate Division of the Superior Court by serving written notice of such appeal upon the tax collector, and a duplicate upon the appropriate officer of the commission. The court shall determine whether the record contains substantial evidence that the assessment or award appealed from is just and fair, and, if not, shall make an order correcting the same, or, if the court upholds the assessment or award, shall so order. The determination shall be by order or judgment for the amount determined and shall be enforceable pursuant to procedures set forth in R.S.40:56-57. The commission may proceed with the prosecution and completion of the improvement and the issuing of bonds and other indebtedness in connection with said improvements notwithstanding any such appeal.

**C.5:10A-49 Report to Governor, Legislature.**

49. The commission shall, in 2017, and every year thereafter, submit a report to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) relating to the operation of the intermuni-

pal account in the prior year, and shall recommend, when it deems necessary, amendments to sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) as it deems necessary to carry out the legislative intent herein stated.

**C.5:10A-50 Laws applicable.**

50. Except as provided in sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), the laws relating to the assessment and taxation of real and personal property shall apply to all constituent municipalities.

**C.5:10A-51 List of owners of taxable property; locations.**

51. a. In preparing the list of owners of taxable property pursuant to R.S.54:4-24, the assessor of each constituent municipality shall indicate in the list for each parcel of property whether it is located within the district boundaries, in accordance with regulations prescribed by the Director of the Division of Taxation in the Department of the Treasury.

b. If the boundary of the district divides a lot of land, the entire lot shall be included within the district.

**C.5:10A-52 School district to certify resident enrollment.**

52. On or before November 15, 2017, and on or before November 15 of each year thereafter, the secretary, superintendent, or a person designated by the school board of each school district of each constituent municipality shall certify to the commission the resident enrollment as of September 30 of that year. The certification shall show the number, address, and grade enrolled of pupils who reside within the district, and the number who reside outside, in a manner to be prescribed by the Commissioner of Education.

**C.5:10A-53 Establishment of intermunicipal account.**

53. a. In the adjustment year 2017, and in each adjustment year thereafter, the commission shall establish an intermunicipal account and shall compute the amount payable to each constituent municipality from said account for that year pursuant to section 55 of P.L.2015, c.19 (C.5:10A-55).

b. As used in this section, except as otherwise specifically provided, the increase or decrease in aggregate true value of taxable real property for any adjustment year shall be the difference between:

(1) The aggregate true value of that portion of taxable real property, exclusive of Class II railroad property, in the constituent municipality located within the district in the comparison year, and

(2) The aggregate true value of that property in the base year.



c. Aggregate true value of all taxable real property shall be determined by aggregating the assessed value of all real property within the district boundaries in each constituent municipality, and dividing the total by the average assessment ratio, as promulgated by the Director of the Division of Taxation in the Department of the Treasury for State school aid purposes, on October 1 of the respective years for which aggregate true value is to be determined, pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.), or as modified by the tax court.

d. For the purpose of calculating aggregate true value, the assessed value of taxable real property for any given year shall comprise the sum of the following:

(1) The assessed value shown on the assessment duplicate for a given year, as certified by the county board of taxation and reflected in the county table of aggregates prepared pursuant to R.S.54:4-52, or as modified by the county board of taxation.

(2) The prorated assessed values pertaining to such year, as certified by the county board of taxation on or before October 10, with respect to the assessor's added assessment list for such year, as the same may be modified by the county board of taxation upon appeal; and

(3) The assessed values pertaining to a given year, as certified by the county board of taxation, with respect to the assessor's omitted property assessment list for that year, as the same may be modified by the county board of taxation upon appeal.

e. If, during any comparison year, a constituent municipality has received a payment in lieu of real estate taxes on property located within the district, then, for the purpose of calculating the increase or decrease in the municipality's aggregate true value under subsection b. of this section, there shall be added to the aggregate true value for such comparison year an amount determined by dividing the amount of the in lieu payment by the municipal tax rate for the comparison year and dividing the result by the average assessment ratio for school aid purposes as promulgated by the Director of the Division of Taxation in the Department of the Treasury.

**C.5:10A-54 Conditions for nonpayment of adjustment.**

54. Notwithstanding the provision of any law, rule, or regulation to the contrary, no constituent municipality shall pay out, or receive an adjustment payment for any adjustment year in which its municipal equalized valuation per capita, as defined in section 1 of P.L.1978, c.14 (C.52:27D-178) and as certified by the Director of the Division of Local Government Services in the Department of Community Affairs exceeds \$1,000,000.

**C.5:10A-55 Computation of guarantee payment.**

55. a. The guarantee payment payable by the intermunicipal account to each constituent municipality in any adjustment year shall be computed as follows:

If there is a decrease in the aggregate true value of taxable real property of any constituent municipality, as determined pursuant to subsection b. of section 53 of P.L.2015, c.19 (C.5:10A-53), the commission shall, subject to the provision of subsection b. of this section, calculate the amount of decreased aggregate true value, occurring in the comparison year, by reason of the acquisition, through purchase, eminent domain, or gift, during the year preceding the comparison year, of taxable real property by a governmental body or agency to be used for a public purpose, whereby said taxable real property parcels or portions thereof became exempt from local real property taxes. Such decreased aggregate true value shall be calculated in the same manner as aggregate true value is determined pursuant to subsection b. of section 53 of P.L.2015, c.19 (C.5:10A-53) and shall be based on the assessed value in the year of acquisition, of the parcels or portions thereof affected.

b. There shall be payable as a guarantee payment from the intermunicipal account to each constituent municipality, an amount to be calculated by multiplying the lesser of the following by the apportionment rate determined for the comparison year:

(1) the amount of the decrease in aggregate true value determined pursuant to subsection b. of section 53 of P.L.2015, c.19 (C.5:10A-53); and

(2) the amount of the decrease, if any, in aggregate true value calculated to be attributable to conversion of taxable property to exempt status, specified in paragraph (1) of this subsection.

c. If, in any comparison year and with respect to any constituent municipality, no amount of decrease in aggregate true value is found to be attributable to the conversion from taxable to exempt status specified in subsection a. of this section, no guarantee payment shall be payable to any such municipality in the applicable adjustment year.

d. The commission shall not be required to make the calculation prescribed in subsection a. of this section, unless the governing body of any constituent municipality claiming a decrease in aggregate true value attributable to the conversion of real property from a taxable to an exempt status specified in subsection a. of this section, no later than December 1 in the comparison year, files with the commission a statement to such effect, setting forth a description of the parcels, or portions thereof, involved, together with such other information as may be pertinent, in such form as the commission shall prescribe.

**C.5:10A-56 Service payment for school district services.**

56. For school district services, the service payment payable by the intermunicipal account to a constituent municipality in any adjustment year shall be found by dividing the total local school tax levy, as shown on the Table of Aggregates pursuant to R.S.54:4-52 for the comparison year, by the school resident enrollment on September 30 of such comparison year, as certified pursuant to section 52 of P.L.2015, c.19 (C.5:10A-52), and multiplying the result by the increase, if any, in resident enrollment within the district boundaries of that constituent municipality between September 30 of the year of enactment of P.L.2015, c.19 (C.5:10A-1 et al.) and September 30 of the comparison year.

**C.5:10A-57 Apportionment of balance of payments.**

57. a. If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments and school district service payments is less than the amount payable to the intermunicipal account pursuant to section 55 of P.L.2015, c.19 (C.5:10A-55), the balance, if any, shall be apportioned among the constituent municipalities in the same ratio as the number of acres within the district of each constituent municipality bears to the total number of acres in the district, and shall be known as an apportionment payment.

b. The commission shall not be able to receive any funds from the intermunicipal account for any purpose.

**C.5:10A-58 Reduction of total service payments.**

58. If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments and service payments exceeds the amount payable to said account pursuant to section 55 of P.L.2015, c.19 (C.5:10A-55), the total service payments payable to all constituent municipalities shall be reduced by the amount of the deficit and the service payment payable to each constituent municipality shall be reduced by the same ratio as the total service payment to all constituent municipalities was reduced.

**C.5:10A-59 Meadowlands adjustment payment.**

59. a. On or before February 1, 2017 and on or before February 1 of each year thereafter, the commission shall certify to the chief financial officer of each constituent municipality an amount, identified as the meadowlands adjustment payment. The meadowlands adjustment payment for each constituent municipality shall be determined by adding all the payments payable to that

municipality from the intermunicipal account for school district service payments, guarantee payments, and apportionment payments, if any. The amount so derived shall be referred to as the meadowlands pre-adjustment payment. For calendar year 2015, the meadowlands adjustment payment shall be the average of the meadowlands pre-adjustment payments for calendar years 2014 and 2015. For calendar year 2016, the meadowlands adjustment payment shall be the average of the meadowlands pre-adjustment payments for calendar years 2013, 2014, and 2015. For calendar year 2017 and subsequent years, the meadowlands adjustment payment shall be the average of the meadowlands pre-adjustment payments for the prior three calendar years.

b. If the meadowlands adjustment payment for any constituent municipality in any adjustment year is payable to the constituent municipality, the amount of this payment shall be identified in the municipal budget of that municipality for that year as "meadowlands adjustment" within the category "miscellaneous revenues anticipated," and shall be due and payable in three equal installments by the intermunicipal account on May 15, August 15, and November 15 of that year.

**C.5:10A-60 Hackensack Meadowlands Tax Sharing Stabilization Fund.**

60. There is established the Hackensack Meadowlands Tax Sharing Stabilization Fund in the commission. The fund shall be comprised of revenues made available from the State of New Jersey and from interest payments on sanitary landfill closure accounts maintained by the commission or such other revenues which are made available for these purposes. Moneys in the fund shall be used to fully compensate municipalities from excessive fluctuations in payments from the intermunicipal account in 2014 and subsequent years. In the event that there are insufficient monies in the fund to fully compensate all municipalities in any year, the amount paid to each municipality shall constitute the same proportion of the total amount of money available to all municipalities as each municipality would receive if the amount of money in the fund were sufficient to fully compensate all municipalities in that year.

For the purposes of this section, any decrease in a payment required to be made from the intermunicipal account to a constituent municipality which is in excess of five percent below the previous year's payment shall be considered an "excessive fluctuation."

**C.5:10A-61 Adoption of annual budget.**

61. On or before January 1 of each year, the commission shall adopt an annual budget for the year, which shall include the following items of expenditure:

a. An operating budget covering administrative, operating, and maintenance expenses of each office, activity, or project of the commission, plus contingent expenses of up to 5 percent of the amount stated;

b. A capital budget, including deposits in any capital improvement fund or capital reserve fund, down payments, or expenditures for capital projects, and interest payments, sinking fund deposits, principal maturities, and redemption premiums payable in such year on bond and notes of the commission;

c. Deferred charges; and

d. Estimates of the following revenues:

(1) Cash balances and surplus;

(2) Federal, State, and other grants-in-aid;

(3) Revenues from charges and fees for the use of the commission's facilities;

(4) Receipts from special assessments, but not in excess of the amount budgeted in such year for interest, principal maturities, sinking fund deposits, and redemption premiums on bonds secured by such assessments, until all bonds so secured are paid in full;

(5) Payments by municipalities or other governmental bodies pursuant to contracts for services performed by the commission; and

(6) Miscellaneous other revenues and receipts.

**C.5:10A-62 Actions by public bodies to aid, cooperate.**

62. For the purpose of aiding and cooperating with the commission, including the planning, undertaking, construction, or operation of its activities, any public body may, with or without consideration, as it may determine:

a. Dedicate, sell, convey, or lease any of its property to the commission or the federal government;

b. Cause parks, playgrounds, recreational, community, educational, water, sewer, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to, or in connection with, projects of the commission;

c. Furnish, dedicate, close, pave, install, grade, regrade, or plan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake;

d. Plan, zone, or rezone any part of such public body;

e. Make exceptions from building regulations and ordinances and change its map;

f. Enter into agreements, which, notwithstanding any law, rule, or regulation to the contrary, may extend over any period, with the commis-

sion or the federal government respecting action to be taken by such public body;

g. Do any and all things necessary or convenient to aid and co-operate in planning, undertakings, construction, or operations of the commission;

h. Cause services to be furnished to the commission of the character which the public body is otherwise empowered to furnish;

i. Purchase, or legally invest in, any of the bonds of the commission, and exercise all of the rights of any holder of such bonds;

j. In connection with any public improvements made by a public body in exercising the powers herein granted, the public body may incur the entire expense thereof. Notwithstanding any law, rule, or regulation to the contrary, any grant, sale, conveyance, lease, or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement, or public bidding; or

k. Upon such terms as it may deem advisable, with or without consideration, grant, sell, convey, or lease any of its property, including real property already devoted to a public use, whether held in a proprietary or governmental capacity to the commission, provided, that the public body making the grant or lease determines that the premises are no longer required for the public purposes to which the property is devoted, and that it is in the public interest so to grant, sell, convey, or lease said property.

**C.5:10A-63 Contracts, apportionment of costs and expenses.**

63. a. The commission may enter into contracts with one or more municipalities, counties, or other public agencies for the operation of public improvements, works, facilities, services, or undertakings of the municipalities, counties, or agencies, or of the commission.

b. Contracts entered into pursuant to this section shall specifically provide for the services or improvements to be undertaken, the fee or fees to be charged for such services or facilities, the method of apportionment of such fees among the contracting parties, persons, officers, or agencies responsible for the performance of the contract, and other appropriate terms and conditions of participation.

c. Contracts entered into pursuant to this section shall be subject to approval, by resolution, of the commission and of the governing body of each participating municipality, county, or other participating agency.

d. The apportionment of costs and expenses may be based upon property valuations, population, area, and of any other factors as may be provided in the contract.

**C.5:10A-64 Examination by State Auditor.**

64. The State Auditor and his legally authorized representatives may, at any time, examine the accounts and books of the commission, including its receipts, disbursements, contracts, sinking funds, investments, and any other matters relating to its financial standing.

**C.5:10A-65 Additional powers of commission.**

65. The commission may call to its assistance and avail itself of the services of such employees of any State department or agency, as it may require, and as may be available to it for said purpose. The commission may enter into an agreement with any political subdivision of the State by which the commission may be of assistance in the permitting of projects that take place within the district.

**C.5:10A-66 Addition, alternate method.**

66. Sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) shall be deemed to provide an additional and alternative method for effectuating the purposes authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

**C.5:10A-67 Severability.**

67. If the provisions of any section or clause of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) or the application thereof to any person shall be judged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section or clause of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), or the application of any part thereof to any other person or circumstance and, to this end, the provisions of each section of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) are declared to be severable.

**C.5:10A-68 Payment of expenses.**

68. All expenses incurred in carrying out the provisions of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68) shall be payable from funds provided the commission therefor, and no liability or obligation shall be incurred by the commission hereunder beyond the extent to which moneys shall have been provided therefor.

**C.5:10A-69 Short title.**

69. Sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81) shall be known and may be cited as the “Hackensack Meadowlands Transportation Planning District Act of 2015.”

**C.5:10A-70 Findings, declarations relative to the “Hackensack Meadowlands Transportation Planning District Act of 2015.”**

70. The Legislature finds and declares that:

a. Every day, residents of New Jersey confront congestion in some part of their day as they commute to work, recreate, or travel for family business. As our State continues to grow and prosper, we can only expect more cars, trucks, and buses on our roads. Meanwhile, the number of riders on our trains and buses is also increasing along with the number of pedestrians and bicyclists.

b. Our ability to deal with these demands at all levels of government is limited without a sound framework for developing responses to congestion and aging infrastructure problems and providing adequate funding to implement strategic solutions.

c. Sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81) develops the concept of a transportation planning district, which permits the assessment of fees on future development to ensure that adequate transportation infrastructure is put into place to accommodate the vehicular and pedestrian traffic caused by future development.

d. Existing financial resources and existing mechanisms for securing financial commitments for transportation improvements are inadequate to meet transportation improvement needs which are the result of new development in growth areas and, therefore, it is appropriate for the State to make special provisions for the financing of needed transportation improvements in the Meadowlands District, including the assessment of fees on new developments which are responsible for the travel demand burdens on the transportation system. Creation of a transportation planning district provides a mechanism through which the State, counties, and municipalities, and the Meadowlands Regional Commission, as well as the private sector, will have the means to work together to respond to transportation needs on a regional basis as determined by travel conditions or transportation needs in developed areas rather than upon preexisting boundaries. The Meadowlands Regional Commission and the Meadowlands Transportation Planning Board shall oversee the development of a district-wide transportation plan through a consultative planning process which relies upon the participation of public and private sector interests.



e. In assessing development fees under sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81), the commission recognizes that: (1) those fees supplement, but do not replace, the public investment needed in the transportation system; (2) the costs of remedying pre-existing problems shall not be charged to a new development; (3) the fee charged to any particular development shall be reasonably related to the impact of that development on the transportation system of the district and shall not exceed the development's fair share of the cost of the improvements and related allowable administrative costs; and (4) no development shall be subject to any assessment or fees for transportation improvements by the State, a county, or a municipality, except as provided pursuant to sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81). In determining the basis for assessing development fees, the commission shall develop reasonable formulas that rely on established planning models.

f. The creation of a transportation planning district shall be accompanied by the development of strategies to improve regional comprehensive planning, to encourage transportation-efficient land uses, to reduce automobile dependency, to improve pedestrian and bicyclist safety, and to encourage alternatives to peak-hour automobile trips.

**C.5:10A-71 Definitions relative to the transportation planning district.**

71. As used in sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81):

"Allowable administrative costs" means expenses incurred by the commission or the board in developing a district transportation plan, including a financial element, and in managing a transportation planning district.

"Board" means the Meadowlands Transportation Planning Board established by section 72 of P.L.2015, c.15 (C.5:10A-72).

"Chief fiscal officer" means the chief fiscal officer of the commission.

"Commission" means the New Jersey Sports and Exposition Authority, which may be referred to as the "Meadowlands Regional Commission," as established by section 6 of P.L.2015, c.19 (C.5:10A-6).

"Commissioner" means the Commissioner of Transportation.

"Department" means the Department of Transportation.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in that land.

“Development” means any project for which zoning approval is required pursuant to sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), or rules or regulations promulgated pursuant thereto.

“Development fee” means a fee assessed on a development pursuant to a resolution of the commission adopted under section 74 of P.L.2015, c.19 (C.5:10A-74).

“District transportation plan” or “plan” means the plan adopted pursuant to section 73 of P.L.2015, c.19 (C.5:10A-73).

“Hackensack Meadowlands District” or “Meadowlands District” means the area within the jurisdiction of the commission set forth in section 5 of P.L.2015, c.19 (C.5:10A-5).

“Project costs” means expenses incurred in the planning, design, engineering, and construction of any transportation project, and shall include debt service.

“Public highways” means public roads, streets, expressways, freeways, parkways, motorways, and boulevards including bridges, tunnels, overpasses, underpasses, interchanges, rest areas, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at grade or not at grade, bicycle and pedestrian pathways, and pedestrian and bicycle bridges traversing public highways and any facilities, equipment, property, rights-of-way, easements, and interests therein needed for the construction, improvement, and maintenance of highways.

“Public transportation project” means, in connection with public transportation service or regional ridesharing programs, passenger stations, shelters and terminals, automobile parking facilities, ferries and ferry facilities including capital projects for ferry terminals, approach roadways, pedestrian accommodations, parking, docks, and other necessary land-side improvements, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lands or rights-of-way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbus and other motor vehicles, maintenance and garage facilities, revenue handling equipment, and any other equipment, facility, or property useful for, or related to, the provision of public transportation service or regional ridesharing programs.

“Transportation planning district” or “district” means the Meadowlands District.

“Transportation project” or “transportation improvement” means, in addition to public highways and public transportation projects, any equipment, facility, or property useful or related to the provision of any ground,

waterborne, or air transportation for the movement of people and goods within or through the district, including rail freight infrastructure.

**C.5:10A-72 Establishment of transportation planning district.**

72. a. There is hereby established a transportation planning district which shall consist of those lands which comprise the Meadowlands District. The Meadowlands Transportation Planning Board, created pursuant to subsection b. of this section, shall be the managing authority to administer and manage the transportation planning district and to carry out such additional functions as provided in sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81).

b. There is established in, but not of, the Department of Community Affairs, the Meadowlands Transportation Planning Board. The board shall consist of: the Commissioner of Community Affairs or the commissioner's designee; the Commissioner of Transportation or the commissioner's designee; a representative from the ridesharing organization EZ Ride or its successor organization; a representative of the Hackensack Meadowlands Municipal Committee; a representative of the Meadowlands Regional Chamber of Commerce; and four public members appointed by the Governor, with the advice and consent of the Senate. The executive director of the commission shall serve as the secretary of the board. The board shall be staffed by the employees of the commission.

c. In furtherance of the development of a coherent and sustainable transportation system for the district, the board shall initiate a joint planning process with participation by: State departments and agencies, corporations, commissions, boards, and authorities; those bi-state authorities, metropolitan planning organizations, and counties and municipalities with jurisdiction in the district; and private representatives. The board shall oversee the development and updating of a comprehensive, future-oriented district transportation plan in accordance with the provisions of section 73 of P.L.2015, c.19 (C.5:10A-73).

The provisions of sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81) shall be retroactive to January 1, 2014.

**C.5:10A-73 District transportation plan goals, policies, needs, improvement priorities.**

73. a. The district transportation plan shall establish goals, policies, needs, and improvement priorities for all modes of transportation, including walking and bicycling, within the district for the ensuing 20 years following the effective date of sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81) and shall be consistent with the master plan adopt-

ed by the commission pursuant to section 10 of P.L.2015, c.19 (C.5:10A-10). The district transportation plan shall be based on a reasonable assessment of likely future growth reflected in that master plan.

b. The plan shall quantify transportation needs arising from anticipated future traffic passing within or through the district based upon future development anticipated to occur within or through the district, and reflected in the master plan. The plan shall set forth proposed transportation projects designed to address that future development, prioritized over increments of five years, the allocation of public and private shares of project costs and allowable administrative costs, and the amount, schedule, and collection of development fees. If new developments are proposed in the district which are not considered in the plan which is currently in effect, the plan shall be reevaluated, notwithstanding the five-year increment provision.

c. The plan shall be consistent with the State transportation master plan adopted under section 5 of P.L.1966, c.301 (C.27:1A-5), the applicable county master plans adopted under R.S.40:27-2, and the applicable regional transportation plan or plans adopted by a metropolitan planning organization pursuant to 23 C.F.R. s.450.322. To the extent appropriate given the district-wide objectives of the plan, the plan shall be coordinated with local zoning ordinances and master plans.

d. The plan shall include a financial element setting forth a statement of projected revenue and expenses, including all project costs. The financial element of the plan shall identify public and private financial resources which may be available to fund, in whole or in part, those transportation projects set forth in the plan. The financial element shall make recommendations for the types and rates of development fees to be assessed under section 74 of P.L.2015, c.19 (C.5:10A-74), formulas to govern the assessment of those fees, and the projected annual revenue to be derived therefrom.

e. The board shall make copies of the plan available to the public for inspection no less than 14 days prior to taking any formal action to recommend the plan to the commission for adoption thereof. In addition, the board shall take steps to notify members of the business community and other interested parties of the plan and shall hold a public hearing thereon after having given public notice of the hearing.

f. The commission may, by resolution, adopt the plan as recommended by the board or with modifications.

**C.5:10A-74 Assessment, collection of development fees.**

74. a. After the adoption of the plan by the commission pursuant to subsection f. of section 73 of P.L.2015, c.19 (C.5:10A-73), the commission

may, by resolution, provide for the assessment and collection of development fees on developments within the district as provided hereunder.

b. Development fees assessed by the commission shall be based upon the growth and development forecasts contained in the plan and shall be levied in order to raise only those amounts needed to accomplish the transportation projects set forth in the plan and allowable administrative costs. Those fees shall be assessed based upon the formula or formulas contained in the resolution and shall be uniformly applied, with such exceptions as are authorized or required by sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81).

c. A formula or formulas adopted by the commission by resolution shall reflect a methodology which relates the use of land to the impact of the proposed development on the transportation system, including, but not limited to: vehicle trips generated by the development; the square footage of an occupied structure; the number of employees regularly employed at the development; the number of parking spaces located at the development; or any combination thereof.

d. The resolution may provide for credits against assessed development fees for payments made, or expenses incurred, which have been determined by the commission to be in furtherance of the district transportation plan, including, but not limited to, contributions to transportation improvements, other than those required for safe and efficient highway access to a development, and costs attributable to the promotion of public transit, walking, bicycling, or ridesharing.

e. The resolution may either exempt or reduce the development fee for specified land uses which have been determined by the commission to have a beneficial, neutral, or comparatively minor adverse impact on the transportation needs of the district.

f. The resolution may provide for a reduced rate of development fees for developers submitting a peak-hour automobile trip reduction plan approved by the commission under standards adopted by the commission. Standards for the approval of peak-hour automobile trip reduction plans may include, but need not be limited to: physical design for improved transit, ridesharing, and pedestrian access; design of developments which include a mix of residential and nonresidential uses; and proximity to potential labor pools.

g. The assessment of a development fee shall be reasonably related to the impact of the proposed development on the transportation system of the district and shall not exceed the development's fair share of the cost of the transportation improvement necessary to accommodate the additional bur-

den on the district's transportation system that is attributable to the proposed development and related allowable administrative costs.

h. A resolution shall be sufficiently certain and definitive to enable every person who may be required to pay a fee to know or calculate the limit and extent of the fee which is to be assessed against a specific development.

i. Upon the adoption by the commission of a resolution pursuant to subsection a. of this section, a separate assessment for off-site transportation improvements within the district shall not be made by the State, a county, or a municipality except as permitted pursuant to sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-81).

j. A development fee shall not be assessed for any low and moderate income housing units which are constructed pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) or under court order or settlement.

k. At least 30% of any development fees collected in accordance with this section shall be used for transportation related projects within the municipality where the development, for which a particular fee was collected, is located.

**C.5:10A-75 Assessment of development fee at time of issuance of zoning approval.**

75. a. A development fee shall be assessed on a development at the time the applicable zoning approval is issued. Any development for which a zoning approval has been issued prior to the adoption of the resolution pursuant to section 74 of P.L.2015, c.19 (C.5:10A-74), or pursuant to any other law authorizing such a resolution, or that has an approved development agreement with the governing State agency or municipality within the district having primary jurisdiction over the development, or for which construction of a material portion of the development has commenced after the date on which a development agreement was executed, shall be exempt from the assessment of a development fee. The assessment shall be adjusted upon the issuance of a revised zoning approval and any development which requires a revised zoning approval after the adoption of the resolution shall be subject to the development fee.

b. The resolution shall specify whether the fee is to be paid at the time a zoning certificate is issued or in a series of payments as set forth in a schedule of payments contained in the resolution. The resolution may provide for payment of the fee in kind or in a series of periodic payments over a period of no more than 20 years.

**C.5:10A-76 Enforcement of payments due.**

76. a. The payments due to the commission, whether as a lump sum or as balances due when a series of payments is to be made, shall be enforceable by the commission as a lien on the land and any improvements thereon. The lien shall be recorded by the county clerk or register of deeds and mortgages in the record book of the county office.

b. When the fee is paid in full on the development or portion thereof, the lien on the development or portion thereof, as appropriate, shall be removed. When a series of payments is to be made, failure to make any one payment within 30 days after receipt of a notice of late payment shall constitute a default and shall obligate the person owing the unpaid balance to pay that balance in its entirety.

c. All amounts assessed as a lien pursuant to this section shall be a lien upon the land against which they are assessed in the same manner that taxes are made a lien against land pursuant to Title 54 of the Revised Statutes, and the payment thereof shall be enforced within the same time, in the same manner, and by the same proceedings as the payment of taxes is otherwise enforced under Title 54 of the Revised Statutes.

**C.5:10A-77 Transportation planning district fund.**

77. a. A resolution adopted by the commission pursuant to section 74 of P.L.2015, c.19 (C.5:10A-74) shall provide for the establishment of a transportation planning district fund under the control of the chief fiscal officer. All monies collected from development fees shall be deposited into the fund, which shall be invested in an interest-bearing account. Monies deposited in the fund shall be used to defray project costs and allowable administrative costs.

b. Every transportation project funded, in whole or in part, by funds from a transportation planning district fund shall be subject to a project agreement to which the relevant entities are parties. The expenditure of funds for this purpose shall not be made from a transportation planning district fund, except by appropriation of the commission and upon certification of the chief fiscal officer that the expenditure is in accordance with a project agreement entered into pursuant to this subsection or is otherwise a project cost and has the approval of the commission.

**C.5:10A-78 Refund of certain fees.**

78. a. Any fees collected, plus earned interest, not committed to a transportation project under a project agreement entered into under section 77 of P.L.2015, c.19 (C.5:10A-77) within 10 years of the date of collection, or not used for other allowable administrative costs within 10 years of the

date of collection, shall be refunded to the fee-payer under a procedure prescribed by the commission; provided, however, that if the fee-payer transfers the development or any portion thereof, the fee-payer shall enter into an agreement with the grantee in a form as shall be provided by the commission which shall indicate who shall be entitled to receive any refund, and that agreement shall be filed with the chief fiscal officer.

b. Any person who has been assessed a development fee may request in writing a reconsideration of the fee and a hearing by an employee so delegated by the commission within 90 days of the receipt of notification of the amount of the fee on the grounds that the commission or its officers or employees, in issuing the fee, did not abide by the provisions of sections 74 and 75 of P.L.2015, c.19 (C.5:10A-74 and C.5:10A-75) or the provisions of the resolution adopted by the commission pursuant to subsection a. of section 74 of P.L.2015, c.19 (C.5:10A-74).

**C.5:10A-79 Appeal.**

79. A person may appeal to the commission any decision made in connection with the reconsideration of a fee as authorized pursuant to subsection b. of section 78 of P.L.2015, c.19 (C.5:10A-78). The commission shall review the record of the hearing and render its decision, which shall constitute an administrative action subject to review by the Appellate Division of the Superior Court. Nothing contained herein shall be construed as limiting the ability of any person so assessed from filing an appeal based upon an agreement to pay or actual payment of the fee.

**C.5:10A-80 Acceptance of loans.**

80. A transportation planning district may accept loans from any public or private source, including, but not limited to, the State Transportation Infrastructure Bank established under section 2 of P.L.1997, c.142 (C.27:1B-21.11), pursuant to a project agreement for the purpose of undertaking and completing a transportation project as permitted by the commission. In this event, the project agreement shall include the obligation of the commission to make payments to the public or private source for repayment of the loan from a transportation planning fund or other available sources according to an agreed upon schedule of payments.

**C.5:10A-81 Rules, regulations.**

81. a. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commission may, immediately upon filing proper notice with the Office of Administra-



tive Law, adopt rules and regulations to implement sections 69 through 80 of P.L.2015, c.19 (C.5:10A-69 through C.5:10A-80).

b. The rules and regulations adopted pursuant to subsection a. of this section shall be in effect for a period not to exceed one year after the date of the filing. These rules and regulations shall thereafter be adopted, amended, or readopted by the commission in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

**C.5:10A-82 Short title.**

82. Sections 82 through 85 of P.L.2015, c.19 (C.5:10A-82 through C.5:10A-85) shall be known and may be cited as the "New Jersey Meadowlands Tax Relief Act."

**C.5:10A-83 Findings, declarations relative to the "New Jersey Meadowlands Tax Relief Act."**

83. The Legislature finds and declares that:

a. The New Jersey Meadowlands Commission is the zoning and planning agency for a 30.4-square-mile area along the Hackensack River known as the Hackensack Meadowlands, covering parts of 14 municipalities in Bergen and Hudson Counties in New Jersey. The Meadowlands Regional Commission will oversee the development, and redevelopment, of the Hackensack Meadowlands in an orderly and comprehensive fashion, with special consideration to the ecological factors constituting the environment of the Hackensack Meadowlands.

b. A vital component of the comprehensive plan for the development of the Hackensack Meadowlands was an intermunicipal tax-sharing program. The intermunicipal tax sharing program was established to create a fair and equitable method of distributing the benefits and costs of economic development and land use decisions made by the New Jersey Meadowlands Commission among the 14 municipalities located in the Meadowlands District. Under this program, as originally conceived, the municipalities with fewer development restrictions are required to deposit a share of their tax ratables into a special intermunicipal account administered by the commission. Money in this account is annually distributed to the municipalities with greater development restrictions to make up for their loss of tax ratable growth opportunity. Currently, seven municipalities pay into the intermunicipal account while the remaining seven municipalities receive distributions from the account.

c. The New Jersey Meadowlands Commission, the predecessor to the Meadowlands Regional Commission, has been successful in providing orderly and comprehensive development, solid waste management, and environmental protection in the Hackensack Meadowlands District, as well as providing for

the investment of many millions of dollars in development, municipal services, and significant infrastructure projects, among other things.

d. It is fitting and proper to establish new sources of funding to replace the intermunicipal tax sharing program in order to facilitate the future of the Hackensack Meadowlands District as a vibrant area of economic growth in the State of New Jersey, as well as a tourism destination and an area of continued environmental significance and improvement. The new sources of funding should recognize the concerns of the district's seven municipalities that must contribute significant amounts of property tax dollars to the intermunicipal tax sharing program. These municipalities have been especially challenged to provide services to municipal residents and contribute to the intermunicipal tax sharing program, while operating under the significant restrictions of the 2% property tax levy cap. In effect, the cost of the State policy to preserve the Hackensack Meadowlands has been borne by the property taxpayers of the seven municipalities required to deposit tax revenue into the intermunicipal account.

e. It is also appropriate and necessary to recognize the consistent impact on the Hackensack Meadowlands District of tourist-related activities and attractions, including sports and entertainment activities and construction at the properties located in the heart of the district, and to require that patrons of those tourist-related activities and attractions shall contribute to the financial needs of the municipalities that comprise the Meadowlands district in order to reduce the property tax burden on their residents.

**C.5:10A-84 Definitions relative to the "New Jersey Meadowlands Tax Relief Act."**

84. As used in sections 82 through 85 of P.L.2015, c.19 (C.5:10A-82 through C.5:10A-85):

"Commission" means the New Jersey Sports and Exposition Authority, which may be referred to as the "Meadowlands Regional Commission," as established by section 6 of P.L.2015, c.19 (C.5:10A-6).

"Meadowlands district" means the Hackensack Meadowlands District, the area delineated within section 5 of P.L.2015, c.19 (C.5:10A-5).

"Hotel" means a building, or portion of it, which is regularly used and kept open as such for the lodging of guests and is subject to taxation pursuant to subsection d. of section 3 of P.L.1966, c.30 (C.54:32B-3).

"Public venue" means any place located within the Meadowlands district, whether publicly or privately owned, where any facilities for entertainment, amusement, or sports are provided, but shall not include a movie theater.

"Public event" means any spectator sporting event, trade show, exposition, concert, amusement, or other event open to the public that takes place at a public venue, but shall not include a major league football game.

**C.5:10A-85 Meadowlands regional hotel use assessment.**

85. a. Beginning on the first day of the first month next following the enactment of P.L.2015, c.19 (C.5:10A-1 et al.), there is imposed a Meadowlands regional hotel use assessment on the rent for the occupancy of every room in every hotel located in the Meadowlands district, including any hotels located on land owned by the State. The assessment imposed under this subsection shall be 3% of the rent charged for every occupancy of a room or rooms in a hotel subject to taxation pursuant to subsection (d) of section 3 of P.L.1966, c.30 (C.54:32B-3), and shall be paid to the Director of the Division of Taxation by each person required to collect the tax not later than the 10th day of each month based on the occupancy of rooms in that hotel during the previous calendar month.

b. In carrying out the provisions of subsection a. this section, the director shall have all of the powers and authority granted in P.L.1966, c.30 (C.54:32B-1 et seq.). The tax shall be filed and paid in a manner prescribed by the Director of the Division of Taxation. The director shall promulgate such rules and regulations as the director determines are necessary to effectuate the provisions of this section.

Each person required to collect the assessment shall be personally liable for the assessment imposed, collected, or required to be paid, collected, or remitted under this section. Any such person shall have the same right in respect to collecting the fee from that person's customer or in respect to non-payment of the fee by the customer as if the fee were a part of the purchase price of the occupancy or rent, as the case may be, and payable at the same time; provided, however, that the director shall be joined as a party in any action or proceeding brought to collect the fee.

For purposes of this subsection, "person" includes: an individual, partnership, corporation, or an officer, director, stockholder, or employee of a corporation, or a member or employee of a partnership, who as such officer, director, stockholder, employee, or member is under the duty to perform the act in respect of which the violation occurs.

An assessment imposed under this section shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity.

c. Assessment revenue shall be collected by the Director of the Division of Taxation and shall be deposited by the Director of the Division of

Taxation into the intermunicipal account established pursuant to section 53 of P.L.2015, c.19 (C.5:10A-53), and shall be used to pay meadowlands adjustment payments to municipalities in the Meadowlands district pursuant to the provisions of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68). If in any year, assessment revenue in the intermunicipal account exceeds the amount necessary to pay meadowlands adjustment payments to municipalities in the Meadowlands district, that remaining assessment revenue may be used for the purposes set forth in subsection e. of this section.

d. In the event sufficient assessment revenue is unavailable in any year to pay all of the required meadowlands adjustment payments to municipalities in the Meadowlands district, the State Treasurer shall provide the commission with such funds as may be necessary to make all of the required payments to those municipalities.

e. In the event that in any year, after the required meadowlands adjustment payments have been made to municipalities in the Meadowlands district, assessment revenue remains in the intermunicipal account, that remaining assessment revenue may be used in that year for the following purposes:

(1) the commission may perform projects in the areas of flood control, traffic, renewable energy, or other infrastructure improvement projects and utilize monies from the project fund for property acquisition, demolition, clearance, removal, relocation, renovation, alteration, construction, reconstruction, installation, or repair of a structure or improvement, and the costs associated therewith including the costs of appraisal, economic and environmental analyses or engineering, planning, design, architectural, surveying, or other professional services;

(2) the commission may expend funds towards the promotion of the Meadowlands district as a tourism destination;

(3) the commission may fund the acquisition of property for the purpose of open space preservation and the costs associated therewith including the costs of appraisal, economic and environmental analyses or engineering, surveying, or other professional services; or

(4) the commission may fund the creation of parks and other recreational facilities and the costs associated therewith, including the costs of appraisal, economic and environmental analyses or engineering planning, design, architectural, surveying, or other professional services.

Not later than the first day of the third month next following the enactment of P.L.2015, c.19 (C.5:10A-1 et al.) and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the commission shall adopt, by resolution, standards for the disbursement in any year

of any remaining assessment revenue for projects and uses set forth in subsection e. of this section.

f. Terms used in this section shall have the meaning given those terms pursuant to section 2 of P.L.1966, c.30 (C.54:32B-2).

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

**C.5:10-4 "New Jersey Sports and Exposition Authority."**

4. a. There is hereby established in the Department of State a public body corporate and politic, with corporate succession, to be known as the "New Jersey Sports and Exposition Authority." The authority is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by P.L.1971, c.137 (C.5:10-1 et seq.) shall be deemed and held to be an essential governmental function of the State and the application of the revenue derived from the projects to the purposes provided in P.L.1971, c.137 (C.5:10-1 et seq.) shall be deemed and held to be applied in support of government.

b. The authority shall consist of the State Treasurer, the President of the New Jersey Sports and Exposition Authority, and a member of the Hackensack Meadowlands Municipal Committee established by the "Hackensack Meadowlands Redevelopment Act," P.L.1968, c.404 (C.13:17-1 et seq.), to be appointed by the Governor, who shall be members ex officio, 11 members appointed by the Governor with the advice and consent of the Senate, one member appointed by the President of the Senate and one member appointed by the Speaker of the General Assembly, for terms of four years. Each member shall hold office for the term of the member's appointment and until the member's successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

c. Each appointed member may be removed from office by the Governor, for cause, after a public hearing, and may be suspended by the Governor pending the completion of such hearing. Each member before entering upon the member's duties shall take and subscribe an oath to perform the duties of the member's office faithfully, impartially and justly to the best of the member's ability. A record of such oaths shall be filed in the office of the Secretary of State.

d. The chair shall be appointed by the Governor from the members of the authority other than ex officio members, and the members of the author-

ity shall elect one of their number as vice chair thereof. The authority shall elect a secretary and a treasurer, who need not be members, and the same person may be elected to serve both as secretary and treasurer. The powers of the authority shall be vested in the members thereof in office from time to time and nine members of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of at least eight members of the authority. No vacancy in the membership of the authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the authority.

e. Each member and the treasurer of the authority shall execute a bond to be conditioned upon the faithful performance of the duties of such member or treasurer, as the case may be, in such form and amount as may be prescribed by the Director of the Division of Budget and Accounting in the Department of the Treasury. Such bonds shall be filed in the office of the Secretary of State. At all times thereafter the members and treasurer of the authority shall maintain such bonds in full force and effect. All costs of such bonds shall be borne by the authority.

f. The members of the authority shall serve without compensation, but the authority shall reimburse its members for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no officer or employee of the State shall be deemed to have forfeited or shall forfeit the officer's or employee's office or employment or any benefits or emoluments thereof by reason of the officer's or employee's acceptance of the office of ex officio member of the authority or the officer's or employee's services therein.

g. Each ex officio member of the authority may designate an officer or employee of the member's department or agency to represent the member at meetings of the authority, and each such designee may lawfully vote and otherwise act on behalf of the member for whom the designee is constituted. Any such designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended by writing delivered to the authority.

h. The authority may be dissolved by act of the Legislature on condition that the authority has no debts or obligations outstanding or that provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority all property, funds and assets thereof shall be vested in the State.

i. A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof to the Governor. No action taken at such meeting by the authority shall have

force or effect until 15 days after such copy of the minutes shall have been so delivered unless during such 15-day period the Governor shall approve the same, in which case such action shall become effective upon such approval. If, in said 15-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and void and of no effect. The powers conferred in this subsection i. upon the Governor shall be exercised with due regard for the rights of the holders of bonds and notes of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection i. shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at anytime made or entered into by or on behalf of the authority with respect to its bonds or notes or for the benefit, protection or security of the holders thereof.

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

**C.5:10-5 Powers of authority.**

5. Except as otherwise limited by the act, the authority shall have power:
  - a. To sue and be sued;
  - b. To have an official seal and alter the same at pleasure;
  - c. To make and alter bylaws for its organization and internal management and for the conduct of its affairs and business;
  - d. To maintain an office at such place or places within the State as it may determine;
  - e. To acquire, hold, use and dispose of its income, revenues, funds and moneys;
  - f. To acquire, lease as lessee or lessor, rent, lease, hold, use and dispose of real or personal property for its purposes;
  - g. To borrow money and to issue its negotiable bonds or notes and to secure the same by a mortgage on its property or any part thereof, and to enter into any credit agreement, and otherwise to provide for and secure the payment of its bonds and notes and to provide for the rights of the holders thereof;
  - h. To make and enter into all contracts, leases, and agreements for the use or occupancy of its projects or any part thereof or which are necessary or incidental to the performance of its duties and the exercise of its powers under the act;
  - i. To make surveys, maps, plans for, and estimates of the cost of its projects;

j. To establish, acquire, construct, lease the right to construct, rehabilitate, repair, improve, own, operate, and maintain its projects, and let, award and enter into construction contracts, purchase orders and other contracts with respect thereto in such manner as the authority shall determine, subject only to the provisions of sections 1 through 3 of P.L.1981, c.447 (C.5:10-21.1 through 5:10-21.3) and section 3 of P.L.1987, c.318 (C.5:10-21.1a);

k. To fix and revise from time to time and charge and collect rents, tolls, fees and charges for the use, occupancy or services of its projects or any part thereof or for admission thereto, and for the grant of concessions therein and for things furnished or services rendered by the authority;

l. To establish and enforce rules and regulations for the use or operation of its projects or the conduct of its activities, and provide for the policing and the security of its projects;

m. To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or, except with respect to the State, by the exercise of the power of eminent domain, any land and other property, including land under water, meadowlands, and riparian rights, which it may determine is reasonably necessary for any of its projects or for the relocation or reconstruction of any highway by the authority and any and all rights, title and interest in such land and other property, including public lands, reservations, highways or parkways, owned by or in which the State or any county, city, borough, town, township, village, public corporation, or other political subdivision of the State has any right, title or interest, or parts thereof or rights therein and any fee simple absolute or any lesser interest in private property, and any fee simple absolute in, easements upon or the benefit of restrictions upon abutting property, to preserve and protect any project, except that the authority shall not have the right to exercise the power of eminent domain in connection with projects authorized under paragraphs (5), (6), and (7) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6);

n. To provide through its employees, or by the grant of one or more concessions, or in part through its employees and in part by grant of one or more concessions, for the furnishing of services and things for the accommodation of persons admitted to or using its projects or any part thereof;

o. To hold and conduct horse race meetings for stake, purse or reward and to provide and operate a parimutuel system of wagering at such meetings, but subject only to the provisions of section 7 of the act;

p. To acquire, construct, operate, maintain, improve, and make capital contributions to others for transportation and other facilities, services and



accommodations for the public's use of its projects and to lease or otherwise contract for the operation thereof;

q. Subject to any agreement with bondholders or noteholders, to invest moneys of the authority not required for immediate use, including proceeds from the sale of any bonds or notes, in such obligations, securities and other investments as the authority shall deem prudent;

r. To contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the United States of America or any agency or instrumentality thereof, or from the State or any agency, instrumentality or political subdivision thereof, or from any other source and to comply, subject to the provisions of the act, with the terms and conditions thereof;

s. Subject to any agreements with bondholders or noteholders, to purchase bonds or notes of the authority out of any funds or money of the authority available therefor, and to hold, cancel or resell such bonds or notes;

t. To appoint and employ a president, who shall be the chief executive officer, and such additional officers, who need not be members of the authority, and accountants, attorneys, financial advisors or experts and all such other or different officers, agents and employees as it may require and to determine their qualifications, terms of office, duties and compensation, all without regard to the provisions of Title 11A of the New Jersey Statutes;

u. To do and perform any acts and things authorized by the act, under, through, or by means of its officers, agents or employees or by contract with any person, firm or corporation;

v. To procure insurance against any losses in connection with its property, operations or assets, in such amounts and from such insurers as it deems desirable;

w. To do any and all things, including, but not limited to, the creation or formation of profit or not-for-profit corporations, necessary or convenient to carry out its purposes and exercise the powers given and granted in the act;

x. To determine the location, type and character of a project or any part thereof and all other matters in connection with all or any part of a project, notwithstanding any land use plan, zoning regulation, building code or similar regulation heretofore or hereafter adopted by the State, any municipality, county, public body politic and corporate, or any other political subdivision of the State, except that all projects constructed after the effective date of this 1987 amendatory and supplementary act shall conform to the Barrier-Free Sub-Code promulgated as part of the State Uniform Construction Code pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.) and further excepted that the authority shall consult with the Meadowlands Commis-

sion before making any determination as to the location, type and character of any project under the jurisdiction of the Meadowlands Commission;

y. To provide, with or without charge as it deems appropriate, through or by means of its officers, agents or employees, advisory, consulting, management or operating services to any political subdivision of the State, or any agency or instrumentality of the State or of any political subdivision of the State, with regard to a stadium, arena, concert hall or other sports or entertainment facility in operation as of January 1, 2004 and owned or operated by such entity as of January 1, 2004; and

z. To consult, collaborate, and work in partnership with the Division of Travel and Tourism and the Motion Picture and Television Development Commission to coordinate economic development and promotional and marketing efforts related to tourism, entertainment, sports, and related activities and to assist the division and the Commission in fulfilling their respective duties and responsibilities as prescribed by law.

88. Section 6 of P.L.1971, c.137 (C.5:10-6) is amended to read as follows:

**C.5:10-6 Authority projects.**

6. a. The authority, pursuant to the provisions of P.L.1971, c.137 (C.5:10-1 et seq.), is hereby authorized and empowered, either alone or in conjunction with others, and provided that, in the case of an arrangement with respect to any of the projects set forth in this section which shall be in conjunction with others, the authority shall have sufficient right and power to carry out the public purposes set forth in P.L.1971, c.137 (C.5:10-1 et seq.):

(1) To establish, develop, construct, operate, acquire, own, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project to be located in the Hackensack meadowlands upon a site not to exceed 750 acres and upon a site or sites outside of that acreage, but either immediately contiguous thereto or immediately across any public road which borders that acreage, consisting of one or more stadiums, coliseums, arenas, pavilions, stands, field houses, playing fields, recreation centers, courts, gymnasiums, clubhouses, a racetrack for the holding of horse race meetings, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of athletic contests or other sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, ap-

proaches, parking areas, parks, recreation areas, lodging facilities, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings, and all other structures and appurtenant facilities, related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(2) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project, at a site within the State of New Jersey, consisting of a baseball stadium and other buildings, structures, facilities, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to a complex suitable for the holding of professional baseball games and other athletic contests or sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(3) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects located within the State of New Jersey, consisting of aquariums and the buildings, structures, facilities, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to those aquariums, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof. To provide for a project authorized under this paragraph:

(a) (Deleted by amendment, P.L.1988, c.172.)

(b) With regard to an aquarium project located outside of the meadowlands complex, the authority is authorized to enter into agreements with the State Treasurer providing for the acquisition and construction of an aquarium by the authority, including the land necessary for the aquarium, and the costs thereof, ownership of the aquarium and its land which shall be conveyed to the State upon completion, and the operation by the authority of the aquarium pursuant to a lease or other agreement with the State containing such terms and conditions as the State Treasurer may establish prior to the

acquisition and construction by the authority of the aquarium and the disbursements of funds therefor. The State Treasurer is authorized to enter into a lease or other agreement to effectuate the provisions of this subparagraph.

(c) With regard to an aquarium project located within the meadowlands complex, the authority is authorized to enter into such agreements as it determines are necessary for the construction of the aquarium, including agreements providing for the acquisition of any land that may be necessary, for the ownership and for payment of costs of the aquarium, and for the operation thereof.

(4) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project consisting of an exposition or entertainment center or hotel or office complex, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to, the purposes of that project. A project authorized under this paragraph may be located within, immediately contiguous to, or immediately across any public road which borders the site of any other project of the authority, except the site of a racetrack authorized by paragraph (5) of this subsection and acquired by the authority prior to 1986.

(5) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of (a) racetrack facilities located within the State of New Jersey, but outside of the meadowlands complex, (b) their contiguous properties, and (c) their auxiliary facilities, including, without limitation, pavilions, stands, field houses, clubhouses, training tracks for horses, racetracks for the holding of horse race meetings, fairgrounds, other exposition facilities, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of horse race meetings, other sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, approaches, parking areas, parks, recreation areas, lodging facilities, vending facilities, restaurants, transportation structures, systems and facilities, equipment, furnishings, and all other structures and appurtenant facilities

related to, incidental to, necessary for, or complementary to the purposes of any of those projects or any facility thereof.

Notwithstanding any law to the contrary, the acquisition of any existing racetrack facility in and licensed by the State of New Jersey shall be permitted on the condition that payments equivalent to all municipal, school board and county taxes due to each entity shall be paid by the authority to the extent and in accordance with the same payment schedule as taxes would have been paid each year, as though the racetrack facility remained in private ownership. In the event the authority conveys lands or other parts of the racetrack facility to others, the authority shall receive a reduction of such payments commensurate with the amount required to be paid by the subsequent owner of the lands and improvements disposed of by the authority. In addition, the authority shall be responsible for paying all existing local franchise fees, license and parking tax fees in effect at the time of the acquisition.

(6) To establish, develop, acquire, own, operate, manage, promote and otherwise effectuate, in whole or in part, either directly or indirectly through lessees, licensees or agents, projects consisting of events, expositions, teams, team franchises or membership in professional sports leagues.

(7) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of facilities, at a site or sites within the State of New Jersey and either within or without the meadowlands complex, that are related to, incidental to, necessary for, or complementary to the accomplishment or purpose of any project of the authority authorized by this section, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such projects to include driveways, roads, approaches, parking areas, parks, recreation areas, off-track and account wagering systems and facilities or any interest therein, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to the purposes of those projects.

(8) To establish, develop, acquire, construct, reconstruct, improve and otherwise effectuate for transfer to, and for use and operation by, Rutgers, the State University, either directly or indirectly through lessees, licensees or agents, facilities located or to be located on property owned, leased, or otherwise used by Rutgers, the State University, consisting of an upgraded and expanded football stadium and a new track and field, soccer and lacrosse facility and the buildings, structures, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to the

football stadium and track and field, soccer and lacrosse facility, such facilities to include driveways, access roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and equipment, furnishings and all other structures and appurtenances related or incidental to, necessary for, or complementary to the purposes of those facilities; provided however that construction shall not begin on the expansion of the seating capacity of Rutgers Stadium until the Commissioner of Transportation certifies that all funding necessary to complete the Route 18 project in Piscataway Township has been appropriated and construction has begun on the Route 18 project in Piscataway Township under the Department of Transportation's capital program.

(9) To acquire by purchase, lease or otherwise, and to develop, construct, operate, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees or agents, a project which may hereinafter be referred to as either the Atlantic City convention center project or a convention center project in the city of Atlantic City, Atlantic County, consisting of the existing convention hall and a new convention hall or center, and associated parking areas and railroad terminal facilities and including the leasing of adjacent land for hotel facilities. In connection therewith, the authority is authorized to:

(a) Assume existing leasehold or other contractual obligations pertaining to any such facilities or properties or to make provision for the payment or retirement of any debts and obligations of the governmental entity operating any such convention hall or center or of any bonds or other obligations payable from and secured by a lien on or pledge of the luxury tax revenues;

(b) Make loans or payments in aid of construction with respect to infrastructure and site development for properties located in the area between the sites of the existing convention hall and a new convention center or located contiguous to or across any public road which borders the area;

(c) Convert the existing convention hall or any facilities, structures or properties thereof, or any part thereof, not disposed of by the authority, to any sports, exposition, exhibition, or entertainment use or to use as a forum for public events or meetings, or to any other use which the authority shall determine to be consistent with its operation of the Atlantic City convention center project;

(d) Transfer, as soon as practicable, its ownership interest or other rights and obligations, other than any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding, or then in effect, on the date of such transfer under the Luxury Tax Bond Resolution, in the Atlantic City convention center project to the Atlantic City Convention

and Visitors Authority created under section 3 of P.L.1981, c.459 (C.52:27H-31), and cease any supervision of the Atlantic City Convention and Visitors Authority, to the extent permitted by the terms of the bonds, notes, leases or other financing documents, assignments, agreements or arrangements issued or entered into to finance or refinance, in whole or in part, or incurred in connection with the Atlantic City convention center project, as reasonably determined by the authority but subject to the diligence and reasonable determination provisions of paragraph (6) of subsection f. of this section.

(10) To provide a feasibility study for the use and development of the existing convention center in the city of Asbury Park, county of Monmouth and to provide a feasibility study for the construction, use and development of a convention center or recreational facility in any other municipality.

(11) To provide funding to public or private institutions of higher education in the State to establish, develop, acquire, construct, reconstruct or improve facilities located or to be located on property owned, leased, or otherwise used by an institution, consisting of sports facilities and the buildings, structures, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to those sports facilities, such facilities to include driveways, access roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and equipment, furnishings and all other structures and appurtenances related or incidental to, necessary for, or complementary to the purposes of those facilities.

(12) To acquire by purchase, lease, or otherwise, including all right, title and interest of the Greater Wildwood Tourism Improvement Development Authority in any property, and to develop, construct, operate, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees or agents, a convention center facility in the City of Wildwood, Cape May County, consisting of and including any existing and acquired buildings, structures, properties and appurtenances and including restaurants, retail businesses, access roads, approaches, parking areas, transportation structures and systems, recreation areas, equipment, furnishings, vending facilities, and all other structures and appurtenances incidental to, necessary for, or complementary to the purpose of such Wildwood convention center facility. In connection therewith, the authority is expressly authorized to:

(a) assume any existing mortgages, leaseholds or other contractual obligations or encumbrances with respect to the site of the Wildwood convention center facility and any other existing and acquired buildings, structures, properties, and appurtenances;

(b) enter into agreements with a local public body or bodies providing for any necessary financial support or other assistance for the operation and maintenance of such Wildwood convention center facility from taxes or other sources of the local public body or bodies as shall be made available for such purposes;

(c) to the extent permitted by law and by the terms of the bonds or notes issued to finance the Wildwood convention center facility, transfer its ownership interest or other rights with respect to the convention center facility to another State authority or agency;

(d) upon payment of all outstanding bonds and notes issued therefor, transfer its ownership interest and other rights with respect thereto to such other public body as shall be authorized to own and operate such a facility; and

(e) convert any existing convention hall or any facilities, structures or properties thereof, or any part thereof, not disposed of by the authority, to any use which the authority shall determine to be consistent with the operation of the Wildwood convention center facility.

(13) To acquire by purchase, lease or otherwise, and to develop, construct, own, lease, manage, repair, reconstruct, restore, improve, enlarge or otherwise effectuate, either directly or through lessees, licensees, or agents, all right, title, or interest in the Garden State Arts Center in Holmdel, Monmouth County, and any related or auxiliary facilities and to transfer its interest in the Garden State Arts Center and any related or auxiliary facilities to such other public body that is authorized to own and operate such a facility, or other entity, according to such terms and process as the authority may establish in its discretion.

(14) (a) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects located within the State of New Jersey, but outside the meadowlands complex, provided that the authority first obtains the consent of the municipality or municipalities in which the projects are to be located, consisting of football training facilities that are comparable in quality to National Football League professional football training facilities and the buildings, structures, facilities, uses, properties and appurtenances related thereto, or identical to, necessary for, or complementary to those National Football League-quality professional football league training facilities, such projects to include driveways, roads, approaches, parking areas, parks, recreation areas, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities.



ties related to, incidental to, necessary for, or complementary to the purposes of such projects or any facility thereof.

(b) For projects developed pursuant to subparagraph (a) of paragraph (14) of this subsection, the authority shall make in-lieu-of-tax payments in each municipality affected in amounts negotiated by the authority and each municipality.

b. The authority, pursuant to the provisions of P.L.1971, c.137 (C.5:10-1 et seq.), is authorized (1) to make, as part of any of the projects, capital contributions to others for transportation and other facilities, and accommodations for the public's use of any of those projects, (2) to lease any part of any of those project sites not occupied or to be occupied by the facilities of any of those projects, for purposes determined by the authority to be consistent with or related to the purposes of those projects, including, but not limited to, hotels and other accommodations for transients and other facilities related to or incidental to any of those projects, and (3) to sell or dispose of any real or personal property, including, but not limited to, such portion of the site of any of those projects not occupied or to be occupied by the facilities of any of those projects, at not less than the fair market value of the property, except in the case of sale or disposition to the State, any political subdivision of the State or any agency or instrumentality of the State or any political subdivision of the State.

c. Revenues, moneys or other funds, if any, derived from the operation or ownership of the meadowlands complex, including the conduct of horse race meetings, shall be applied, in accordance with the resolution or resolutions authorizing or relating to the issuance of bonds or notes of the authority, to the following purposes and in the following order:

(1) The costs of operation and maintenance of the meadowlands complex and reserves therefor;

(2) Principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the authority payable from such revenues, moneys or other funds and issued for the purposes of the meadowlands complex or for the purposes of refunding the same, including reserves and payments with respect to credit agreements therefor;

(3) The costs of any major or extraordinary repairs, renewals or replacements with respect to the meadowlands complex or incidental improvements thereto, not paid pursuant to paragraph (1) above, including reserves therefor;

(4) Payments required to be made pursuant to section 18b.;

(5) Payments authorized to be made pursuant to section 18c.;

(6) Except to the extent payments with respect to bonds or notes are provided with priority in accordance with paragraph (2) of this subsection, payments required to be made in accordance with the resolution authorizing or relating to the issuance of bonds or notes of the authority, for the purposes of any project authorized by this act, including payments and reserves with respect to any bonds or notes of the authority with respect to the meadowlands complex which are not provided with priority in accordance with paragraph (2) of this subsection;

(7) Payments required to be made to repay any obligation incurred by the authority to the State;

(8) The balance remaining after application in accordance with the above shall be deposited in the General State Fund, provided that (a) there shall be appropriated for authorized State purposes from the amount so deposited that amount which shall be calculated by the State Treasurer to be the debt service savings realized with respect to the refinancing of the initial project as defined in section 1 of P.L.1973, c.286 (C.5:10-14.1) at the meadowlands complex, by the issuance of bonds of the authority guaranteed by the State.

d. Revenues, moneys or other funds, if any, derived from the operation or ownership of any project other than the meadowlands complex, the Atlantic City convention center project, or the Wildwood convention center facility and other than a baseball stadium project or an office complex project located on the site of a baseball stadium shall be applied for such purposes, in such manner and subject to such conditions as shall be provided in the resolution authorizing or relating to the issuance of bonds or notes of the authority for the purposes of such project, and the balance, if any, remaining after such application may be applied, to the extent not contrary to or inconsistent with the resolution, in the following order: (1) to the purposes of the meadowlands complex, unless otherwise agreed upon by the State Treasurer and the authority, (2) to the purposes of any other project of the authority; and, the balance remaining, if any, shall be deposited in the General Fund.

e. Revenues, moneys or other funds, if any, derived from the operation, ownership, or leasing of a baseball stadium project or an office complex project located on the site of a baseball stadium shall be applied for the purposes, in the manner and subject to the conditions as shall be provided in the resolution authorizing or relating to the issuance of bonds or notes of the authority for the purposes of a baseball stadium project or an office complex project located on the site of a baseball stadium, if any, and the balance, if any, remaining after such application shall be applied, to the ex-

tent not contrary to or inconsistent with the resolution, to the following purposes and in the following order:

(1) The costs of operation and maintenance of a baseball stadium project and an office complex project located on the site of a baseball stadium and reserves therefor;

(2) Payments made to repay the bonded indebtedness incurred by the authority for the purposes of a baseball stadium project or an office complex project located on the site of a baseball stadium;

(3) Payments equivalent to an amount required to be made by the State for payments in lieu of taxes pursuant to P.L.1977, c.272 (C.54:4-2.2a et seq.);

(4) The balance remaining after application in accordance with the above shall be deposited in the General Fund.

f. Revenues, moneys or other funds, if any, including earned interest, derived from the operation, ownership or leasing of the Atlantic City convention center project shall be applied to the costs of operating, maintaining and promoting the Atlantic City convention center project and to the other purposes set forth in paragraphs (1) through (5) of this subsection, except as provided in paragraph (6) of this subsection.

Subject to paragraph (6) of this subsection, luxury tax revenues paid to the authority by the State Treasurer pursuant to section 14 of P.L.1991, c.375 (C.5:10-14.4), including earned interest, shall be deposited by the authority in a separate fund or account and applied to the following purposes and in the following order:

(1) To pay the principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the authority, including bonds or notes of the authority issued for the purpose of refunding bonds or notes, issued for purposes of (i) the initial acquisition of the existing properties which will constitute part of the Atlantic City convention center project, if the bonds or notes shall be payable under the terms of the resolution of the authority relating thereto from luxury tax revenues, or (ii) providing improvements, additions or replacements to the Atlantic City convention center project, if the bonds or notes shall be payable under the terms of the resolution of the authority relating thereto from luxury tax revenues; and to pay any amounts due from the authority under any credit agreement entered into by the authority in connection with the bonds or notes.

(2) To pay the costs of operation, maintenance and promotion of the Atlantic City convention center project, including amounts payable as operating expenses under the Luxury Tax Bond Resolution or the terms of the bonds, notes, leases or other financing documents, assignments, agreements or ar-

rangements issued or entered into to finance or refinance, in whole or in part, or incurred in connection with, the Atlantic City convention center project.

(3) To establish and maintain a working capital and maintenance reserve fund for the Atlantic City convention center project in an amount as shall be determined by the authority to be necessary.

(4) To repay to the State those amounts paid by the State with respect to bonds or notes of the authority issued for the purposes of the Atlantic City convention center project.

(5) The balance of any luxury tax revenues not required for any of the foregoing purposes and remaining at the end of any calendar year shall be paid to the State Treasurer for application to purposes in the city of Atlantic City pursuant to section 5 of P.L.1981, c.461 (C.40:48-8.30a).

The authority may pledge the luxury tax revenues paid to it as provided for in section 14 of P.L.1991, c.375 (C.5:10-14.4) as security for the payment of the principal of and interest or premium on the bonds or notes issued for the purposes set forth above in paragraph (1) of this subsection f. in the same manner, to the same extent and with the same effect as the pledge of any of its other revenues, receipts and funds authorized by P.L.1971, c.137 (C.5:10-1 et seq.).

(6) (a) The authority shall promptly and diligently pursue all consents, approvals, waivers or non-objections under the bonds, notes, leases, or other financing documents, assignments, agreements or arrangements issued or entered into to finance or refinance, in whole or in part, or incurred in connection with, the Atlantic City convention center project, that are required for the following actions, which actions may be implemented at the same or at different times:

(i) to permit the State Treasurer to remit to the authority, for deposit to the Luxury Tax Revenue Fund established under the Luxury Tax Bond Resolution, luxury tax revenues held by the State Treasurer in the fund established pursuant to section 5 of P.L.1979, c.273 (C.40:48-8.30) in an amount sufficient to (A) pay the principal, sinking fund installments and redemption premiums, if any, of and interest on any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution, and (B) maintain any reserves required to be held by the trustee pursuant to the Luxury Tax Bond Resolution, and to remit the balance of the luxury tax revenues held by the State Treasurer in such fund, including interest thereon, to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13) subject, however, to the lien of the Luxury Tax Bond Resolution, until all bonds, notes,

and other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution have been paid or defeased in full.

(ii) to permit the authority to transfer its ownership interest or other rights and obligations, other than any bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding, or then in effect, on the date of such transfer under the Luxury Tax Bond Resolution, in the Atlantic City convention center project to the Atlantic City Convention and Visitors Authority, and cease any supervision of the Atlantic City Convention and Visitors Authority.

(iii) to implement any other provisions of P.L.2008, c.47 (C.52:27H-31.1 et al.).

(b) Upon obtaining such consents, approvals, waivers or non-objections or upon the reasonable determination by the authority or the State Treasurer that such consents, approvals or non-objections have been obtained, are unnecessary or that the absence of such consents, approvals or non-objections shall not result in a material default, the State Treasurer shall thereafter remit to the authority from the fund only those monies required to satisfy the obligations of subparagraphs (a)(i)(A) and (a)(i)(B) of this paragraph; the balance of the luxury tax revenues held by the State Treasurer in such fund, including interest thereon, shall be paid promptly to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13), subject, however, to the lien of the Luxury Tax Bond Resolution until all bonds, notes, and other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution have been paid or defeased in full.

(c) When all bonds, notes, or other obligations, including any credit agreement, of the authority issued and outstanding or entered into pursuant to the Luxury Tax Bond Resolution have been paid or defeased in full, any amounts received by the authority from the funds and accounts held under the Luxury Tax Bond Resolution shall forthwith be transferred to the Atlantic City Convention and Visitors Authority to be applied as provided in section 25 of P.L.2008, c.47 (C.52:27H-41.13).

g. Revenues, moneys or other funds, if any, derived from the ownership or operation of the Wildwood convention center facility shall be applied to the costs of operating and maintaining the Wildwood convention center facility and to the other purposes set forth in this subsection as shall be provided by resolution of the authority.

The tourism related tax revenues paid to the authority pursuant to subsection f. of section 14 of P.L.1992, c.165 (C.40:54D-14) shall be deposited by the authority in a separate fund or account and applied to any or all of the following purposes pursuant to an allocation of funds approved by the State Treasurer in writing and in advance of any application of such funds:

(1) to pay amounts due with respect to any obligations transferred to the authority pursuant to section 17 of P.L.1997, c.273 (C.40:54D-25.1) pertaining to the Wildwood convention center facility;

(2) to repay to the State those amounts paid with respect to bonds or notes of the authority issued for the purposes of the Wildwood convention center facility;

(3) to pay the cost of operation and maintenance reserve for the Wildwood convention center facility;

(4) to establish and maintain a working capital and maintenance reserve for the Wildwood convention center facility.

The balance, if any, of any tourism related tax revenues not allocated to any of the purposes set forth in the previous paragraphs and remaining at the end of the calendar year shall be paid to the State Treasurer for deposit in the General Fund.

89. Section 8 of P.L.1971, c.137 (C.5:10-8) is amended to read as follows:

**C.5:10-8 Relocation of public highways; entry on lands, waters or premises; regulations for public utility facilities.**

8. a. If the authority shall find it necessary in connection with the undertaking of any of its projects to change the location of any portion of any public highway or road, it may contract with any government agency or public or private corporation, which may have jurisdiction over said public highway or road, to cause said public highway or road to be constructed at such location as the authority shall deem most favorable. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the authority as a part of the cost of any project. Any public highway affected by the construction of a project may be vacated or relocated by the authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the authority as part of the cost of the project. In all undertakings authorized by this subsection the authority shall consult and obtain the approval of the New Jersey Department of Transportation.

b. In addition to the foregoing powers, the authority and its authorized agents and employees may enter upon any lands, waters and premises for the purpose of making surveys, soundings, drillings and examinations as it may deem necessary or convenient for the purposes of the act, all in accordance with due process of law, and such entry shall not be deemed a trespass nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending. The authority shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of such activities.

c. The authority shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility as defined in R.S.48:2-13, in, on, along, over or under a project. Whenever the authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over or under a project shall be relocated in the project, or should be removed therefrom, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the authority; provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the authority as a part of the cost of any project. In case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations. In all undertakings authorized by this subsection the authority shall consult and obtain the approval of the Board of Public Utilities.

90. Section 18 of P.L.1971, c.137 (C.5:10-18) is amended to read as follows:

**C.5:10-18 Tax exemption; projects and property of authority; bonds or notes; payments in-lieu-of property taxes.**

18. a. All projects and other property of the authority, except an off-track wagering facility or account wagering system facility established pur-

suant to P.L.2001, c.199, is hereby declared to be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any political subdivision thereof; provided, however, that when any part of the project site not occupied or to be occupied by facilities of the project is leased by the authority to another whose property is not exempt and the leasing of which does not make the real estate taxable, the estate created by the lease and the appurtenances thereto shall be listed as the property of the lessee thereof, or his assignee, and be assessed and taxed as real estate. All bonds or notes issued pursuant to the act are hereby declared to be issued by a body corporate and public of the State and for an essential public and governmental purpose and such bonds and notes, and the interest thereon and the income therefrom, and all funds, revenues, income and other moneys received or to be received by the authority and pledged or available to pay or secure the payment of such bonds or notes, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes.

b. To the end that there does not occur an undue loss of future tax revenues by reason of the acquisition of real property by the authority for the meadowlands complex the authority annually shall make payments in-lieu-of-taxes to the municipality in which such property is located in an amount computed in each year with respect to each such municipality by multiplying the total amount to be raised by real property taxation in each such year by a fraction, the numerator of which is the amount of real property taxes assessed against the property acquired by the authority in the tax year in which this act becomes effective and the denominator of which is the total amount to be raised by real property taxation in such municipality in the tax year in which this act becomes effective. Such payments shall be made in each year commencing with the first year subsequent to the year in which such real property shall have been converted from a taxable to an exempt status by reason of acquisition thereof by the authority.

c. The authority is further authorized and empowered to enter into any agreement or agreements with any county or municipality located in whole or part within the Hackensack meadowlands whereby the authority will undertake to pay any additional amounts to compensate for any loss of tax revenues by reason of the acquisition of any real property by the authority for the meadowlands complex or to pay amounts to be used by such county or municipality in furtherance of the development of the Hackensack meadowlands, including the meadowlands complex. Every such county and municipality is authorized and empowered to enter into such agreements with the authority and to accept payments which the authority makes thereunder.



d. All payments to municipalities pursuant to subsections b. and c. shall be treated as payments in-lieu-of-property taxes for all purposes of article 9 of P.L.1968, c.404 (C.13:17-60 to 13:17-76).

**Repealer.**

91. Section 22 of P.L.1971, c.137 (C.5:10-22) is repealed.

92. Section 23 of P.L.1971, c.137 (C.5:10-23) is amended to read as follows:

**C.5:10-23 Ecological factors.**

23. It is the express intent of the Legislature that the authority in undertaking the meadowlands complex shall consult with the Department of Environmental Protection with respect to the ecological factors constituting the environment of the Hackensack meadowlands to the end that the delicate environmental balance of the Hackensack meadowlands may be maintained and preserved.

93. This act shall take effect immediately.

Approved February 5, 2015.

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CHAPTER 20

AN ACT concerning blue roofs and green roofs.

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

**C.13:1D-149 Study of availability and efficiency of blue and green roofs as stormwater management tools.**

1. The Commissioner of Environmental Protection shall periodically study the availability and efficiency of blue roofs and green roofs as stormwater management tools, and make, as necessary and as appropriate, recommendations to the Governor that will help foster and maintain efficient and effective stormwater management in the State.

2. This act shall take effect immediately.

Approved February 6, 2015.

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## CHAPTER 21

AN ACT concerning the size of certain elevators and amending P.L.2001, c.263.

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

1. Section 1 of P.L.2001, c.263 (C.52:27D-123.14) is amended to read as follows:

**C.52:27D-123.14 Dimensional requirements for certain elevators.**

1. Notwithstanding any law, rule, or regulation to the contrary, within 180 days of the effective date of P.L.2015, c.21, the commissioner shall modify the code pertaining to elevators to require that at least one elevator be of such an arrangement to accommodate an ambulance stretcher 24 inches by 84 inches in the horizontal, open position with not less than 5-inch radius corners when installed in any newly-constructed buildings four or more stories above grade, or four or more stories below grade plane, for which a construction permit is issued subsequent to the effective date of the regulations promulgated pursuant to this section. The commissioner shall require such elevators to bear markings to identify its designation for use by emergency medical services consistent with national standards for such markings. This act shall not apply to one- and two- family residences.

2. This act shall take effect immediately.

Approved February 6, 2015.

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CHAPTER 22

AN ACT authorizing counties to establish a mosquito control reserve fund and supplementing chapter 4 of Title 40A of the New Jersey Statutes.

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

**C.40A:4-62.2 Establishment of mosquito control reserve fund.**

1. a. A county board of chosen freeholders may, by resolution, establish a mosquito control reserve fund. Unexpended balances budgeted annually for mosquito control may be lapsed into the reserve. Upon passage of a resolu-

tion of the board of chosen freeholders, funds in the reserve may be used for any purpose related to mosquito population control by the county after current budget appropriations for that purpose, if any exist, have been expended.

b. The Local Finance Board is authorized to adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the purposes of this section.

2. This act shall take effect immediately.

Approved March 16, 2015.

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## CHAPTER 23

AN ACT concerning the use of surplus federal property transferred to local law enforcement agencies and supplementing chapter 5 of Title 40A of the New Jersey Statutes.

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

**C.40A:5-30.1 Findings, declarations relative to the "1033 program."**

1. The Legislature finds and declares that:

a. Federal law permits the Secretary of the United States Department of Defense to transfer to federal and State agencies personal property of the Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities, including counterdrug and counterterrorism activities and is excess to the needs of the Department of Defense.

b. Informally known as the "1033 program," this initiative allows local law enforcement agencies to obtain, at little or no cost and without the approval of the governing body of the local unit, surplus federal property, including aircraft, armored vehicles, automatic weapons, and night vision equipment originally intended for use by the United States Armed Forces.

c. According to the New Jersey Department of Law and Public Safety, the Office of Emergency Management has assisted with the transfer of over \$30 million in excess Department of Defense property to participating law enforcement agencies since the beginning of federal fiscal year 2014.

d. In this era of fiscal constraint, participation in the 1033 program allows local units to obtain equipment that they might not otherwise be able to afford, and to prepare for, respond to, and recover from incidents of terrorism and natural disasters, such as hurricanes and severe floods.

e. Although equipment is provided through the 1033 program at no cost to county and municipal law enforcement agencies, these entities are responsible for costs associated with the maintenance, fueling, and upkeep of this equipment, and for specialized training for its operation.

f. Recent events in Ferguson, Missouri, regarding the use of military equipment to respond to civil protest, have brought increased public scrutiny to the 1033 program and questions regarding those situations in which equipment obtained through the 1033 program is utilized.

g. Taxpayers are the primary consumers and financiers of services provided by county and municipal law enforcement agencies and have the right to be assured that their money is spent in an efficient and effective manner and the right to know the purposes for which public funds are utilized.

h. It is not the Legislature's intent to deny county and municipal law enforcement agencies access to equipment vital to public safety and counterterrorism efforts, but elected civilian officials, such as mayors, municipal council members, county executives, and county freeholders, are ultimately responsible for the supervision, policies, and budgetary decisions governing these entities.

i. Civilian officials are also responsible for the acquisition of equipment necessary for local law enforcement agencies to carry out their responsibilities, yet current law does not require that they formally approve such acquisitions through the 1033 program.

j. It is therefore appropriate to establish a system of local oversight for county and municipal law enforcement agencies that participate in and acquire equipment through the 1033 program and guidelines for the use of this equipment by those entities.

**C.40A:5-30.2 Approval of application for enrollment in program.**

2. a. An application for the enrollment of a county or municipal law enforcement agency in any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a shall be approved by a resolution adopted by a majority of the full membership of the governing body of a local unit prior to the transmittal of any such application to the State Coordinator of any such program.

b. The acquisition of any property by a county or municipal law enforcement agency enrolled in any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a shall be approved by a resolution adopted by a majority of the full membership of the governing body of a local unit.

c. As used in this section, "county or municipal law enforcement agency" means and includes, but is not limited to, a county or municipal police department or force, a county corrections department, and a county sheriff's office.

3. This act shall take effect immediately.

Approved March 16, 2015.

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## CHAPTER 24

AN ACT concerning the sale of zero emission motor vehicles, amending R.S.39:10-19 and P.L.1999, c.45, amending and supplementing P.L.1985, c.361, and supplementing P.L.2003, c.266 (C.26:2C-8.15 et al.).

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

1. R.S.39:10-19 is amended to read as follows:

**Dealer's license; eligibility, term, fee.**

39:10-19. No person shall engage in the business of buying, selling or dealing in motor vehicles in this State, nor shall a person engage in activity that would qualify the person as a leasing dealer, as defined in section 2 of P.L.1994, c.190 (C.56:12-61), unless: a. the person is a licensed real estate broker acting as an agent or broker in the sale of mobile homes without their own motor power other than recreation vehicles as defined in section 3 of P.L.1990, c.103 (C.39:3-10.11), or manufactured homes as defined in section 3 of P.L.1983, c.400 (C.54:4-1.4); or b. the person is authorized to do so under the provisions of this chapter and P.L.1985, c.361 (C.56:10-26 et seq.).

The chief administrator may, upon application in such form as the chief administrator prescribes, license any proper person as such dealer or leasing dealer. A licensed real estate broker shall be entitled to act as an agent or broker in the sale of a mobile or manufactured home as defined in subsection a. of this section without obtaining a license from the chief administrator. For the purposes of this chapter, a "licensed real estate broker" means a real estate broker licensed by the New Jersey Real Estate Commission pursuant to the provisions of chapter 15 of Title 45 of the Revised Statutes. Any sale or transfer of a mobile or manufactured home, in which a licensed real estate broker acts as a broker or agent pursuant to this section, which

sale or transfer is subject to any other requirements of R.S.39:10-1 et seq., shall comply with all of those requirements.

No person who has been convicted of a crime, arising out of fraud or misrepresentation in the sale, leasing or financing of a motor vehicle, shall be eligible to receive a license. For the purposes of this section, each applicant for a license shall submit to the chief administrator the applicant's name, address, fingerprints, and written consent for a criminal history record background check to be performed. The chief administrator is hereby authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules, and regulations, for purposes of facilitating determinations concerning licensure eligibility. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check. The Division of State Police shall promptly notify the chief administrator in the event a current holder of a license or prospective applicant, who was the subject of a criminal history record background check pursuant to this section, is arrested for a crime or offense in this State after the date the background check was performed.

Each applicant for a license shall at the time such license is issued have established and maintained, or by that application shall agree to establish and maintain, within 90 days after the issuance thereof, a place of business consisting of a permanent building not less than 1,000 square feet in floor space located in the State of New Jersey to be used principally for the servicing and display of motor vehicles with such equipment installed therein as shall be requisite for the servicing of motor vehicles in such manner as to make them comply with the laws of this State and with any rules and regulations made by the board governing the equipment, use, and operation of motor vehicles within the State. However, a leasing dealer, who is not engaged in the business of buying, selling, or dealing in motor vehicles in the State, shall not be required to maintain a place of business with floor space available for the servicing or display of motor vehicles or to have an exterior sign at the lessor's place of business.

A license fee of \$200 shall be paid by an applicant upon the applicant's initial application for a license. The chief administrator may renew an applicant's license upon application for renewal on a form prescribed by the chief administrator and accompanied by a renewal fee of \$200. Every license shall expire 24 months from the date on which it is issued. The chief administrator may, at the chief administrator's discretion and for good cause

shown, extend an applicant's license for an additional period not to exceed 12 months from the date on which it is scheduled to expire. The chief administrator may, at the chief administrator's discretion and for good cause shown, issue a license which shall expire on a date fixed by the chief administrator. The fee for licenses with an expiration date fixed by the chief administrator shall be fixed by the chief administrator in an amount proportionately less or greater than the fee established herein.

For the purposes of this section, a leasing dealer or an assignee of a leasing dealer whose leasing activities are limited to buying motor vehicles for the purpose of leasing them and selling motor vehicles at the termination of a lease shall not be deemed to be engaged in the business of buying, selling, or dealing in motor vehicles in this State.

2. Section 5 of P.L.1999, c.45 (C.56:10-7.4) is amended to read as follows:

**C.56:10-7.4 Additional practices prohibited.**

5. It shall be a violation of P.L.1971, c.356 (C.56:10-1 et seq.) for any motor vehicle franchisor, directly or indirectly, through any officer, agent or employee, to engage in any of the following practices:

a. To impose unreasonable standards of performance or unreasonable facilities, financial, operating or other requirements upon a motor vehicle franchisee.

b. To base the disapproval of the transfer, sale or assignment of a motor vehicle franchise, or any interest therein, on the ground that the proposed transferee is not a natural person.

c. To fail to compensate a motor vehicle franchisee for all reasonable costs incurred by the franchisee in complying with the requirements imposed on the franchisee by the franchisor relating to a product recall.

d. To utilize an arbitrary or unreasonable formula or other calculation or process intended to gauge performance as a basis for making any decision or taking any action governed by P.L.1971, c.356 (C.56:10-1 et seq.).

e. Except as provided pursuant to section 6 of P.L.2015, c.24 (C.56:10-27.1), to own or operate or enter into an agreement with a person, other than an existing motor vehicle franchisee, to operate a retail facility for the servicing of motor vehicles, which is authorized to perform warranty service on motor vehicles manufactured or distributed by the motor vehicle franchisor. The establishment, relocation, reopening or reactivation of such a facility pursuant to an agreement with a motor vehicle franchisee shall be subject to the provisions of P.L.1982, c.156 (C.56:10-16 et seq.), except

that paragraph (3) of subsection b. of section 8 of that act (C.56:10-23) shall not be applicable. Notice shall be given to motor vehicle franchisees in the same line make or makes within six miles of the proposed retail facility for the servicing of motor vehicles which is authorized to perform warranty service on motor vehicles manufactured or distributed by the motor vehicle franchisor.

f. To require an unconditional release from a motor vehicle franchisee without permitting the franchisee to except from the release any claims for outstanding financial obligations of the motor vehicle franchisor to the motor vehicle franchisee for which payment will not be made at or before the giving of the release.

g. (1) To require or attempt to require a motor vehicle franchisee to order or purchase a new or used motor vehicle, or any accessory or equipment thereof not required by law; or (2) to require or attempt to require a motor vehicle franchisee to accept delivery of any motor vehicle, or any accessory or equipment thereof not required by law, which is not as ordered by the motor vehicle franchisee; or (3) to take or withhold or threaten to take or withhold any action, impose or threaten to impose any penalty, or deny or threaten to deny any benefit, as a result of the motor vehicle franchisee's failure or refusal to purchase, order or accept delivery of any such motor vehicle, accessory or equipment. This subsection shall not prevent a motor vehicle franchisor from requiring that a motor vehicle franchisee carry a representative inventory of models offered for sale by the motor vehicle franchisor.

h. To fail or refuse to sell or offer to sell to all motor vehicle franchisees in a line make every motor vehicle sold or offered for sale to any motor vehicle franchisee of the same line make, or to fail or refuse to sell or offer to sell such motor vehicles to all motor vehicle franchisees at the same price for a comparably equipped motor vehicle, on the same terms, with no differential in discount, allowance, credit or bonus, and on reasonable, good faith and non-discriminatory allocation and availability terms. However, the failure to deliver any such motor vehicle shall not be considered a violation of this section if the failure is not arbitrary and is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo or other cause over which the franchisor has no control. A motor vehicle franchisor shall not require a motor vehicle franchisee to purchase unreasonable quantities of advertising materials, purchase special tools not required to properly service a motor vehicle or undertake sales person or service person training unrelated to the motor vehicle or meet unreasonable display requirements as a condition of receiving a motor vehicle.



i. Unless compelled by law or legal process, (1) if the customer has objected thereto in writing, to require a motor vehicle franchisee to publish, release, convey or otherwise provide information obtained with respect to any customers, contracts, products, services or other transactions of the motor vehicle franchisee which is not necessary for the motor vehicle franchisor to meet its obligations to consumers or the motor vehicle franchisee, including vehicle recalls or other requirements imposed by State or federal law, or for complying with the duties or obligations of the respective parties under the franchise; or (2) to release such information which has been provided to it by the motor vehicle franchisees to any third party.

j. To impose or attempt to impose any requirement, limitation or regulation on, or interfere or attempt to interfere with, the manner in which a motor vehicle franchisee utilizes the facilities at which a motor vehicle franchise is operated, including, but not limited to, requirements, limitations or regulations as to the line makes of motor vehicles that may be sold or offered for sale at the facility, or to take or withhold or threaten to take or withhold any action, impose or threaten to impose any penalty, or deny or threaten to deny any benefit, as a result of the manner in which the motor vehicle franchisee utilizes his facilities, except that the motor vehicle franchisor may require that the portion of the facilities allocated to or used for the motor vehicle franchise meets the motor vehicle franchisor's reasonable, written space and volume requirements as uniformly applied by the motor vehicle franchisor. The provisions of this subsection shall not apply if the motor vehicle franchisor and the motor vehicle franchisee voluntarily agree to the requirement and separate and valuable consideration therefor is paid.

k. To require or attempt to require a motor vehicle franchisee, or the owner or landlord of property on which a motor vehicle franchise is operated, to give a motor vehicle franchisor or any person under the control of the motor vehicle franchisor an interest in or option with respect to the real property on which the motor vehicle franchise is operated, to restrict the uses to which the facility at which the motor vehicle franchise is operated may be put during or after the term of the franchise, or to take or withhold or threaten to take or withhold any action, impose or threaten to impose any penalty, or deny or threaten to deny any benefit, as a result of the failure or refusal of a motor vehicle franchisee, property owner, or landlord to agree to or comply with any such demand or restriction. Nothing in this subsection shall be deemed to bar a voluntary agreement between a motor vehicle franchisor and a motor vehicle franchisee, or the owner or landlord of property on which a motor vehicle franchise is operated, to give the motor vehicle franchisor or the person under the control of the motor vehicle franchisor an

interest in or option with respect to the real property on which a motor vehicle franchise is operated, or to restrict the uses to which the facility at which the motor vehicle franchise is operated is put, provided that separate and valuable consideration is paid for such interest, option or restriction.

l. To require or attempt to require a motor vehicle franchisee to relocate his franchise or to implement any facility or operational modification or to take or withhold or threaten to take or withhold any action, impose or threaten to impose any penalty, or deny or threaten to deny any benefit as a result of the failure or refusal of such motor vehicle franchisee to agree to any such relocation or modification, unless the motor vehicle franchisor can demonstrate that: (1) funds are generally available to the franchisee for the relocation or modification on reasonable terms; and (2) the motor vehicle franchisee will be able, in the ordinary course of business as conducted by such motor vehicle franchisee, to earn a reasonable return on his total investment in such facility or from such operational modification, and the full return of his total investment in such facility or from such operational modifications within 10 years; or (3) the modification is required so that the motor vehicle franchisee can effectively sell and service a motor vehicle offered by the motor vehicle franchisor based on the specific technology of the motor vehicle. This subsection shall not be construed as requiring a motor vehicle franchisor to guarantee that the return as provided in paragraph (2) of this subsection will be realized.

m. Directly, or through any financial institution having any commonality of ownership with the motor vehicle franchisor, to require or attempt to require, or to take or withhold or threaten to take or withhold any action, impose or threaten to impose any penalty, or deny or threaten to deny any benefit, as a result of the failure or refusal of a motor vehicle franchisee to maintain working capital, equity, floor plan financing or other indications of financial condition, greater than the lesser of (1) the minimum required to operate the motor vehicle franchise based on the operations of the franchise over the prior 12-month period; or (2) an increase of no more than 5% over the prior calendar year, unless the motor vehicle franchisor, or the financial institution having any commonality of ownership with a motor vehicle franchisor, can establish that such failure or refusal prevents the franchisee from operating the franchise in the ordinary course of business. This subsection shall not apply if the working capital, equity, floor plan financing or other indication of financial condition is the result of an accommodation by the motor vehicle franchisor, or financial institution with a commonality of ownership with the motor vehicle franchisor, to the motor vehicle franchisee, containing specific terms and deadlines for the restoration of

the motor vehicle franchisee's working capital, inventory, floor plan financing or other indication of financial condition, which accommodation is agreed to in writing by the motor vehicle franchisee.

n. To impose or attempt to impose any conditions on the approval of the transfer of a motor vehicle franchise, except as provided in section 6 of P.L.1971, c.356 (C.56:10-6).

o. To amend or modify the franchise of a motor vehicle franchisee, or any lease or agreement ancillary or collateral to such franchise, including in connection with the renewal of a franchise, if such amendment or modification is not in good faith, is not for good cause, or would adversely and substantially alter the rights, obligations, investment or return on investment of the motor vehicle franchisee.

p. To take or withhold or threaten to take or withhold any action, impose or threaten to impose any penalty, or deny or threaten to deny any benefit, because the motor vehicle franchisee sold or leased a motor vehicle to a customer who exported the vehicle to a foreign country or who resold the vehicle, unless the motor vehicle franchisor can establish that the motor vehicle franchisee knew or reasonably should have known, prior to the sale or lease, that the customer intended to export or resell the motor vehicle; provided, however, that it shall be presumed that the motor vehicle franchisee did not know or should not have reasonably known that the vehicle would be exported if the vehicle is titled or registered in any state or the District of Columbia.

q. To require a motor vehicle franchisee, at the time of entering into a franchise arrangement, any lease or agreement ancillary or collateral to a motor vehicle franchise, or any amendment, modification, renewal or termination thereof, to assent to a release, assignment, novation, waiver or estoppel, which would relieve any person from liability imposed by P.L.1971, c.356 (C.56:10-1 et seq.); provided that nothing in this subsection shall be deemed to prohibit a voluntary agreement between the motor vehicle franchisor and the motor vehicle franchisee which contains a release, assignment, novation, waiver or estoppel for which separate and valuable consideration is paid by the motor vehicle franchisor to the motor vehicle franchisee.

r. To provide any term or condition in any motor vehicle franchise, in any lease or other agreement ancillary or collateral to a motor vehicle franchise or in any renewal, amendment or modification thereof, which term or condition directly or indirectly violates P.L.1971, c.356 (C.56:10-1 et seq.).

s. To allocate vehicles to or evaluate the performance of a motor vehicle franchise based on, or offer any discount, incentive, bonus, program, allowance or credit that differentiates between vehicle sales by a motor vehicle

franchisee within a territory or geographic area assigned to the motor vehicle franchisee and vehicle sales outside of such territory or geographic area.

3. Section 1 of P.L.1985, c.361 (C.56:10-26) is amended to read as follows:

**C.56:10-26 Definitions.**

1. As used in this act:

"Consumer" means the purchaser, other than for resale, of a motor vehicle.

"Franchise" means a written arrangement for a definite or indefinite period in which a motor vehicle franchisor grants a right or license to use a trade name, trademark, service mark or related characteristics and in which there is a community of interest in the marketing of new motor vehicles at retail, by lease, agreement or otherwise.

"Motor vehicle" means and includes all vehicles propelled otherwise than by muscular power, and motorcycles, trailers and tractors, excepting: (1) those vehicles as run only upon rails or tracks, motorized bicycles, and buses, including school buses; and (2) those motor vehicles not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway.

"Motor vehicle franchisee" means a person to whom a franchise is granted by a motor vehicle franchisor and who or which holds a current valid motor vehicle dealer's license issued pursuant to R.S.39:10-19 and has an established place of business.

"Motor vehicle franchisor" means a person engaged in the business of manufacturing, assembling or distributing new motor vehicles, or importing into the United States new motor vehicles manufactured or assembled in a foreign country, who will under normal business conditions during the year, manufacture, assemble, distribute or import at least 10 new motor vehicles.

"New motor vehicle" means a newly manufactured motor vehicle.

"Person" means a natural person, corporation, partnership, trust, or other entity and, in the case of an entity, it shall include any other entity which has a majority interest in that entity or effectively controls that other entity as well as the individual officers, directors, and other persons in active control of the activities of each such entity.

"Place of business" means a fixed geographical location at which the motor vehicle franchisor's motor vehicles are offered for sale and sold, but shall not include an office, a warehouse, a place of storage, a residence or a vehicle.

“Zero emission vehicle” means a motor vehicle certified as a zero emission vehicle pursuant to the California Air Resources Board zero emission vehicle standards for the applicable model year, but shall not include an advanced technology partial zero emission vehicle, a partial zero emission vehicle, or a hybrid electric vehicle.

4. Section 2 of P.L.1985, c.361 (C.56:10-27) is amended to read as follows:

**C.56:10-27 Sales through franchises only.**

2. Except as provided pursuant to section 6 of P.L.2015, c.24 (C.56:10-27.1), it shall be a violation of this act for any motor vehicle franchisor, directly or indirectly, through any officer, agent, employee, broker or any shareholder of the franchisor, except a shareholder of 1% or less of the outstanding shares of any class of securities of a franchisor which is a publicly traded corporation, or other person, to offer to sell or sell motor vehicles, to a consumer, other than an employee of the franchisor, except through a motor vehicle franchisee.

5. Section 3 of P.L.1985, c.361 (C.56:10-28) is amended to read as follows:

**C.56:10-28 Prohibition of ownership by franchisor.**

3. Except as provided pursuant to section 6 of P.L.2015, c.24 (C.56:10-27.1), it shall be a violation of this act for a motor vehicle franchisor, directly or indirectly, through any officer, agent, employee, broker or any shareholder of the franchisor, except a shareholder of 1% or less of the outstanding shares of any class of securities of a franchisor which is a publicly traded corporation, or other person, to own or operate a place of business as a motor vehicle franchisee, except that this section shall not prohibit the ownership or operation of a place of business by a motor vehicle franchisor for a period, not to exceed 24 consecutive months, during the transition from one motor vehicle franchisee to another; or the investment in a motor vehicle franchisee by a motor vehicle franchisor if the investment is for the sole purpose of enabling a partner or shareholder in that motor vehicle franchisee to acquire an interest in that motor vehicle franchisee and that partner or shareholder is not otherwise employed by or associated with the motor vehicle franchisor and would not otherwise have the requisite capital investment funds to invest in the motor vehicle franchisee, and has the right to purchase the entire equity interest of the motor vehicle franchisor in the motor vehicle franchisee within a reasonable period of time not to exceed 10 years.

**C.56:10-27.1 Sale of zero emission vehicle.**

6. Notwithstanding the provisions of any law, rule or regulation to the contrary, a motor vehicle franchisor licensed pursuant to R.S.39:10-19 on or prior to January 1, 2014 and exclusively manufacturing zero emission vehicles may buy from and sell, offer to sell, or deal to a consumer a zero emission vehicle, provided that the franchisor owns or operates, directly or indirectly:

- (1) no more than four places of business in the State; and
- (2) at least one retail facility for the servicing, including warranty servicing, of zero emission vehicles sold, offered for sale, or otherwise distributed in this State. This facility shall be furnished with all the equipment required to service a zero emission vehicle.

A franchisor shall not be required to establish or operate a place of business at a retail facility for the servicing of zero emission vehicles.

**C.54:32B-8.55a Report of number of zero emission vehicles sold.**

7. Before March 1 annually, all motor vehicle franchisors and motor vehicle franchisees in the State, as defined pursuant to section 1 of P.L.1985, c.361 (C.56:10-26), shall report to the Division of Taxation the number of zero emission vehicles sold in the State each calendar year and exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) pursuant to section 11 of P.L.2003, c.266 (C.54:32B-8.55).

8. This act shall take effect immediately.

Approved March 18, 2015.

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**CHAPTER 25**

AN ACT concerning residential community release programs and supplementing Title 30 of the Revised Statutes.

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

**C.30:4-91.22 Attorneys, representatives permitted to visit halfway houses.**

1. a. Attorneys who are licensed in any jurisdiction shall be permitted to have contact visits with clients who are incarcerated in a residential community release program. At the request of the attorney, representatives of the attorney shall also be permitted to have contact visits. Such representatives shall include, but not be limited to, the following:

- (1) investigators;
- (2) investigative aides;
- (3) expert witnesses;
- (4) paralegals; and
- (5) law students.

b. The visits shall take place in the residential community release program facilities upon request of the attorney.

**C.30:4-91.23 Rules, regulations.**

2. The Commissioner of Corrections, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to effectuate the provisions of this act.

3. This act shall take effect immediately.

Approved March 23, 2015.

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CHAPTER 26

AN ACT enabling the collection of voluntary contributions for New Jersey Nonprofit Veterans Organizations through gross income tax returns, supplementing Title 54A of the New Jersey Statutes.

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

**C.54A:9-25.39 “Fund for the Support of New Jersey Nonprofit Veterans Organizations.”**

1. a. There is established in the Department of the Treasury a special fund to be known as the “Fund for the Support of New Jersey Nonprofit Veterans Organizations.”

b. A taxpayer shall have the opportunity to indicate on the taxpayer’s New Jersey gross income tax return that a portion of the taxpayer’s tax refund or an enclosed contribution shall be deposited in the Fund for the Support of New Jersey Nonprofit Veterans Organizations for the annual distribution of grants to private nonprofit veteran organizations for programs and services supporting New Jersey veterans.

c. Any costs incurred by the Division of Taxation or the Department of Military and Veterans’ Affairs for collection or administration attributable to this section may be deducted from receipts collected pursuant to this section, as determined by the Director of the Division of Budget and Ac-

counting in the Department of the Treasury. The State Treasurer shall deposit the net contributions collected pursuant to this section in the Fund for the Support of New Jersey Nonprofit Veterans Organizations.

d. The Legislature shall annually appropriate all monies deposited in the Fund for the Support of New Jersey Nonprofit Veterans Organizations to the Department of Military and Veterans' Affairs for annual grants to be distributed to applicant private nonprofit veteran organizations for programs and services supporting New Jersey veterans.

2. This act shall take effect immediately and apply to taxable years beginning on or after the January 1 following the date of enactment.

Approved March 23, 2015.

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## CHAPTER 27

AN ACT concerning certain motor vehicle stops and supplementing Title 39 of the Revised Statutes.

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

**C.39:8-91 Prohibition of checkpoints limited to specific vehicle types.**

1. A law enforcement agency shall not conduct a roadside checkpoint or other systematic inspection of vehicles along any public road, street, or highway of this State if the roadside checkpoint or systematic inspection is established for the sole purpose of inspecting motorcycles.

This section shall not be construed to restrict or limit in any capacity any other type of checkpoint, inspection, or roadblock conducted by a law enforcement agency for legitimate public safety reasons.

2. This act shall take effect immediately.

Approved March 23, 2015.

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## CHAPTER 28

AN ACT prohibiting manufacture, sale or promotion of personal care products containing microbeads and supplementing Title 58 of the Revised Statutes.



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

**C.58:10A-70 Definitions relative to personal care products containing microbeads.**

1. As used in this act:

“Over the counter drug” means a drug that contains a label which identifies the product as a drug, as required by 21 CFR s.201.66. The label shall include:

- (1) a “Drug Facts” panel; or
- (2) a statement of the “active ingredient” or “active ingredients” with a list of those ingredients contained in the compound, substance or preparation.

“Personal care product” means any article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance, or any item intended for use as a component thereof.

“Plastic” means a synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms retaining their defined shapes during the life cycle and after disposal.

“Synthetic plastic microbead” means any intentionally added non-biodegradable, solid plastic particle measuring less than five millimeters in size and used to exfoliate or cleanse in a rinse-off product.

**C.58:10A-71 Production, manufacture of personal care product containing synthetic plastic microbeads; prohibited, exceptions.**

2. a. On or after January 1, 2018, no person shall produce or manufacture in the State a personal care product containing synthetic plastic microbeads, except for an over the counter drug.

b. On or after January 1, 2019, no person shall:

(1) sell, offer for sale, or offer for promotion in the State a personal care product containing synthetic plastic microbeads, except for an over the counter drug; or

(2) produce or manufacture in the State an over the counter drug that contains synthetic plastic microbeads.

c. On or after January 1, 2020, no person shall sell, offer for sale, or offer for promotion in the State an over the counter drug containing synthetic plastic microbeads.

**C.58:10A-72 Violations, penalties.**

3. a. A person or entity who violates this act shall be subject to a penalty of not more than \$500 for each offense, to be collected by the Commis-

sioner of Environmental Protection in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

b. The Commissioner of Environmental Protection may institute a civil action for injunctive relief to enforce the provisions of section 2 of this act and to prohibit and prevent a violation of this act, and the court may proceed in the action in a summary manner.

c. Nothing set forth in this act shall be construed as creating, establishing or authorizing a private cause of action by an aggrieved person against a person who has violated, or is alleged to have violated, the provisions of this act.

**C.58:10A-73 Preemption of ordinance, resolution of local government entity.**

4. The provisions of this act shall preempt any ordinance or resolution of a municipality, county or any other local government entity concerning synthetic plastic microbeads.

5. This act shall take effect immediately.

Approved March 23, 2015.

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CHAPTER 29

AN ACT concerning the use of service animals by certain students on school buses and amending P.L.2011, c.156.

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

1. Section 2 of P.L.2011, c.156 (C.18A:46-13.3) is amended to read as follows:

**C.18A:46-13.3 Permitted access for service animals.**

2. a. A student with a disability, including autism, shall be permitted access for a service animal in school buildings, including the classroom, on school buses, and on school grounds.

b. A school official may inquire as to whether the service animal is required due to a disability and what task or work the service animal has been

trained to perform, unless the student's disability and the work or task that the service animal will perform are readily apparent. A school official may require: (1) certification from a veterinarian that the service animal is properly vaccinated and does not have a contagious disease that may harm students or staff; and (2) documentation that any license required by the municipality in which the student resides has been obtained for the service animal.

c. The service animal shall be under a handler's control at all times by use of a leash, tether, voice control, signal, or other suitable means. The school shall not be responsible or liable for the care or supervision of the service animal. The school shall provide reasonable accommodations to allow the handler to provide for the care and feeding of the service animal while on school grounds or at a school function.

2. This act shall take effect immediately.

Approved March 23, 2015.

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## CHAPTER 30

AN ACT concerning certain religious entities and supplementing chapter 1 of Title 16 of the Revised Statutes.

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

**C.16:1-7.1 Prohibitions relative to religious entities; terms defined.**

1. a. Notwithstanding the provisions of any other law, rule or regulation to the contrary, a religious corporation, association, organization or society, however formed or incorporated, that owns or controls a cemetery or that engages in the management, operation or sales of or for a cemetery, whether directly or indirectly, or the owner or operator of a religious cemetery, is prohibited from engaging, directly or indirectly, in:

(1) the ownership, manufacture, installation, sale, creation, inscription, provision or conveyance, in any form, of memorials;

(2) the ownership, manufacture, installation, sale, creation, provision or conveyance, in any form, of vaults, including vaults installed in a grave before or after sale and including vaults joined with each other in the ground;

(3) the ownership, manufacture, installation, sale, creation, provision or conveyance, in any form, of a mausoleum intended for private use,

which shall not include a mausoleum built for use by or sale to the general public membership of a religious organization;

(4) the ownership or conduct of any funeral home or mortuary, or the engaging in the business or profession of funeral directing or mortuary science;

(5) the sale, renting or leasing of any of its real property dedicated to cemetery purposes, for the location of a funeral home or mortuary or the conduct of the business or profession of funeral directing or mortuary science; or

(6) the entering into a management contract to authorize control of its cemetery related operations with any entity that, directly or indirectly, in this State, engages in the ownership or conduct of a funeral home or mortuary or that engages in the business or profession of funeral directing or mortuary science.

b. As used in this act:

(1) "funeral directing," "mortuary" and "mortuary science" shall have the same meanings as set forth in section 3 of P.L.1952, c.340 (C.45:7-34); and

(2) "mausoleum," "memorial" and "vault" shall have the same meanings as set forth in section 2 of P.L.2003, c.261 (C.45:27-2).

2. This act shall take effect one year following enactment.

Approved March 23, 2015.

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## CHAPTER 31

AN ACT exempting certain vehicles from "Angelie's Law" and amending P.L.2013, c.224.

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

1. Section 4 of P.L.2013, c.224 (C.56:16-2) is amended to read as follows:

**C.56:16-2 Definitions relative to autobuses.**

4. For the purposes of sections 3 through 9 of P.L.2013, c.224 (C.56:16-1 et seq.):

"Autobus" means a privately-owned autobus operated over the public highways in this State for the transportation of not more than 40 passengers for hire in intrastate or interstate business except that "autobus" shall not include:

(1) a vehicle engaged in motorbus regular route service as defined in section 3 of P.L.1979, c.150 (C.27:25-3);

(2) a vehicle engaged in the transportation of passengers for hire in the manner and form commonly called taxicab service unless that service becomes or is held out to be regular service between stated termini;

(3) a hotel bus used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations including local airports;

(4) a bus operated for the transportation of enrolled children and adults only when serving as chaperones to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, pre-school center, or other similar places of education, including "School Vehicle Type I" and "School Vehicle Type II" as defined in R.S.39:1-1;

(5) an autobus with a carrying capacity of not more than 13 passengers operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route;

(6) an autocab, limousine, or livery service as defined in R.S.48:16-13, unless that service becomes or is held out to be regular service between stated termini;

(7) a vehicle used in a "ridesharing" arrangement, as defined by the "New Jersey Ridesharing Act of 1981," P.L.1981, c.413 (C.27:26-1 et al.);

(8) a motor bus owned by, or operated under a contract with, the New Jersey Transit Corporation;

(9) charter bus operations, as defined in R.S.48:4-1;

(10) a vehicle designed to transport eight or more, but fewer than 16, persons, including the driver, which is used exclusively for the transportation of persons between an off-airport parking facility and an airport;

(11) a special paratransit vehicle, as defined in R.S.48:4-1 ; or

(12) a vehicle that is owned or leased by a "boarding or nursing home," as defined by section 2 of P.L.1977, c.238 (C.26:2H-37), by an "assisted living facility," as defined by section 1 of P.L.2009, c.61 (C.26:2H-12.56), by an adult day health care facility or pediatric day health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), or by any facility or other entity licensed or approved by the Department of Human Services or the Department of Health to render services to New Jersey residents, and which is used to transport eight or more, but fewer than 16 persons, includ-

ing the driver, to and from recreational and social activities, shopping, and other health care providers; provided that no charge is assessed each time a patient, resident, or client utilizes the transportation service.

"Bill of Rights for Customers of Certain Autobuses" means the consumer protections, obligations of the owners and operators of autobuses, and basic expectations and guarantees of health, safety, and welfare established pursuant to section 6 of P.L.2013, c.224 (C.56:16-4).

"For hire" means for direct or indirect hire, any service for which the driver of the vehicle is compensated, or which is included in the duties of the person who renders services for compensation, but shall not include transportation services that are provided to patients or residents of a "boarding or nursing home," as defined by section 2 of P.L.1977, c.238 (C.26:2H-37), an "assisted living facility," as defined by section 1 of P.L.2009, c.61 (C.26:2H-12.56), an adult day health care facility or pediatric day health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), or to patients, residents, or clients of any facility or other entity that is licensed or approved by the Department of Human Services or the Department of Health to render services to New Jersey residents, unless a charge is assessed each time a patient, resident, or client utilizes the transportation services.

"Operator" means a person who is in actual physical control of an autobus.

"Owner" means a person who holds the legal title of an autobus, or if an autobus is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of an autobus is entitled to possession, then the conditional vendee, lessee or mortgagor shall be considered the owner.

2. This act shall take effect immediately.

Approved March 23, 2015.

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## CHAPTER 32

AN ACT concerning tuition for veterans at public institutions of higher education and supplementing chapter 62 of Title 18A of the New Jersey Statutes.

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

**C.18A:62-4.1a Short title.**

1. This act shall be known and may be cited as the “New Jersey Tuition Equality for America’s Military (NJTEAM) Act.”

**C.18A:62-4.1b Definitions relative to the “NJTEAM Act.”**

2. a. A veteran or covered individual who is living in New Jersey and is attending a public institution of higher education in New Jersey shall be regarded as a resident of the State for the purpose of determining tuition, regardless of the veteran or covered individual’s state of residence.

b. As used in this section:

“Covered individual” means an individual who is entitled to educational assistance under provisions of the federal “Post-9/11 Educational Assistance” program (38 U.S.C. s.3311(b)(9) or 3319) by virtue of such individual’s relationship to a veteran.

“Veteran” means a person who has served on active duty in the Uniformed Services of the United States and who was discharged or released and who qualifies for educational assistance under the federal “All-Volunteer Force Educational Assistance Program” (38 U.S.C. s.3001 et seq.) or “Post-9/11 Educational Assistance” program (38 U.S.C. s.3301 et seq.).

3. This act shall take effect immediately.

Approved March 23, 2015.

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**CHAPTER 33**

AN ACT allowing a casino and an out-of-State racetrack to negotiate the amount the casino will pay for the transmission of simulcast horse races and amending P.L.1992, c.19.

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

1. Section 11 of P.L.1992, c.19 (C.5:12-201) is amended to read as follows:

**C.5:12-201 Payment to out-of-State sending track.**

11. a. A casino which receives a simulcast horse race from an out-of-State sending track shall pay the out-of-State sending track for the transmis-

sion such amount, if any, as may be agreed upon by the casino and the out-of-state sending track.

b. (Deleted by amendment, P.L.2015, c.33).

2. Section 13 of P.L.1992, c.19 (C.5:12-203) is amended to read as follows:

**C.5:12-203 Wagers subject to takeout rate.**

13. Sums wagered at a casino on races being transmitted to that casino from an out-of-State sending track shall be subject to the takeout rate determined pursuant to section 12 of this act, and the sums resulting from that takeout rate as applied to the parimutuel pool generated at the casino shall be distributed as follows, subject to the provisions of section 16 of this act:

a. .50% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission for deposit in the Casino Simulcasting Fund established pursuant to section 18 of this act;

b. the actual amount paid by the casino for the transmission of the race shall be paid to the casino to be used for payment to the out-of-State sending track for the transmission of the race, as provided in section 11 of this act;

c. in calendar years 1993, 1994, and 1995, 2% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission for payment to the Atlantic City Racetrack until a total of \$100,000,000 in parimutuel pools has been generated in wagering on simulcast races at all casinos in each of those calendar years, except that if casino simulcasting in Atlantic City begins after January 1, 1993 and before January 1, 1994, 2% of the parimutuel pool generated at the casino shall be paid to the commission for payment to the Atlantic City Racetrack until that portion of \$100,000,000 determined by the following formula has been generated in wagering at casinos on simulcast races in 1993:

$$A/B = C/D$$

here: A = 365 minus (a) the number of racing days in 1993, other than live racing days, prior to the commencement of casino simulcasting in Atlantic City that the Atlantic City Racetrack conducts simulcasting under the provisions of the "Simulcasting Racing Act," P.L.1985, c.269 (C.5:5-110 et seq.) or the provisions of section 37 of P.L.1992, c.19 (C.5:5-125), and (b) the number of live racing days conducted by the Atlantic City Racetrack in 1993;

B = 365 (the number of calendar days in 1993);



C = the amount of the parimutuel pool generated in wagering on simulcast races in 1993 of which 2% is to be paid to the New Jersey Racing Commission for payment to the Atlantic City Racetrack;

D = \$100,000,000;

d. of the amount remaining after the deduction of the amounts under subsections a., b., and c. from the amount of the takeout rate, 55% shall be paid to the casino;

e. .50% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission and shall be deposited by that commission as follows:

(1) 50% in the special trust account established pursuant to or specified in section 46a.(2) of P.L.1940, c.17 (C.5:5-66), section 2b. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided in section 46a.(2)(a), (b), and (c) of P.L.1940, c.17 (C.5:5-66), section 2b.(1), (2), and (3) of P.L.1984, c.236 (C.5:5-66.1), section 5a.(1)(a), (b), and (c) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(a)(i), (ii), and (iii) of P.L.1971, c.137 (C.5:10-7), as appropriate; and

(2) 50% in the special trust account established pursuant to or specified in section 46b.(1)(e) and (2)(e) of P.L.1940, c.17 (C.5:5-66), section 5b.(3) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(c) of P.L.1971, c.137 (C.5:10-7), as appropriate, for use and distribution as provided therein;

f. .03% of the parimutuel pool generated at the casino shall be paid to the New Jersey Racing Commission and set aside in the special trust account for horse breeding and development for distribution and use as provided in section 5 of P.L.1967, c.40 (C.5:5-88); and

g. the amount remaining after the deduction of the amounts under subsections a., b., c., d., e., and f. from the amount of the takeout rate shall be distributed as follows:

(1) 43% of that remaining amount shall be paid to the New Jersey Racing Commission and shall be distributed by that commission, on the basis of the following formula, among the New Jersey racetracks for their own use:

$$A/B = C/D$$

here: A = the gross parimutuel pool generated at each racetrack during the preceding calendar year, including the parimutuel pool on simulcast races;

B = the gross parimutuel pool generated at racetracks Statewide during the preceding calendar year, including the parimutuel pool on simulcast races;

C = the amount to be paid to each racetrack from the moneys available for distribution pursuant to this paragraph;

D = the total amount of moneys available for distribution pursuant to this paragraph;

(2) 43% of that remaining amount shall be paid to the New Jersey Racing Commission and, subject to the provisions of section 14 of this act, shall be distributed by that commission, in the following year and on the basis of the following formula, among the New Jersey racetracks for payment as purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, except that the amount distributed to standardbred racetracks for payment as purse money may be distributed as provided by a contractual agreement authorized under section 11 of P.L.2013, c.266 (C.5:5-188), and section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races, except that the amount distributed to thoroughbred racetracks for payment as purse money may be distributed as provided by a contractual agreement authorized under section 12 of P.L.2013, c.266 (C.5:5-189):

$$A/B = C/D$$

here: A = the total amount distributed by each racetrack pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, or section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races, during the preceding calendar year, plus any additional amounts paid out by each racetrack for overnight purses during the preceding calendar year from the permit holder's share of the parimutuel pool;

B = the total amount distributed by racetracks Statewide pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), and section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, and pursuant to section 46b.(1)(d) and 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), and section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races, during the preced-

ing calendar year, plus any additional amounts paid out by racetracks for overnight purses during the preceding calendar year from the permit holders' share of the parimutuel pool;

C = the amount to be paid to each racetrack from the moneys available for distribution pursuant to this paragraph;

D = the total amount of moneys available for distribution pursuant to this paragraph; and

(3) 14% of that remaining amount shall be paid to the New Jersey Racing Commission for deposit in the Casino Simulcasting Special Fund established pursuant to section 15 of this act.

In addition, all breakage moneys and outstanding parimutuel ticket moneys resulting from the wagering at the casino shall be paid to the New Jersey Racing Commission and deposited in the Casino Simulcasting Special Fund.

If a racetrack conducts both harness races and running races, the moneys the racetrack receives for payment pursuant to paragraph (2) of subsection g. above shall be distributed on the basis of the following formula:

$$A/B = C/D$$

here: A = the total amount distributed by the racetrack pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, in the case of harness races, plus any additional amounts paid out by the racetrack for overnight purses for harness races during the preceding calendar year from the permit holder's share of the parimutuel pool, or pursuant to section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, in the case of running races, plus any additional amounts paid out by the racetrack for overnight purses for running races during the preceding calendar year from the permit holder's share of the parimutuel pool, as the case may be;

B = the total amount distributed by the racetrack pursuant to section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, and pursuant to section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), as appropriate, plus any additional amounts paid out by the racetrack for

overnight purses for both harness and running races during the preceding calendar year from the permit holder's share of the parimutuel pool;

C = the amount to be paid by the racetrack for overnight purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46a.(4) of P.L.1940, c.17 (C.5:5-66), section 2d. of P.L.1984, c.236 (C.5:5-66.1), section 5a.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(1)(b) of P.L.1971, c.137 (C.5:10-7), in the case of harness races, and section 46b.(1)(d) or 46b.(2)(d) of P.L.1940, c.17 (C.5:5-66), section 5b.(2) of P.L.1982, c.201 (C.5:5-98), or section 7f.(2)(b) of P.L.1971, c.137 (C.5:10-7), in the case of running races;

D = the total amount of moneys available to the racetrack for distribution as overnight purse money and for programs designed to aid horsemen and horsemen's organizations pursuant to this paragraph.

3. This act shall take effect immediately

Approved April 27, 2015.

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## CHAPTER 34

AN ACT concerning controlled dangerous substances and amending P.L.1970, c.226.

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

1. Section 31 of P.L.1970, c.226 (C.24:21-31) is amended to read as follows:

**C.24:21-31 Powers of enforcement personnel.**

31. Powers of enforcement personnel. a. (1) It is hereby made the duty of the division, its officers, agents, inspectors, and representatives, and of all peace officers within the State, and of the Attorney General and all county prosecutors, to enforce all provisions of P.L.1970, c.226 (C.24:21-1 et seq.), as amended and supplemented, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states, relating to narcotic drugs or controlled dangerous substances, and it shall be the duty of the New Jersey State Board of Pharmacy and other professional licensing boards in the Division of Consumer Affairs in the Department of Law and

Public Safety, and their officers, agents, inspectors, and representatives also to assist the division, peace officers, and county prosecutors in the enforcement of all provisions of P.L.1970, c.226, as amended and supplemented, relating to the handling of controlled dangerous substances by pharmacy owners and pharmacists and other licensed professionals.

(2) The Attorney General shall coordinate and direct the Statewide efforts of law enforcement agencies, the Division of Consumer Affairs, and professional licensing boards to: identify, investigate, and prosecute the illegal sources and distribution of prescription opioid drugs; take appropriate steps to enhance the oversight by professional licensing boards relating to the administration and dispensing of controlled dangerous substances by regulated professionals; and provide training for law enforcement officials and recommend training for physicians, pharmacists, and other health care professionals in state-of-the-art methods to detect prescription drug diversion and related abuses. The Attorney General shall issue appropriate directives, establish such task forces, and implement such other measures as the Attorney General deems necessary to carry out the purposes of this paragraph, and may call to his assistance the services of employees of any State, county, or municipal department, board, bureau, commission, or agency as may be required and as may be available for these purposes.

The Attorney General shall report annually to the Governor and, pursuant to section 2 of P.L.1991, c. 164 (C.52:14-19.1), to the Legislature, on the Attorney General's activities in implementing this subsection, including: the coordination of the Statewide effort by various agencies to combat opioid abuse; and progress in efforts to investigate and prosecute the illegal sources and distribution of illegal opioid drugs.

b. Authority is hereby granted to the director:

(1) To promulgate all necessary rules and regulations for the efficient enforcement of P.L.1970, c.226, as amended and supplemented;

(2) To promulgate, insofar as applicable, regulations from time to time promulgated by the Attorney General of the United States;

(3) To promulgate an order relative to any controlled dangerous substance under P.L.1970, c.226, as amended and supplemented, when the delay occasioned by acting through promulgation of a regulation would constitute an imminent danger to the public health or safety.

(a) An order of the director shall take effect immediately, but it shall expire 270 days after promulgation thereof. Rules and regulations pursuant to such order may be adopted and promulgated by the director, but they shall not take effect until the director has given due notice of his intention to take such action and has held a public hearing.

(b) Any person who denies that a drug or pharmaceutical preparation is properly subject to an order by the director which applies the provisions of P.L.1970, c.226, as amended and supplemented, to that drug or pharmaceutical preparation, may apply to the director for a hearing which shall be afforded, except where a drug or pharmaceutical preparation has been the subject of a prior hearing or determination by the director, in which case a hearing shall be discretionary with the director. In that case, a decision shall be rendered by the director or the director's designee within 48 hours of the request for a hearing. If the petitioning party is aggrieved by the decision, that party shall have the right to apply for injunctive relief against the order. Jurisdiction for that injunctive relief shall be in the Superior Court of New Jersey by way of summary proceedings.

c. In addition to the powers set forth in subsection a. of this section, any officer or employee of the division designated by the director may:

(1) Execute search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this State;

(2) Make seizures of property pursuant to the provisions of P.L.1970, c.226, as amended and supplemented; and

(3) Perform such other law enforcement duties as may be designated by the director, with the approval of the Attorney General.

2. Section 34 of P.L.1970, c.226 (C.24:21-34) is amended to read as follows:

**C.24:21-34 Cooperative arrangements.**

34. Cooperative arrangements. a. The director may cooperate with federal and other State, county, and municipal law enforcement and other agencies in discharging his responsibilities concerning traffic in dangerous substances and in suppressing the abuse of dangerous substances, including but not limited to prescription opioid drugs. To this end, he is authorized to:

(1) Except as otherwise provided by law, arrange for the exchange of information between government officials concerning the use and abuse of dangerous substances; provided, however, that in no case shall any officer having knowledge by virtue of his office of any such prescription, order or record divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing board or officer to which prosecution or proceeding the person to whom the records relate, is a party;

(2) Coordinate and cooperate in training programs on dangerous substances law enforcement at the local and State levels;

(3) Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled dangerous substances may be extracted.

b. Results, information, and evidence received from the Drug Enforcement Administration relating to the regulatory functions of P.L.1970, c.226 (C.24:21-1 et seq.), as amended and supplemented, including results of inspections conducted by that agency, may be relied upon and acted upon by the director in conformance with his regulatory functions under P.L.1970, c.226, as amended and supplemented.

3. This act shall take effect immediately.

Approved April 29, 2015.

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## CHAPTER 35

AN ACT concerning the collection and disposal of certain drugs and medications, supplementing Title 24 of the Revised Statutes.

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

**C.24:21-55 “Project Medicine Drop” program.**

1. a. There is established and continued in the Department of Law and Public Safety the “Project Medicine Drop” program, which shall be administered by the Director of the Division of Consumer Affairs.

b. The purpose of the program shall be to provide for the secure collection and safe disposal of unused and expired prescription drugs and other common household medications that are surrendered by members of the public in accordance with the program.

c. The director shall continue to maintain at each participating law enforcement agency that meets program participation requirements a secure prescription medicine drop-off receptacle wherein unused or expired prescription drugs and other common household medications may be anonymously surrendered by members of the public seven days a week, 365 days a year.

d. Within the limits of funds made available for purposes of the program, the director shall supply and install at each participating law enforcement agency that agrees to participate in the program on or after the effective date of P.L.2015, c.35 (C.24:21-55 et seq.) and meets program requirements a secure prescription medicine drop-off receptacle wherein

unused or expired prescription drugs and other common household medications may be anonymously surrendered by members of the public seven days a week, 365 days a year.

e. Within the limits of funds made available for purposes of the program, the director shall deploy or cause to be deployed mobile secure prescription medicine drop-off receptacles wherein unused or expired prescription drugs and other common household medications may be anonymously surrendered by members of the public. The director shall arrange for the periodic deployment of the mobile receptacles by participating law enforcement agencies that are selected by the director at the times and in the places as shall be determined to be necessary and appropriate to provide maximum access to members of the public in all geographic regions of the State.

f. A law enforcement agency that does not maintain or otherwise have a secure prescription medicine drop-off receptacle on its premises shall display, in a conspicuous location, notice informing members of the public where the closest secure prescription medicine drop-off receptacles are located.

g. The Division of Consumer Affairs shall post on its Internet website a list of all secure prescription medicine drop-off locations in the State. The list shall include receptacles maintained by the division, as well as any receptacle located in the State that is approved by the federal Drug Enforcement Administration. The website shall contain locations of all receptacles, including hours of operation. The website shall also contain information about mobile receptacles and collection events.

h. A person, including, but not limited to, a participating law enforcement agency, pharmaceutical company, and any employee thereof, shall not be liable in any civil proceeding as a result of an act of commission or omission by that person arising out of and in the course of participation in, or assistance with, in good faith, the implementation and administration of the program established by this section, including, but not limited to, the drop-off, collection, and transport of unused or expired prescription drugs and other common household medications and the proper and safe disposal of those drugs and medications. The immunity provided by this subsection shall not extend to a person who sells or attempts to sell any unused or expired prescription drugs or other common household medications surrendered in accordance with the program.

i. For purposes of this section:

“Law enforcement agency” means a State, county, or municipal police department or force or a federal law enforcement agency or other entity that is permitted to participate in the program by the Administrator of the Drug Enforcement Administration in the United States Department of Justice.



**C.24:21-56 Rules, regulations.**

2. Notwithstanding the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Director of the Division of Consumer Affairs in the Department of Law and Public Safety may adopt immediately upon filing with the Office of Administrative Law such rules and regulations as the director determines to be necessary to implement the “Project Medicine Drop” program established by section 1 of P.L.2015, c.35 (C.24:21-55), which rules and regulations shall be effective for a period not to exceed 360 days following the effective date of P.L.2015, c.35 (C.24:21-55 et seq.) and may thereafter be amended, adopted, or readopted by the director in accordance with the requirements of P.L.1968, c.410.

3. This act shall take effect immediately.

Approved April 29, 2015.

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**CHAPTER 36**

AN ACT concerning aggressive driving and amending R.S.39:3-10 and P.L.1998, c.108.

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

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

**Licensing of drivers; classifications.**

39:3-10. No person shall drive a motor vehicle on a public highway in this State unless the person is under supervision while participating in a behind-the-wheel driving course pursuant to section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated permit, or a probationary or basic driver's license issued to that person in accordance with this article.

No person under 18 years of age shall be issued a basic license to drive motor vehicles, nor shall a person be issued a validated permit, including a validated examination permit, until the applicant has passed a satisfactory examination and other requirements as to the applicant's ability as an operator. The examination shall include a test of the applicant's vision, the applicant's ability to understand traffic control devices, the applicant's knowledge of safe driving practices, including the dangers of driving a ve-

hicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely, and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, the applicant's knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant, and of the laws and ordinary usages of the road. No person shall sit for an examination for any permit without exhibiting photo identification deemed acceptable by the commission, unless that person is a high school student participating in a course of automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the written law knowledge examination for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The commission shall be required to provide that person with a booklet that highlights those motor vehicle laws unique to New Jersey. A road test shall be required for a probationary license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. No person shall sit for a road test unless that person exhibits photo identification deemed acceptable by the commission. A high school student who has completed a course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, who has been issued a special learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be required to exhibit photo identification in order to sit for a road test. The commission may waive the road test for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The commission shall approve locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner, and other motorists. No new locations for the road test shall be approved unless the test can be given on public streets.

A person who successfully completes a road test for a motorcycle license or a motorcycle endorsement when operating a motorcycle or motor-

ized scooter with an engine displacement of less than 231 cubic centimeters shall be issued a motorcycle license or endorsement restricting the person's operation of such vehicles to any motorcycle with an engine displacement of 500 cubic centimeters or less. A person who successfully completes a road test for a motorcycle license or motorcycle endorsement when operating a motorcycle with an engine displacement of 231 or more cubic centimeters shall be issued a motorcycle license or endorsement without any restriction as to engine displacement. Any person who successfully completes an approved motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a motorcycle license or endorsement without restriction as to engine displacement.

The commission shall issue a basic driver's license to operate a motor vehicle other than a motorcycle to a person over 18 years of age who previously has not been licensed to drive a motor vehicle in this State or another jurisdiction only if that person has: (1) operated a passenger automobile in compliance with the requirements of this title for not less than one year, not including any period of suspension or postponement, from the date of issuance of a probationary license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two motor vehicle points; (3) not been convicted in the previous year for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related violation the commission determines to be significant and applicable pursuant to regulation; and (4) passed an examination of the applicant's ability to operate a motor vehicle pursuant to this section.

The commission shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the Department of Health concerning the use of alcohol or drugs as related to highway safety. The commission shall develop, in conjunction with the Department of Health, supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Up to 20 questions may be added to the examination on subjects to be determined by the commission that are of particular relevance to youthful drivers, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another

vehicle too closely, after consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety.

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the commission any current driver's license issued to the applicant by another state or jurisdiction upon the applicant's receipt of a driver's license for this State. The commission shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is less than 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the commission, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

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

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering or any vehicle defined as a motorcycle pursuant to R.S.39:1-1 having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface.

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

c. (Deleted by amendment, P.L.1999, c.28).

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

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

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license. The holder of a basic driver's license or a separately issued motorcycle license shall be authorized to operate a motorcycle having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed no more than 35 miles per hour on a flat surface.

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

The commission may, at its discretion and for good cause shown, issue licenses which shall expire on a date fixed by it. If the commission issues a license to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard period of the license, the commission shall fix the expiration date of the license at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The commission may renew such a license only if it is demonstrated that the person's continued presence in the United States is authorized under federal law. The fee for licenses with expiration dates fixed by the commission shall be fixed by the commission in amounts proportionately less or greater than the fee herein established.

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

Motorcycle license or endorsement: \$18.

Omnibus or school bus endorsement: \$18.

Basic driver's license: \$18.

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

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

All applications for renewals of licenses shall be made in a manner prescribed by the commission and in accordance with procedures established by it.

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

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

If the commission has reasonable cause to suspect that any document presented by an applicant as proof of identity, age or legal residency is altered, false or otherwise invalid, the commission shall refuse to grant the permit or license until such time as the document may be verified by the issuing agency to the commission's satisfaction.

A person violating this section shall be subject to a fine not exceeding \$500 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, the applicant shall be subject to a fine of not less than \$200 and, in addition, the court shall issue an order to the commission requiring the commission to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the commission.

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

2. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read as follows:

**C.27:5F-41 Development of curriculum guidelines for safe operation of motor vehicles.**

8. a. The Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety, after consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission in, but not of, the Department of Transportation, shall develop curriculum guidelines for use by teachers of ap-

proved classroom driver education courses. The course of instruction for approved courses shall be no less than 30 hours in length and be designed to develop and instill the knowledge and attitudes necessary for the safe operation and driving of motor vehicles. Defensive driving, highway courtesy, dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely, accident avoidance, understanding and respect for the State's motor vehicle laws, insurance fraud, and State requirements for and benefits of maintaining automobile insurance shall be emphasized. The incorporation of these curriculum guidelines in these classroom courses and the use of related instructional materials shall be a requirement for approval of the course by the chief administrator.

b. The Director of the Office of Highway Traffic Safety, in consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission, shall produce an informational brochure for parents and guardians of beginning drivers under the age of 18 years. The commission shall ensure that the parents or guardians of a permit holder receive these brochures at the time a permit is issued to a beginning driver. The brochures shall include, but not be limited to, the following information:

- (1) Setting an example for the beginning driver;
- (2) Accident and fatality statistics about beginning drivers;
- (3) Causes of accidents among beginning drivers;
- (4) The need to supervise vehicle operation by a beginning driver;
- (5) Methods to coach a beginning driver on how to reduce accidents;
- (6) A description of the graduated driver's license program;
- (7) Benefits of classroom and behind-the-wheel driver education under the direction of State certified or licensed driving instructors, as the case may be; and
- (8) The dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely.

3. This act shall take effect on the first day of the seventh month after enactment.

Approved May 4, 2015.

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## CHAPTER 37

AN ACT concerning physical examinations of children and supplementing Title 26 of the Revised Statutes.

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

**C.26:2-191 Annual physical examination of child, questions relative to cardiac health required.**

1. A licensed health care professional who performs an annual physical examination of a child 19 years of age or younger shall include as part of that examination questions that evaluate a child's family history related to cardiac conditions contained in the "Preparticipation Physical Evaluation" form developed jointly by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine.

**C.26:2-192 Completion, retention of Student-Athlete Cardiac Screening professional development module.**

2. a. A physician, advanced practice nurse, or physician assistant who performs annual physical examinations of children 19 years of age or younger shall complete the Student-Athlete Cardiac Screening professional development module developed pursuant to subsection a. of section 3 of P.L.2013, c.71 (C.18A:40-41d).

b. Upon the first renewal of a certification, biennial registration, or renewal of a license by a physician, advanced practice nurse, or physician assistant after completing the Student-Athlete Cardiac Screening professional development module as required pursuant to subsection a. of this section, a physician, advanced practice nurse, or physician assistant who performs annual physical examinations of children 19 years of age or younger shall attest to the completion of the module to the Board of Medical Examiners or the Board of Nursing, as appropriate. An application for renewal of a certification, biennial registration, or renewal of a license shall include a check box for attestation regarding compliance with subsection a. of this section for a physician, advanced practice nurse, or physician assistant who performs annual physical examinations of children 19 years of age or younger.

c. A physician, advanced practice nurse, or physician assistant who completes the Student-Athlete Cardiac Screening professional development module as required pursuant to subsection a. of this section shall retain on



file at that person's professional office a hard copy of the certificate of completion of the module. The hard copy of the certificate of completion of the module shall be made available upon request.

**C.26:2-193 Rules, regulations.**

3. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and in consultation with the Commissioner of Health, shall adopt rules and regulations to effectuate the purposes of this act.

4. This act shall take effect on the first day of the fourth month next following the date of enactment, but the Director of the Division of Consumer Affairs and the Commissioner of Health may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved May 4, 2015.

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CHAPTER 38

AN ACT concerning the determination of cause of death and amending R.S.26:6-8, R.S.26:6-10, and P.L.1991, c.377.

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

1. R.S.26:6-8 is amended to read as follows:

**Duty to furnish particulars; verification.**

26:6-8. In the execution of a death certificate, the personal particulars shall be obtained by the funeral director from the person best qualified to supply them. The death and last sickness particulars shall be supplied by the attending, covering, or resident physician; or if there is no attending, covering, or resident physician, by an attending registered professional nurse licensed by the New Jersey Board of Nursing under P.L.1947, c.262 (C.45:11-23 et seq.); or if there is no attending, covering, or resident physician or attending registered professional nurse, by the county medical examiner.

Within a reasonable time, not to exceed 24 hours after the pronouncement of death, the attending, covering, or resident physician, the attending advanced practice nurse pursuant to section 10 of P.L.1991, c.377 (C.45:11-

49), or the county medical examiner shall execute the death certification. The burial particulars shall be supplied by the funeral director. The attending, covering, or resident physician, the attending advanced practice nurse, the attending registered professional nurse, or the county medical examiner and the funeral director shall certify to the particulars supplied by them by signing their names below the list of items furnished, or by otherwise authenticating their identities and the information that they have provided through the NJ-EDRS. If a person acting under the direct supervision of the State Medical Examiner, a county medical examiner, funeral director, attending, covering, or resident physician, attending advanced practice nurse, or licensed health care facility or other public or private institution providing medical care, treatment, or confinement to persons, which is registered with the NJ-EDRS, is not authorized to authenticate the information required on a certificate of death or fetal death, that person may enter that information into the NJ-EDRS in anticipation of its authentication by the State Medical Examiner or a county medical examiner, funeral director, attending, covering, or resident physician, attending advanced practice nurse, local registrar, deputy registrar, alternate deputy registrar or subregistrar, as applicable.

2. R.S.26:6-10 is amended to read as follows:

**Unavailability of attending physician, advanced practice nurse.**

26:6-10. In case the physician or the advanced practice nurse who last attended the deceased is unavailable, so that a certificate of death cannot be obtained from the physician or nurse in time for burial or removal:

- a. the designated covering physician shall have the primary responsibility, after examining the dead body, and being satisfied that death did not result from some unlawful means, to issue a death certificate; and
- b. in the absence of the designated covering physician, any other physician, after examining the dead body, and being satisfied that death did not result from some unlawful means, may issue a death certificate.

3. Section 10 of P.L.1991, c.377 (C.45:11-49) is amended to read as follows:

**C.45:11-49 Permitted duties of advanced practice nurse.**

10. a. In addition to all other tasks which a registered professional nurse may, by law, perform, an advanced practice nurse may manage preventive care services and diagnose and manage deviations from wellness and long-term illnesses, consistent with the needs of the patient and within the scope of practice of the advanced practice nurse, by:

- (1) initiating laboratory and other diagnostic tests;
- (2) prescribing or ordering medications and devices, as authorized by subsections b. and c. of this section; and

- (3) prescribing or ordering treatments, including referrals to other licensed health care professionals, and performing specific procedures in accordance with the provisions of this subsection.

b. An advanced practice nurse may order medications and devices in the inpatient setting, subject to the following conditions:

- (1) the collaborating physician and advanced practice nurse shall address in the joint protocols whether prior consultation with the collaborating physician is required to initiate an order for a controlled dangerous substance;

- (2) the order is written in accordance with standing orders or joint protocols developed in agreement between a collaborating physician and the advanced practice nurse, or pursuant to the specific direction of a physician;

- (3) the advanced practice nurse authorizes the order by signing the nurse's own name, printing the name and certification number, and printing the collaborating physician's name;

- (4) the physician is present or readily available through electronic communications;

- (5) the charts and records of the patients treated by the advanced practice nurse are reviewed by the collaborating physician and the advanced practice nurse within the period of time specified by rule adopted by the Commissioner of Health pursuant to section 13 of P.L.1991, c.377 (C.45:11-52);

- (6) the joint protocols developed by the collaborating physician and the advanced practice nurse are reviewed, updated, and signed at least annually by both parties; and

- (7) the advanced practice nurse has completed six contact hours of continuing professional education in pharmacology related to controlled substances, including pharmacologic therapy and addiction prevention and management, in accordance with regulations adopted by the New Jersey Board of Nursing. The six contact hours shall be in addition to New Jersey Board of Nursing pharmacology education requirements for advanced practice nurses related to initial certification and recertification of an advanced practice nurse as set forth in N.J.A.C.13:37-7.2.

c. An advanced practice nurse may prescribe medications and devices in all other medically appropriate settings, subject to the following conditions:

- (1) the collaborating physician and advanced practice nurse shall address in the joint protocols whether prior consultation with the collaborating physician is required to initiate a prescription for a controlled dangerous substance;

(2) the prescription is written in accordance with standing orders or joint protocols developed in agreement between a collaborating physician and the advanced practice nurse, or pursuant to the specific direction of a physician;

(3) the advanced practice nurse writes the prescription on a New Jersey Prescription Blank pursuant to P.L.2003, c.280 (C.45:14-40 et seq.), signs the nurse's own name to the prescription and prints the nurse's name and certification number;

(4) the prescription is dated and includes the name of the patient and the name, address, and telephone number of the collaborating physician;

(5) the physician is present or readily available through electronic communications;

(6) the charts and records of the patients treated by the advanced practice nurse are periodically reviewed by the collaborating physician and the advanced practice nurse;

(7) the joint protocols developed by the collaborating physician and the advanced practice nurse are reviewed, updated, and signed at least annually by both parties; and

(8) the advanced practice nurse has completed six contact hours of continuing professional education in pharmacology related to controlled substances, including pharmacologic therapy and addiction prevention and management, in accordance with regulations adopted by the New Jersey Board of Nursing. The six contact hours shall be in addition to New Jersey Board of Nursing pharmacology education requirements for advanced practice nurses related to initial certification and recertification of an advanced practice nurse as set forth in N.J.A.C.13:37-7.2.

d. The joint protocols employed pursuant to subsections b. and c. of this section shall conform with standards adopted by the Director of the Division of Consumer Affairs pursuant to section 12 of P.L.1991, c.377 (C.45:11-51) or section 10 of P.L.1999, c.85 (C.45:11-49.2), as applicable.

e. (Deleted by amendment, P.L.2004, c.122.)

f. An attending advanced practice nurse may determine and certify the cause of death of the nurse's patient and execute the death certification pursuant to R.S.26:6-8 if no collaborating physician is available to do so and the nurse is the patient's primary caregiver.

4. a. The Commissioner of Health shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such rules and regulations as the commissioner deems necessary to carry out the provisions of this act.

b. The New Jersey Board of Nursing shall, in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such rules and regulations as the board deems necessary to carry out the provisions of this act.

5. This act shall take effect on the 120th day after enactment, but the Commissioner of Health and the New Jersey Board of Nursing may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved May 4, 2015.

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## CHAPTER 39

AN ACT concerning street light outage reporting and supplementing Title 48 of the Revised Statutes.

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

**C.48:7-1.1 Street light outage reporting plan.**

1. Each electric public utility, as defined in section 3 of P.L.1999, c.23 (C.48:3-51), shall, upon the direction of the Board of Public Utilities, prepare and file with the Board of Public Utilities, a street light outage plan within the electric public utility’s service territory. The plan shall be designed for the provision of reasonably prompt reporting of street light outages, and may include the following:

a. Methods to inform and educate the public and local officials concerning utilization of the electric public utility’s existing street light outage reporting system;

b. Methods to identify and monitor street light outages in areas where outages may occur with increased frequency due to human interference, or where street light outages may pose an increased risk to public safety. An electric public utility shall engage local elected officials and law enforcement as appropriate;

c. Information regarding factors which contribute to the cost, timing, and manner of work required for street light outage restoration, such as whether restoration may involve the maintenance or repair of equipment that is located underground; and

d. Any method to improve the reporting and restoration of street light outages, which the electric public utility determines is reasonable.

2. This act shall take effect immediately.

Approved May 4, 2015.

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## CHAPTER 40

AN ACT concerning the withholding of State payments to vendors for delinquent unemployment and disability taxes and the charging of administrative fees to the vendors and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

**C.43:21-14.4 Withholding of payments to vendors for certain delinquent payments; administrative fees.**

1. Upon a determination by the controller, made pursuant to the procedures provided by R.S.43:21-14 or R.S.43:21-16, that an employer has failed to pay any contribution required by R.S.43:21-7 to the unemployment compensation fund, the State disability benefits fund, or the Family Temporary Disability Leave Account of the State disability benefits fund, including any contribution which the employer is required to collect from his employees to pay into the funds, has not made the required payment after notification by the controller of the failure, and has not been approved by the controller for an extension of time in which to make the payment or for other deferral of payment, the controller shall notify the Director of the Division of Budget and Accounting in the Department of the Treasury of the failure. For the purposes of section 1 of P.L.1995, c.159 (C.54:49-19), the amount of assessment for contributions, penalties, and interest due shall be regarded as a State tax debt of the employer. If the employer is under contract to provide goods or services to the State or its agencies or instrumentalities, including the legislative and judicial branches of the State government, the division shall utilize the set-off procedures of that section to have payments withheld from the employer under the contract as needed to satisfy the indebtedness in the manner provided by that section, except that, in addition, a fine equal to 25% of the contributions owed shall also be withheld in addition to the amount of the indebtedness. The provisions of this section shall not apply to any employer that is under contract to provide

goods or services to the State or its agencies or instrumentalities, including the legislative and judicial branches of State government, if the dollar amount of indebtedness is less than \$300. In the case of a failure to pay contributions to the unemployment compensation fund, the delinquent amount of contributions shall be deposited into the unemployment compensation fund and, after the full amount of the delinquent contributions have been deposited into the unemployment compensation fund, the fine, penalties, and interest due shall be deposited into the unemployment compensation auxiliary fund. In the case of a failure to pay contributions to the State disability benefits fund or the Family Temporary Disability Leave Account of the State disability benefits fund, the delinquent amount of contributions shall be deposited into the State disability benefits fund or the Family Temporary Disability Leave Account of that fund, as appropriate, and, after the full amount of the delinquent contributions have been deposited into the State disability benefits fund or the Family Temporary Disability Leave Account of that fund, the fine, penalties, and interest due shall be deposited into the administration account of the State disability benefits fund. The department shall use a portion of the fines to reimburse the Division of Budget and Accounting for expenses incurred by the Department of the Treasury in the implementation of this act.

2. This act shall take effect immediately.

Approved May 4, 2015.

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## CHAPTER 41

AN ACT concerning unemployment compensation for certain individuals and amending R.S.43:21-5.

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

1. R.S.43:21-5 is amended to read as follows:

**Disqualification for benefits.**

43:21-5. An individual shall be disqualified for benefits:

(a) For the week in which the individual has left work voluntarily without good cause attributable to such work, and for each week thereafter until the individual becomes reemployed and works eight weeks in employment, which may include employment for the federal government, and has earned

in employment at least ten times the individual's weekly benefit rate, as determined in each case. This subsection shall apply to any individual seeking unemployment benefits on the basis of employment in the production and harvesting of agricultural crops, including any individual who was employed in the production and harvesting of agricultural crops on a contract basis and who has refused an offer of continuing work with that employer following the completion of the minimum period of work required to fulfill the contract. This subsection shall not apply to an individual who voluntarily leaves work with one employer to accept from another employer employment which commences not more than seven days after the individual leaves employment with the first employer, if the employment with the second employer has weekly hours or pay not less than the hours or pay of the employment of the first employer, except that if the individual gives notice to the first employer that the individual will leave employment on a specified date and the first employer terminates the individual before that date, the seven-day period will commence from the specified date.

(b) For the week in which the individual has been suspended or discharged for misconduct connected with the work, and for the seven weeks which immediately follow that week, as determined in each case.

For the week in which the individual has been suspended or discharged for severe misconduct connected with the work, and for each week thereafter until the individual becomes reemployed and works four weeks in employment, which may include employment for the federal government, and has earned in employment at least six times the individual's weekly benefit rate, as determined in each case. Examples of severe misconduct include, but are not necessarily limited to, the following: repeated violations of an employer's rule or policy, repeated lateness or absences after a written warning by an employer, falsification of records, physical assault or threats that do not constitute gross misconduct as defined in this section, misuse of benefits, misuse of sick time, abuse of leave, theft of company property, excessive use of intoxicants or drugs on work premises, theft of time, or where the behavior is malicious and deliberate but is not considered gross misconduct as defined in this section.

In the event the discharge should be rescinded by the employer voluntarily or as a result of mediation or arbitration, this subsection (b) shall not apply, provided, however, an individual who is restored to employment with back pay shall return any benefits received under this chapter for any week of unemployment for which the individual is subsequently compensated by the employer.

If the discharge was for gross misconduct connected with the work because of the commission of an act punishable as a crime of the first, second,



third or fourth degree under the "New Jersey Code of Criminal Justice," N.J.S.2C:1-1 et seq., the individual shall be disqualified in accordance with the disqualification prescribed in subsection (a) of this section and no benefit rights shall accrue to any individual based upon wages from that employer for services rendered prior to the day upon which the individual was discharged.

The director shall insure that any appeal of a determination holding the individual disqualified for gross misconduct in connection with the work shall be expeditiously processed by the appeal tribunal.

(c) If it is found that the individual has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the director or to accept suitable work when it is offered, or to return to the individual's customary self-employment (if any) when so directed by the director. The disqualification shall continue for the week in which the failure occurred and for the three weeks which immediately follow that week, as determined:

(1) In determining whether or not any work is suitable for an individual, consideration shall be given to the degree of risk involved to health, safety, and morals, the individual's physical fitness and prior training, experience and prior earnings, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, and the distance of the available work from the individual's residence. In the case of work in the production and harvesting of agricultural crops, the work shall be deemed to be suitable without regard to the distance of the available work from the individual's residence if all costs of transportation are provided to the individual and the terms and conditions of hire are as favorable or more favorable to the individual as the terms and conditions of the individual's base year employment.

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions: the position offered is vacant due directly to a strike, lockout, or other labor dispute; the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or, the individual, as a condition of being employed, would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) If it is found that this unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment or other premises at which the individual is or was last employed.

(1) No disqualification under this subsection (d) shall apply if it is shown that:

(a) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) The individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided that if in any case in which (a) or (b) above applies, separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises.

(2) For any claim for a period of unemployment commencing on or after December 1, 2004, no disqualification under this subsection (d) shall apply if it is shown that the individual has been prevented from working by the employer, even though the individual's recognized or certified majority representative has directed the employees in the individual's collective bargaining unit to work under the preexisting terms and conditions of employment, and the employees had not engaged in a strike immediately before being prevented from working.

(e) For any week with respect to which the individual is receiving or has received remuneration in lieu of notice.

(f) For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided that if the appropriate agency of the other state or of the United States finally determines that the individual is not entitled to unemployment benefits, this disqualification shall not apply.

(g) (1) For a period of one year from the date of the discovery by the division of the illegal receipt or attempted receipt of benefits contrary to the provisions of this chapter, as the result of any false or fraudulent representation; provided that any disqualification may be appealed in the same manner as any other disqualification imposed hereunder; and provided further that a conviction in the courts of this State arising out of the illegal receipt or attempted receipt of these benefits in any proceeding instituted against the individual under the provisions of this chapter or any other law of this State shall be conclusive upon the appeals tribunal and the board of review.

(2) A disqualification under this subsection shall not preclude the prosecution of any civil, criminal or administrative action or proceeding to enforce

other provisions of this chapter for the assessment and collection of penalties or the refund of any amounts collected as benefits under the provisions of R.S.43:21-16, or to enforce any other law, where an individual obtains or attempts to obtain by theft or robbery or false statements or representations any money from any fund created or established under this chapter or any negotiable or nonnegotiable instrument for the payment of money from these funds, or to recover money erroneously or illegally obtained by an individual from any fund created or established under this chapter.

(h) (1) Notwithstanding any other provisions of this chapter (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied benefits for any week because the individual is in training approved under section 236(a)(1) of the "Trade Act of 1974," Pub.L.93-618 (19 U.S.C. s.2296 (a)(1)) nor shall the individual be denied benefits by reason of leaving work to enter this training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this chapter (R.S.43:21-1 et seq.), or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work.

(2) For purposes of this subsection (h), the term "suitable" employment means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the "Trade Act of 1974," Pub.L.93-618 (19 U.S.C. s.2101 et seq.) and wages for this work at not less than 80% of the individual's average weekly wage, as determined for the purposes of the "Trade Act of 1974."

(i) For benefit years commencing after June 30, 1984, for any week in which the individual is a student in full attendance at, or on vacation from, an educational institution, as defined in subsection (y) of R.S.43:21-19; except that this subsection shall not apply to any individual attending a training program approved by the division to enhance the individual's employment opportunities, as defined under subsection (c) of R.S.43:21-4; nor shall this subsection apply to any individual who, during the individual's base year, earned sufficient wages, as defined under subsection (e) of R.S.43:21-4, while attending an educational institution during periods other than established and customary vacation periods or holiday recesses at the educational institution, to establish a claim for benefits. For purposes of this subsection, an individual shall be treated as a full-time student for any period:

(1) During which the individual is enrolled as a full-time student at an educational institution, or

(2) Which is between academic years or terms, if the individual was enrolled as a full-time student at an educational institution for the immediately preceding academic year or term.

(j) Notwithstanding any other provisions of this chapter (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied benefits because the individual left work or was discharged due to circumstances resulting from the individual being a victim of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19). No employer's account shall be charged for the payment of benefits to an individual who left work due to circumstances resulting from the individual being a victim of domestic violence.

For the purposes of this subsection (j), the individual shall be treated as being a victim of domestic violence if the individual provides one or more of the following:

(1) A restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;

(2) A police record documenting the domestic violence;

(3) Documentation that the perpetrator of the domestic violence has been convicted of one or more of the offenses enumerated in section 3 of P.L.1991, c.261 (C.2C:25-19);

(4) Medical documentation of the domestic violence;

(5) Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency that the individual is a victim of domestic violence; or

(6) Other documentation or certification of the domestic violence provided by a social worker, member of the clergy, shelter worker or other professional who has assisted the individual in dealing with the domestic violence.

For the purposes of this subsection (j):

"Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals; and "designated domestic violence agency" means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Youth and Family Services in the Department of Children and Families and is under contract with the division for the express purpose of providing such services.

(k) Notwithstanding any other provisions of this chapter (R.S.43:21-1 et seq.), no otherwise eligible individual shall be denied benefits for any week in which the individual left work voluntarily and without good cause attributable to the work, if the individual left work to accompany his or her

spouse who is an active member of the United States Armed Forces, as defined in N.J.S.38A:1-1(g), to a new place of residence outside the State, due to the armed forces member's transfer to a new assignment in a different geographical location outside the State, and the individual moves to the new place of residence not more than nine months after the spouse is transferred, and upon arrival at the new place of residence the individual was in all respects available for suitable work. No employer's account shall be charged for the payment of benefits to an individual who left work under the circumstances contained in this subsection (k), except that this shall not be construed as relieving the State of New Jersey and any other governmental entity or instrumentality or nonprofit organization electing or required to make payments in lieu of contributions from its responsibility to make all benefit payments otherwise required by law and from being charged for those benefits as otherwise required by law.

2. This act shall take effect immediately.

Approved May 4, 2015.

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## CHAPTER 42

AN ACT concerning the Department of Labor and Workforce Development unemployment claims receipt and processing system and amending R.S.43:21-6.

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

1. R.S.43:21-6 is amended to read as follows:

**Claims for benefits.**

43:21-6. (a) Filing. (1) Claims for benefits shall be made in accordance with such regulations as the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey may approve. Each employer shall post and maintain on his premises printed notices of his subject status, of such design, in such numbers and at such places as the director of the division may determine to be necessary to give notice thereof to persons in the employer's service. Each employer shall give to each individual at the time he becomes unemployed, for any reason, whether the unemployment is per-

manent or temporary, a printed copy of benefit instructions. The benefit instructions given to the individual shall include, but not be limited to, the following information: (A) the date upon which the individual becomes unemployed, and, in the case that the unemployment is temporary, to the extent possible, the date upon which the individual is expected to be recalled to work; and (B) that the individual may lose some or all of the benefits to which he is entitled if he fails to file a claim in a timely manner. Both the aforesaid notices and instructions, including information detailing the time sensitivity of filing a claim, shall be supplied by the division to employers without cost to them. Nothing in this section shall be construed so as to require an employer to re-hire an individual formerly in the employer's service.

(2) Any claimant, except for a claimant who has, for any period during his base year, served in the military, worked for the federal government, or worked outside the State of New Jersey, may choose to certify, cancel or close his claim for unemployment insurance benefits at any time, 24 hours a day and seven days a week, via the Internet on a website developed by the division; however, any claim that is certified, cancelled or closed after 7:00 PM will not be processed by the division until the next scheduled posting date.

(b) (1) Procedure for making initial determinations with respect to benefit years commencing on or after January 1, 1953.

A representative or representatives designated by the director of the division and hereafter referred to as a "deputy" shall promptly examine the claim, and shall notify the most recent employing unit and, successively as necessary, each employer in inverse chronological order during the base year. Such notification shall require said employing unit and employer to furnish such information to the deputy as may be necessary to determine the claimant's eligibility and his benefit rights with respect to the employer in question.

In his discretion, the director may appoint special deputies to make initial or subsequent determinations under subsection (f) of R.S.43:21-4 and subsection (d) of R.S.43:21-5.

If any employer or employing unit fails to respond to the request for information within 10 days after the mailing, or communicating by electronic means, of such request, the deputy shall rely entirely on information from other sources, including an affidavit to the best of the knowledge and belief of the claimant with respect to his wages and time worked. Except in the event of fraud, if it is determined that any information in such affidavit is erroneous, no penalty shall be imposed on the claimant.

The deputy shall promptly make an initial determination based upon the available information. The initial determination shall show the weekly benefit amount payable, the maximum duration of benefits with respect to

the employer to whom the determination relates, and the ratio of benefits chargeable to the employer's account for benefit years commencing on or after July 1, 1986, and also shall show whether the claimant is ineligible or disqualified for benefits under the initial determination. The claimant and the employer whose account may be charged for benefits payable pursuant to said determination shall be promptly notified thereof.

Whenever an initial determination is based upon information other than that supplied by an employer because such employer failed to respond to the deputy's request for information, such initial determination and any subsequent determination thereunder shall be incontestable by the noncomplying employer, as to any charges to his employer's account because of benefits paid prior to the close of the calendar week following the receipt of his reply. Such initial determination shall be altered if necessary upon receipt of information from the employer, and any benefits paid or payable with respect to weeks occurring subsequent to the close of the calendar week following the receipt of the employer's reply shall be paid in accordance with such altered initial determination.

The deputy shall issue a separate initial benefit determination with respect to each of the claimant's base year employers, starting with the most recent employer and continuing as necessary in the inverse chronological order of the claimant's last date of employment with each such employer. If an appeal is taken from an initial determination, as hereinafter provided, by any employer other than the first chargeable base year employer or for benefit years commencing on or after July 1, 1986, that employer from whom the individual was most recently separated, then such appeal shall be limited in scope to include only one or more of the following matters:

(A) The correctness of the benefit payments authorized to be made under the determination;

(B) Fraud in connection with the claim pursuant to which the initial determination is issued;

(C) The refusal of suitable work offered by the chargeable employer filing the appeal;

(D) Gross misconduct as provided in subsection (b) of R.S.43:21-5.

The amount of benefits payable under an initial determination may be reduced or canceled if necessary to avoid payment of benefits for a number of weeks in excess of the maximum specified in subsection (d) of R.S.43:21-3.

Unless the claimant or any interested party, within seven calendar days after delivery of notification of an initial determination or within 10 calendar days after such notification was mailed to his or their last-known address and addresses, files an appeal from such decision, such decision shall

be final and benefits shall be paid or denied in accordance therewith, except for such determinations as may be altered in benefit amounts or duration as provided in this paragraph. Benefits payable for periods pending an appeal and not in dispute shall be paid as such benefits accrue; provided that insofar as any such appeal is or may be an appeal from a determination to the effect that the claimant is disqualified under the provisions of R.S.43:21-5 or any amendments thereof or supplements thereto, benefits pending determination of the appeal shall be withheld only for the period of disqualification as provided for in said section, and notwithstanding such appeal, the benefits otherwise provided by this act shall be paid for the period subsequent to such period of disqualification; and provided, also, that if there are two determinations of entitlement, benefits for the period covered by such determinations shall be paid regardless of any appeal which may thereafter be taken, but no employer's account shall be charged with benefits so paid, if the decision is finally reversed.

(2) Procedure for making initial determinations in certain cases of concurrent employment, with respect to benefit years commencing on or after January 1, 1953 and prior to benefit years commencing on or after July 1, 1986.

Notwithstanding any other provisions of this Title, if an individual shows to the satisfaction of the deputy that there were at least 13 weeks in his base period in each of which he earned wages from two or more employers totaling \$30.00 or more but in each of which there was no single employer from whom he earned as much as \$100.00, then such individual's claim shall be determined in accordance with the special provisions of this paragraph. In such case, the deputy shall determine the individual's eligibility for benefits, his average weekly wage, weekly benefit rate and maximum total benefits as if all his base year employers were a single employer. Such determination shall apportion the liability for benefit charges thereunder to the individual's several base year employers so that each employer's maximum liability for charges thereunder bears approximately the same relation to the maximum total benefits allowed as the wages earned by the individual from each employer during the base year bears to his total wages earned from all employers during the base year. Such initial determination shall also specify the individual's last date of employment within the base year with respect to each base year employer, and such employers shall be charged for benefits paid under said initial determination in the inverse chronological order of such last date of employment.

(3) Procedure for making subsequent determinations with respect to benefit years commencing on or after January 1, 1953. The deputy shall make determinations with respect to claims for benefits thereafter in the



course of the benefit year, in accordance with any initial determination allowing benefits, and under which benefits have not been exhausted, and each notification of a benefit payment shall be a notification of an affirmative subsequent determination. The allowance of benefits by the deputy on any such determination, or the denial of benefits by the deputy on any such determination, shall be appealable in the same manner and under the same limitations as is provided in the case of initial determinations.

(c) Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and the determination. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the board of review, unless further appeal is initiated pursuant to subsection (e) of this section within 10 days after the date of notification or mailing of the decision for any decision made on or before December 1, 2010, or within 20 days after the date of notification or mailing of such decision for any decision made after December 1, 2010.

(d) Appeal tribunals. To hear and decide disputed benefit claims, including appeals from determinations with respect to demands for refunds of benefits under subsection (d) of R.S.43:21-16, the director with the approval of the Commissioner of Labor and Workforce Development shall establish impartial appeal tribunals consisting of a salaried body of examiners under the supervision of a Chief Appeals Examiner, all of whom shall be appointed pursuant to the provisions of Title 11A of the New Jersey Statutes, Civil Service and other applicable statutes.

(e) Board of review. The board of review may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The board of review shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and from any determination which has been overruled or modified by any appeal tribunal. The board of review may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings so removed to the board of review shall be heard by a quorum thereof in accordance with the requirements of subsection (c) of this section. The board of review shall promptly notify the interested parties of its findings and decision.

(f) Procedure. The manner in which disputed benefit claims, and appeals from determinations with respect to (1) claims for benefits and (2) demands for refunds of benefits under subsection (d) of R.S.43:21-16 shall be

presented, the reports thereon required from the claimant and from employers, and the conduct of hearings and appeals shall be in accordance with rules prescribed by the board of review for determining the rights of the parties, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

(g) Witness fees. Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the director. Such fees and all expenses of proceedings involving disputed claims shall be deemed a part of the expense of administering this chapter (R.S.43:21-1 et seq.).

(h) Court review. Any decision of the board of review shall become final as to any party upon the mailing of a copy thereof to such party or to his attorney, or upon the mailing of a copy thereof to such party at his last-known address. The Division of Unemployment and Temporary Disability Insurance and any party to a proceeding before the board of review may secure judicial review of the final decision of the board of review. Any party not joining in the appeal shall be made a defendant; the board of review shall be deemed to be a party to any judicial action involving the review of, or appeal from, any of its decisions, and may be represented in any such judicial action by any qualified attorney, who may be a regular salaried employee of the board of review or has been designated by it for that purpose, or, at the board of review's request, by the Attorney General.

(i) Failure to give notice. The failure of any public officer or employee at any time heretofore or hereafter to give notice of determination or decision required in subsections (b), (c) and (e) of this section, as originally passed or amended, shall not relieve any employer's account of any charge by reason of any benefits paid, unless and until that employer can show to the satisfaction of the director of the division that the said benefits, in whole or in part, would not have been charged or chargeable to his account had such notice been given. Any determination hereunder by the director shall be subject to court review.

(j) With respect to benefit payments made on or after October 22, 2013, an employer's account shall not be relieved of charges related to a benefit payment that was made erroneously from the division if it is determined that:

(1) The erroneous benefit payment was made because the employer, or an agent of the employer, failed to respond in a timely or adequate manner to a request from the division for information related to the claim for benefits; and

(2) The employer, or an agent of the employer, has established a pattern of failing to respond in a timely or adequate manner to requests from the division for information related to claims for benefits.

Determinations of the division prohibiting the relief of charges pursuant to this subsection shall be subject to appeal in the same manner as other determinations of the division related to the charging of employer accounts.

For purposes of subsection (j) of this section:

"Erroneous benefit payment" means a benefit payment that, except for the failure by the employer, or an agent of the employer, to respond in a timely or adequate manner to a request from the division for information with respect to the claim for benefits, would not have been made; and

"Pattern of failing" means repeated documented failure on the part of the employer, or an agent of the employer, to respond to requests from the division to the employer or employer's agent for information related to a claim for benefits, except that an employer, or an agent of an employer, shall not be determined to have engaged in a "pattern of failing" if the number of failures to respond to requests from the division for information related to claims for benefits during the previous 365 calendar days is less than three, or if the number of failures is less than two percent of the number of requests from the division, whichever is greater.

(k) The Department of Labor and Workforce Development shall establish and maintain a procedure by which personnel access rights to the department's primary system for unemployment claims receipt and processing are comprehensively reviewed every calendar quarter. The procedure shall include an evaluation of access needs to the primary unemployment claims receipt and processing system for all department personnel and the adjustment, addition, or deletion of access rights for department personnel based on the quarterly review.

2. This act shall take effect immediately.

Approved May 4, 2015.

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## CHAPTER 43

AN ACT concerning certain retrofits to diesel-powered vehicles and supplementing P.L.2005, c.219 (C.26:2C-8.26 et al.).

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

**C.26:2C-8.57 Prohibitions relative to certain retrofitting of diesel-powered vehicles.**

1. No person shall retrofit any diesel-powered vehicle with any device, smoke stack, or other equipment which enhances the vehicle's capacity to emit soot, smoke, or other particulate emissions, or shall purposely release significant quantities of soot, smoke, or other particulate emissions into the air and onto roadways and other vehicles while operating the vehicle, colloquially referred to as "coal rolling." Any person who violates this section shall be subject to the penalties established pursuant to section 27 of P.L.2005, c.219 (C.26:2C-8.52) and any other applicable law.

2. This act shall take effect immediately.

Approved May 4, 2015.

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CHAPTER 44

AN ACT concerning the sale of motor fuels and amending P.L.1938, c.163.

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

1. Section 201 of P.L.1938, c.163 (C.56:6-2) is amended to read as follows:

**C.56:6-2 Regulations relative to sale of motor fuels.**

201. (a) Every retail dealer shall publicly display and maintain, in the manner regulated by the Director of the Division of Taxation, a sign stating the price per gallon if sold by the gallon, and per gallon and per liter if sold by the liter of the motor fuel sold by said dealer. All taxes, State and Federal, imposed with respect to the manufacture or sale of motor fuel shall be included in the price shown on said sign, but said sign shall contain a statement of the amount of taxes included in said price, or, without specifying the amount thereof, said sign shall state that taxes are included in said price. A retail dealer shall not sell at any other price than the price, including tax, so posted. Any such price when posted shall remain posted and in effect for a period of not less than twenty-four (24) hours.

(b) No retail dealer shall sell motor fuel at a price which is below the net cost of such motor fuel to the retail dealer plus all selling expenses.

(c) No other price signs of motor fuel so dispensed, or signs relating to the price of such fuel shall be used or displayed on or about the premises where motor fuel is sold at retail, other than the signs provided by section 3 of P.L.1952, c.258 (C.56:6-2.3).

(d) No advertising or sign other than that provided for in section 3 of P.L.1952, c.258 (C.56:6-2.3), which directly or indirectly contains a statement of, or an implied reference to the price of motor fuel shall be displayed at any place where motor fuel is dispensed at retail. Any advertising of the retail price of motor fuel through any other medium which contains a reference to the per gallon or per liter price thereof, shall include all taxes in the price stated, and there shall be included in such advertising a statement that such price includes taxes, or a statement of the amount of taxes which are included in such price. Such advertising shall be identified by the name of the product, and the letters of the name shall be not less than one-half the size of the figures used in the price.

(e) No rebates, allowances, concessions or benefits shall be given, directly or indirectly, so as to permit any person to obtain motor fuels from a retail dealer below the posted price or at a net price lower than the posted price applicable at the time of the sale, except that credits earned through purchases on a credit card, debit card, or rewards card may be utilized by a person to receive a rebate, allowance, concession, or benefit in the purchase of motor fuels, provided that: (1) the use of credits earned through purchases on a credit card, debit card, or rewards card shall not change the retail price displayed on any sign required pursuant to section 3 of P.L.1952, c.258 (C.56:6-2.3); and (2) the retail dealer shall not be responsible for any of the costs associated with the rebate, allowance, concession, or benefit received by the motor fuel purchaser except for any interchange fees and transaction fees associated with the use of a credit card or debit card by a customer for the purchase of motor fuels.

As used in this subsection, "rewards card" means a card or certificate distributed by the issuer to a consumer pursuant to an awards, loyalty, rewards, or promotional program, or used to benefit frequent shoppers or to collect data on purchasing habits.

(f) It shall be unlawful for any retail dealer to use lotteries, wheels of fortune, punchboards or other games of chance, in connection with the sale of motor fuels.

(g) All above-ground equipment for storing or dispensing motor fuel operated by a retail dealer shall bear, in a conspicuous place, the name or

trade-mark of the product stored therein or dispensed therefrom, and no retail dealer shall permit delivery into underground or above-ground containers, tanks or equipment of any motor fuel other than the brand represented or designated by the name or trade-mark appearing on such container or dispensing equipment attached thereto. No retail dealer shall be a party to the substitution of one grade of motor fuel for another.

(h) If the motor fuel stored in or dispensed from any above-ground equipment by a retail dealer shall not have a brand name or trade-mark, such container or dispensing equipment shall have conspicuously displayed thereon the words "No Brand."

2. This act shall take effect immediately.

Approved May 4, 2015.

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## CHAPTER 45

AN ACT concerning the taking and management of striped bass, supplementing P.L.1983, c.506 (C.23:5-43 et seq.), amending P.L.1987, c.83, and repealing section 1 of P.L.1987, c.83 and section 3 of P.L.1990, c.5.

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

**C.23:5-45.1a Rules, regulations for taking, management of striped bass.**

1. a. The Department of Environmental Protection shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and within one year after the date of enactment of this act, rules and regulations providing for the taking and management of striped bass in and upon the marine waters of the State. These rules and regulations may include, but need not be limited to, possession and bag limits, size limits, seasons, area restrictions, and provisions concerning filleting and the possession of striped bass parts.

b. The Commissioner of Environmental Protection shall regulate the striped bass fishery in accordance with State policy as set forth in section 2 of P.L.1979, c.199 (C.23:2B-2). The rules and regulations adopted pursuant to subsection a. of this section shall be consistent with (1) the Interstate Fishery Management Plan for Striped Bass of the Atlantic States Marine Fisheries Commission, and (2) the provisions of section 2 of P.L.1991, c.43

(C.23:5-45.3), section 5 of P.L.1983, c.506 (C.23:5-47), and any other applicable State law concerning striped bass.

2. Section 1 of P.L.1987, c.83 (C.23:5-45.1) is amended to read as follows:

**C.23:5-45.1 Daily limit for taking striped bass.**

1. a. Except as permitted pursuant to subsection c. of this section, a person shall not take from the marine waters or other waters of the State in any one day, or have in the person's possession at any time, more than two striped bass. One of the striped bass taken in accordance with this subsection shall be at least 28 inches but less than 43 inches in length, and the other shall be at least 43 inches in length.

b. A person shall not fillet, or remove the head or tail, or parts thereof, of any striped bass at sea, except this subsection shall not apply to striped bass that have been filleted under authority of, and in accordance with, a special permit therefor which may be issued by the Commissioner of Environmental Protection to an inspected vessel licensed to accommodate 15 or more passengers.

c. The Commissioner of Environmental Protection, by public notice placed in the New Jersey Register, shall establish management measures for striped bass in and upon the marine waters and other waters of the State, which management measures shall be consistent with the Interstate Fishery Management Plan for Striped Bass of the Atlantic States Marine Fisheries Commission. Upon the approval of the Atlantic States Marine Fisheries Commission, these management measures shall provide for the taking in one day, or the possession at any time, of striped bass in addition to the two striped bass permitted pursuant to subsection a. of this section and shall include the size and quantity limits and the areas and the seasons for the taking of such additional striped bass.

The department shall monitor the catch provided for in this subsection and provide for its discontinuance as necessary to keep the State in compliance with the allowances of the Atlantic States Marine Fisheries Commission.

**Repealer.**

3. Section 1 of P.L.1987, c.83 (C.23:5-45.1) and section 3 of P.L.1990, c.5 (C.23:5-45.2) are repealed.

4. This act shall take effect immediately, except that section 3 thereof shall take effect on the 365th day following the date of enactment of this act

or upon the date of adoption of the rules and regulations required pursuant to section 1 of this act, whichever is earlier.

Approved May 4, 2015.

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## CHAPTER 46

AN ACT concerning reserve accounts for school districts receiving federal impact aid, amending P.L.2007, c.62, and supplementing P.L.2007, c.260 (C.18A:7F-43 et al.).

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

1. Section 6 of P.L.2007, c.62 (C.18A:7F-41) is amended to read as follows:

**C.18A:7F-41 Supplementation of accounts, establishment of reserve accounts by board of education or board of school estimate.**

6. Notwithstanding the provisions of any law or regulation to the contrary:

a. A board of education or board of school estimate, as appropriate, may supplement a capital reserve account through a transfer by board resolution at year end of any unanticipated revenue or unexpended line-item appropriation amounts, or both, for withdrawal in subsequent school years.

b. A board of education or board of school estimate, as appropriate, may supplement a maintenance reserve account through a transfer by board resolution at year end of any unanticipated revenue or unexpended line-item appropriation amounts, or both, for withdrawal in subsequent school years.

c. A board of education or a board of school estimate, as appropriate, may through the adoption of a board resolution establish the following reserve accounts:

(1) Current expense emergency reserve account. The funds in the reserve shall be used to finance unanticipated general fund current expense costs required for a thorough and efficient education. The account shall not exceed \$250,000 or one percent of the district's general fund budget up to a maximum of \$1,000,000, whichever is greater. A board of education may appropriate funds to establish or supplement the reserve in the district's annual budget or through a transfer by board resolution at year end of any



unanticipated revenue and unexpended line-item appropriation amounts. Withdrawals from the reserve shall require the approval of the commissioner unless the withdrawal is necessary to meet an increase in total health care costs in excess of four percent.

(2) Debt service reserve account in the debt service fund for proceeds from the sale of district property. The funds in the reserve shall be used to retire outstanding debt service obligations of the district. The reserve shall be liquidated within the lesser of five years from its inception or the remaining term on the obligations. Any remaining balance shall be used for tax relief.

(3) Federal impact aid reserve account in the case of a school district that receives federal impact aid pursuant to section 8002, 8003, 8007, or 8008 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. s.7702, 7703, 7707, or 7708). A board of education may appropriate federal impact aid funds to establish or supplement the reserve account in the district's annual budget, or through a transfer by a two-thirds affirmative vote of the authorized membership of the board between June 1 and June 30, for withdrawal in any subsequent school year. Any transfer to the reserve account shall not exceed the total amount of federal impact aid received in the fiscal year. The board, at its discretion, may use the funds in the reserve account to finance the district's general fund or to finance school facilities projects, in a manner consistent with federal law. The total amount of funds on deposit in the reserve account shall not be limited.

d. (1) All reserve accounts shall be established and held in accordance with GAAP and shall be subject to annual audit. Any capital gains or interest earned shall become part of the reserve account. A separate bank account is not required, however, a separate identity for each reserve account shall be maintained.

(2) A board of education that establishes a federal impact aid reserve account shall:

(a) report the amount of federal impact aid received, expended, and on deposit in the federal impact aid reserve account in its annual audit pursuant to N.J.S.18A:23-1, and in the budget made available in a "user-friendly" format using plain language pursuant to N.J.S.18A:22-8;

(b) report the amount of federal impact aid received, expended, and on deposit in the federal impact aid reserve account at each board of education meeting, and shall include the information in the board secretary's monthly report in a format to be determined by the commissioner; and

(c) provide any additional supporting documentation that may be required by the commissioner pursuant to subsection c. of section 5 of P.L.1996, c.138 (C.18A:7F-5).

**C.18A:7F-64 Determination of amount of State school aid.**

2. When determining the amount of State school aid that shall be awarded to a school district pursuant to the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.) or any other law, the Commissioner of Education shall not consider a school district's receipt of federal funds pursuant to section 8002, 8003, 8007, or 8008 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. s.7702, 7703, 7707, or 7708) in any manner that would cause the school district to be awarded less State school aid than the district would have been awarded had the district not received the federal funds. Such funds shall not be considered when calculating the district's undesignated general fund balance pursuant to section 7 of P.L.1996, c.138 (C.18A:7F-7).

3. This act shall take effect immediately.

Approved May 7, 2015.

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**CHAPTER 47**

AN ACT concerning school district contracts and supplementing N.J.S.18A:18A-1 et seq.

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

**C.18A:18A-42.2 Report to board on school district contracts.**

1. a. By July 1 of each school year, the school business administrator shall submit a written report to the board of education on school district contracts. The report shall include: a list of all district contracts that will be awarded, subject to renewal, or expire during the school year; and an explanation of all applicable federal and State laws, rules, and regulations relating to those contracts.

b. Prior to the execution, extension, or renewal of any school district contract that was not included in the report prepared pursuant to subsection a. of this section, the school business administrator shall notify the board of education in writing of all applicable federal and State laws, rules, and regulations relating to the contract.

2. This act shall take effect immediately.

Approved May 7, 2015.

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## CHAPTER 48

AN ACT concerning insurance fraud and amending P.L.2003, c.89 and P.L.1983, c.320.

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

1. Section 73 of P.L.2003, c.89 (C.2C:21-4.6) is amended to read as follows:

**C.2C:21-4.6 Crime of insurance fraud.**

73. a. A person is guilty of the crime of insurance fraud if that person knowingly makes, or causes to be made, a false, fictitious, fraudulent, or misleading statement of material fact in, or omits a material fact from, or causes a material fact to be omitted from, any record, bill, claim or other document, in writing, electronically, orally or in any other form, that a person attempts to submit, submits, causes to be submitted, or attempts to cause to be submitted as part of, in support of or opposition to or in connection with: (1) a claim for payment, reimbursement or other benefit pursuant to an insurance policy, or from an insurance company or the "Unsatisfied Claim and Judgment Fund Law," P.L.1952, c.174 (C.39:6-61 et seq.); (2) an application to obtain or renew an insurance policy; (3) any payment made or to be made in accordance with the terms of an insurance policy or premium finance transaction; or (4) an affidavit, certification, record or other document used in any insurance or premium finance transaction.

b. A person who operates a motor vehicle on the public highways of this State, which motor vehicle is insured by a policy issued under the laws of another state, is guilty of the crime of insurance fraud if that person maintains a principal residence in this State or has his motor vehicle principally garaged in this State and he has knowingly prepared or made any written, electronic or oral statement, presented to any insurance company or producer licensed to transact the business of insurance under the laws of that other state, and which resulted in obtaining a motor vehicle insurance policy for his motor vehicle in that other state, that the person to be insured: (1) maintains a principal residence in the other state when, in fact, that person's principal residence is in this State; or (2) has his motor vehicle principally garaged in the other state, when, in fact, that person has his motor vehicle principally garaged in this State. This subsection shall not apply to a person who insures a vehicle in another state, as permitted by and in accordance with the laws of that state, based on a second residence, or attendance at an educational insti-

tution, in that other state, if in obtaining the policy the person truthfully discloses to the insurance company or producer the state of the person's principal residence and the state where the vehicle is principally garaged.

c. Insurance fraud constitutes a crime of the second degree if the person knowingly commits five or more acts of insurance fraud, including acts of health care claims fraud pursuant to section 2 of P.L.1997, c.353 (C.2C:21-4.2) and if the aggregate value of property, services or other benefit wrongfully obtained or sought to be obtained is at least \$1,000. Otherwise, insurance fraud in violation of subsection a. of this section is a crime of the third degree and insurance fraud in violation of subsection b. of this section is a crime of the fourth degree. Each act of insurance fraud shall constitute an additional, separate and distinct offense, except that five or more separate acts may be aggregated for the purpose of establishing liability pursuant to this subsection. Multiple acts of insurance fraud which are contained in a single record, bill, claim, application, payment, affidavit, certification or other document shall each constitute an additional, separate and distinct offense for purposes of this section.

d. Proof that a person has signed or initialed an application, bill, claim, affidavit, certification, record or other document may give rise to an inference that the person has read and reviewed the application, bill, claim, affidavit, certification, record or other document.

e. In order to promote the uniform enforcement of this act, the Attorney General shall develop insurance fraud prosecution guidelines and disseminate them to county prosecutors within 180 days of the effective date of this act.

f. Nothing in this act shall preclude an indictment and conviction for any other offense defined by the laws of this State.

g. Nothing in this act shall preclude an assignment judge from dismissing a prosecution of insurance fraud if the assignment judge determines, pursuant to N.J.S.2C:2-11, the conduct charged to be a de minimis infraction.

2. Section 4 of P.L.1983, c.320 (C.17:33A-4) is amended to read as follows:

**C.17:33A-4 Violations.**

4. a. A person or a practitioner violates this act if he:

(1) Presents or causes to be presented any written or oral statement as part of, or in support of or opposition to, a claim for payment or other benefit pursuant to an insurance policy or the "Unsatisfied Claim and Judgment Fund Law," P.L.1952, c.174 (C.39:6-61 et seq.), knowing that the statement

contains any false or misleading information concerning any fact or thing material to the claim; or

(2) Prepares or makes any written or oral statement that is intended to be presented to any insurance company, the Unsatisfied Claim and Judgment Fund or any claimant thereof in connection with, or in support of or opposition to any claim for payment or other benefit pursuant to an insurance policy or the "Unsatisfied Claim and Judgment Fund Law," P.L.1952, c.174 (C.39:6-61 et seq.), knowing that the statement contains any false or misleading information concerning any fact or thing material to the claim; or

(3) Conceals or knowingly fails to disclose the occurrence of an event which affects any person's initial or continued right or entitlement to (a) any insurance benefit or payment or (b) the amount of any benefit or payment to which the person is entitled;

(4) Prepares or makes any written or oral statement, intended to be presented to any insurance company or producer for the purpose of obtaining:

(a) a motor vehicle insurance policy, that the person to be insured maintains a principal residence in this State when, in fact, that person's principal residence is in a state other than this State; or

(b) an insurance policy, knowing that the statement contains any false or misleading information concerning any fact or thing material to an insurance application or contract; or

(5) Conceals or knowingly fails to disclose any evidence, written or oral, which may be relevant to a finding that a violation of the provisions of paragraph (4) of this subsection a. has or has not occurred.

b. A person or practitioner violates this act if he knowingly assists, conspires with, or urges any person or practitioner to violate any of the provisions of this act.

c. A person or practitioner violates this act if, due to the assistance, conspiracy or urging of any person or practitioner, he knowingly benefits, directly or indirectly, from the proceeds derived from a violation of this act.

d. A person or practitioner who is the owner, administrator or employee of any hospital violates this act if he knowingly allows the use of the facilities of the hospital by any person in furtherance of a scheme or conspiracy to violate any of the provisions of this act.

e. A person or practitioner violates this act if, for pecuniary gain, for himself or another, he directly or indirectly solicits any person or practitioner to engage, employ or retain either himself or any other person to manage, adjust or prosecute any claim or cause of action, against any person, for damages for negligence, or, for pecuniary gain, for himself or another, directly or indirectly solicits other persons to bring causes of action

to recover damages for personal injuries or death, or for pecuniary gain, for himself or another, directly or indirectly solicits other persons to make a claim for personal injury protection benefits pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.); provided, however, that this subsection shall not apply to any conduct otherwise permitted by law or by rule of the Supreme Court.

f. A person who operates a motor vehicle on the public highways of this State, which motor vehicle is insured by a policy issued under the laws of another state, and who maintains a principal residence in this State or who has his motor vehicle principally garaged in this State violates the provisions of P.L.1983, c.320 (C.17:33A-1 et seq.) if he has knowingly prepared or made any written or oral statement, presented to any insurance company or producer licensed to transact the business of insurance under the laws of that other state, and which resulted in obtaining a motor vehicle insurance policy for his motor vehicle in that other state, that the person to be insured:

(1) Maintains a principal residence in the other state when, in fact, that person's principal residence is in this State; or

(2) Has his vehicle principally garaged in the other state, when, in fact, that person has his motor vehicle principally garaged in this State.

This subsection shall not apply to a person who insures a vehicle in another state, as permitted by and in accordance with the laws of that state, based on a second residence, or attendance at an educational institution, in that other state, if in obtaining the policy the person truthfully discloses to the insurance company or producer the state of the person's principal residence and the state where the vehicle is principally garaged.

3. This act shall take effect immediately.

Approved May 7, 2015.

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## CHAPTER 49

AN ACT concerning certain merchandise designed to conceal or degrade the legibility of license plates and supplementing Title 39 of the Revised Statutes.

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

**C.39:3-33c Merchandise intended to conceal, degrade license plate legibility prohibited; fine.**

1. A person shall not sell, offer for sale, distribute, transfer, purchase, receive, or possess any merchandise, including but not limited to retractable license plate holders, reflective spray, or anti-photograph license plate covers, knowing that such merchandise is designed or intended to be used to conceal or degrade the legibility of any part of any marking imprinted upon a vehicle's license plate for the purpose of evading law enforcement. The penalty for a violation of this section shall be a fine not to exceed \$500. Nothing in this section shall be construed to impose liability on a newspaper that accepts or publishes classified advertising for merchandise that is designed or intended to be used to conceal or degrade the legibility of any part of any marking imprinted upon a vehicle's license plate for the purpose of evading law enforcement.

2. This act shall take effect immediately.

Approved May 7, 2015.

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## CHAPTER 50

AN ACT concerning child passenger restraint systems and amending P.L.1983, c.128, P.L.2001, c.244, and P.L.1984, c.179.

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

1. Section 1 of P.L.1983, c.128 (C.39:3-76.2a) is amended to read as follows:

**C.39:3-76.2a Child passenger restraint systems.**

1. Every person operating a motor vehicle, other than a school bus, equipped with safety belts or a Lower Anchors and Tethers for Children system (LATCH) who is transporting a child on roadways, streets or highways of this State, shall secure the child in a child passenger restraint system or booster seat, as described in Federal Motor Vehicle Safety Standard Number 213, in a rear seat as follows:

a. A child under the age of two years and weighing less than 30 pounds shall be secured in a rear facing child passenger restraint system, which is equipped with a five-point harness.

b. A child under the age of four years and weighing less than 40 pounds shall be secured:

(1) in a rear facing child passenger restraint system, which is equipped with a five-point harness, until the child outgrows the top height or top weight recommendations made by the manufacturer of the child passenger restraint system, at which point the child shall be secured in a rear seat, in a forward facing child passenger restraint system which is equipped with a five-point harness; or

(2) in a forward facing child passenger restraint system which is equipped with a five-point harness.

c. A child under the age of eight years and less than 57 inches in height shall be secured:

(1) in a forward facing child passenger restraint system which is equipped with a five-point harness, until the child outgrows the top height or top weight recommendations made by the manufacturer of the child passenger restraint system, at which point the child shall be secured in a rear seat, in a booster seat; or

(2) in a booster seat.

d. If there are no rear seats, the child shall be secured in a child passenger restraint system or booster seat in a front seat of a motor vehicle except that no child shall be secured in a rear facing child passenger restraint system in a front seat of any motor vehicle which is equipped with a passenger-side airbag that is not disabled or turned off.

e. In no event shall failure to be secured in a child passenger restraint system or booster seat be considered as contributory negligence, nor shall the failure to be secured in the child passenger restraint system or booster seat be admissible as evidence in the trial of any civil action.

2. Section 3 of P.L.1983, c.128 (C.39:3-76.2c) is amended to read as follows:

**C.39:3-76.2c Informational material.**

3. The Division of Highway Traffic Safety in the Department of Law and Public Safety shall print materials to adequately inform the public about the types of child passenger restraint systems and booster seats meeting federal motor vehicle safety standards to reflect the provisions of section 1 of P.L.2015, c.50. These materials may be made available to car dealers, parent groups, hospitals, pediatricians and the general public.

3. Section 4 of P.L.1983, c.128 (C.39:3-76.2d) is amended to read as follows:



**C.39:3-76.2d Violations, fines.**

4. Any person guilty of violating any of the provisions of this act shall be fined not less than \$50 and not more than \$75.

4. Section 2 of P.L.1984, c.179 (C.39:3-76.2f) is amended to read as follows:

**C.39:3-76.2f Seat belt usage requirements; driver's responsibility.**

2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et al.) for children under eight years of age and less than 57 inches in height, all passengers under eight years of age and at least 57 inches in height, and all passengers who are at least eight years of age but less than 18 years of age, and each driver and front seat passenger of a passenger automobile operated on a street or highway in this State shall wear a properly adjusted and fastened safety seat belt system as defined by Federal Motor Vehicle Safety Standard Number 209.

b. The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system, as defined by Federal Motor Vehicle Safety Standard Number 209, any passenger who is at least eight years of age but less than 18 years of age.

c. All rear seat passengers 18 years of age or older of a passenger automobile operated on a street or highway in this State shall wear a properly adjusted and fastened safety seat belt system as defined by Federal Motor Vehicle Safety Standard Number 209.

For the purposes of the "Passenger Automobile Seat Belt Usage Act," the term "passenger automobile" shall include vans, pick-up trucks, and utility vehicles.

5. This act shall take effect on the first day of the fourth month next following enactment.

Approved May 7, 2015.

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**CHAPTER 51**

AN ACT concerning the definition of "Class II renewable energy," and amending P.L.1999, c.23.

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

1. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read as follows:

**C.48:3-51 Definitions relative to competition in the electric power, gas, solar energy and offshore wind industries.**

3. As used in P.L.1999, c.23 (C.48:3-49 et al.):

"Assignee" means a person to which an electric public utility or another assignee assigns, sells, or transfers, other than as security, all or a portion of its right to or interest in bondable transition property. Except as specifically provided in P.L.1999, c.23 (C.48:3-49 et al.), an assignee shall not be subject to the public utility requirements of Title 48 or any rules or regulations adopted pursuant thereto.

"Base load electric power generation facility" means an electric power generation facility intended to be operated at a greater than 50 percent capacity factor including, but not limited to, a combined cycle power facility and a combined heat and power facility.

"Base residual auction" means the auction conducted by PJM, as part of PJM's reliability pricing model, three years prior to the start of the delivery year to secure electrical capacity as necessary to satisfy the capacity requirements for that delivery year.

"Basic gas supply service" means gas supply service that is provided to any customer that has not chosen an alternative gas supplier, whether or not the customer has received offers as to competitive supply options, including, but not limited to, any customer that cannot obtain such service for any reason, including non-payment for services. Basic gas supply service is not a competitive service and shall be fully regulated by the board.

"Basic generation service" or "BGS" means electric generation service that is provided, to any customer that has not chosen an alternative electric power supplier, whether or not the customer has received offers for competitive supply options, including, but not limited to, any customer that cannot obtain such service from an electric power supplier for any reason, including non-payment for services. Basic generation service is not a competitive service and shall be fully regulated by the board.

"Basic generation service provider" or "provider" means a provider of basic generation service.

"Basic generation service transition costs" means the amount by which the payments by an electric public utility for the procurement of power for

basic generation service and related ancillary and administrative costs exceeds the net revenues from the basic generation service charge established by the board pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period, together with interest on the balance at the board-approved rate, that is reflected in a deferred balance account approved by the board in an order addressing the electric public utility's unbundled rates, stranded costs, and restructuring filings pursuant to P.L.1999, c.23 (C.48:3-49 et al.). Basic generation service transition costs shall include, but are not limited to, costs of purchases from the spot market, bilateral contracts, contracts with non-utility generators, parting contracts with the purchaser of the electric public utility's divested generation assets, short-term advance purchases, and financial instruments such as hedging, forward contracts, and options. Basic generation service transition costs shall also include the payments by an electric public utility pursuant to a competitive procurement process for basic generation service supply during the transition period, and costs of any such process used to procure the basic generation service supply.

"Board" means the New Jersey Board of Public Utilities or any successor agency.

"Bondable stranded costs" means any stranded costs or basic generation service transition costs of an electric public utility approved by the board for recovery pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.), together with, as approved by the board: (1) the cost of retiring existing debt or equity capital of the electric public utility, including accrued interest, premium and other fees, costs, and charges relating thereto, with the proceeds of the financing of bondable transition property; (2) if requested by an electric public utility in its application for a bondable stranded costs rate order, federal, State and local tax liabilities associated with stranded costs recovery, basic generation service transition cost recovery, or the transfer or financing of the property, or both, including taxes, whose recovery period is modified by the effect of a stranded costs recovery order, a bondable stranded costs rate order, or both; and (3) the costs incurred to issue, service or refinance transition bonds, including interest, acquisition or redemption premium, and other financing costs, whether paid upon issuance or over the life of the transition bonds, including, but not limited to, credit enhancements, service charges, overcollateralization, interest rate cap, swap or collar, yield maintenance, maturity guarantee or other hedging agreements, equity investments, operating costs, and other related fees, costs, and charges, or to assign, sell, or otherwise transfer bondable transition property.

"Bondable stranded costs rate order" means one or more irrevocable written orders issued by the board pursuant to P.L.1999, c.23 (C.48:3-49 et al.) which determines the amount of bondable stranded costs and the initial amount of transition bond charges authorized to be imposed to recover the bondable stranded costs, including the costs to be financed from the proceeds of the transition bonds, as well as on-going costs associated with servicing and credit enhancing the transition bonds, and provides the electric public utility specific authority to issue or cause to be issued, directly or indirectly, transition bonds through a financing entity and related matters as provided in P.L.1999, c.23 (C.48:3-49 et al.), which order shall become effective immediately upon the written consent of the related electric public utility to the order as provided in P.L.1999, c.23 (C.48:3-49 et al.).

"Bondable transition property" means the property consisting of the irrevocable right to charge, collect, and receive, and be paid from collections of, transition bond charges in the amount necessary to provide for the full recovery of bondable stranded costs which are determined to be recoverable in a bondable stranded costs rate order, all rights of the related electric public utility under the bondable stranded costs rate order including, without limitation, all rights to obtain periodic adjustments of the related transition bond charges pursuant to subsection b. of section 15 of P.L.1999, c.23 (C.48:3-64), and all revenues, collections, payments, money, and proceeds arising under, or with respect to, all of the foregoing.

"British thermal unit" or "Btu" means the amount of heat required to increase the temperature of one pound of water by one degree Fahrenheit.

"Broker" means a duly licensed electric power supplier that assumes the contractual and legal responsibility for the sale of electric generation service, transmission, or other services to end-use retail customers, but does not take title to any of the power sold, or a duly licensed gas supplier that assumes the contractual and legal obligation to provide gas supply service to end-use retail customers, but does not take title to the gas.

"Brownfield" means any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.

"Buydown" means an arrangement or arrangements involving the buyer and seller in a given power purchase contract and, in some cases third parties, for consideration to be given by the buyer in order to effectuate a reduction in the pricing, or the restructuring of other terms to reduce the overall cost of the power contract, for the remaining succeeding period of the purchased power arrangement or arrangements.

"Buyout" means an arrangement or arrangements involving the buyer and seller in a given power purchase contract and, in some cases third parties, for consideration to be given by the buyer in order to effectuate a termination of such power purchase contract.

"Class I renewable energy" means electric energy produced from solar technologies, photovoltaic technologies, wind energy, fuel cells, geothermal technologies, wave or tidal action, small scale hydropower facilities with a capacity of three megawatts or less and put into service after the effective date of P.L.2012, c.24, and methane gas from landfills or a biomass facility, provided that the biomass is cultivated and harvested in a sustainable manner.

"Class II renewable energy" means electric energy produced at a hydropower facility with a capacity of greater than three megawatts, but less than 30 megawatts, or a resource recovery facility, provided that the facility is located where retail competition is permitted and provided further that the Commissioner of Environmental Protection has determined that the facility meets the highest environmental standards and minimizes any impacts to the environment and local communities. Class II renewable energy shall not include electric energy produced at a hydropower facility with a capacity of greater than 30 megawatts on or after the effective date of P.L.2015, c.51.

"Co-generation" means the sequential production of electricity and steam or other forms of useful energy used for industrial or commercial heating and cooling purposes.

"Combined cycle power facility" means a generation facility that combines two or more thermodynamic cycles, by producing electric power via the combustion of fuel and then routing the resulting waste heat by-product to a conventional boiler or to a heat recovery steam generator for use by a steam turbine to produce electric power, thereby increasing the overall efficiency of the generating facility.

"Combined heat and power facility" or "co-generation facility" means a generation facility which produces electric energy and steam or other forms of useful energy such as heat, which are used for industrial or commercial heating or cooling purposes. A combined heat and power facility or co-generation facility shall not be considered a public utility.

"Competitive service" means any service offered by an electric public utility or a gas public utility that the board determines to be competitive pursuant to section 8 or section 10 of P.L.1999, c.23 (C.48:3-56 or C.48:3-58) or that is not regulated by the board.

"Commercial and industrial energy pricing class customer" or "CIEP class customer" means that group of non-residential customers with high peak demand, as determined by periodic board order, which either is eligible or which would be eligible, as determined by periodic board order, to receive funds from the Retail Margin Fund established pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) and for which basic generation service is hourly-priced.

"Comprehensive resource analysis" means an analysis including, but not limited to, an assessment of existing market barriers to the implementation of energy efficiency and renewable technologies that are not or cannot be delivered to customers through a competitive marketplace.

"Connected to the distribution system" means, for a solar electric power generation facility, that the facility is: (1) connected to a net metering customer's side of a meter, regardless of the voltage at which that customer connects to the electric grid; (2) an on-site generation facility; (3) qualified for net metering aggregation as provided pursuant to paragraph (4) of subsection e. of section 38 of P.L.1999, c.23 (C.48:3-87); (4) owned or operated by an electric public utility and approved by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1); (5) directly connected to the electric grid at 69 kilovolts or less, regardless of how an electric public utility classifies that portion of its electric grid, and is designated as "connected to the distribution system" by the board pursuant to subsections q. through s. of section 38 of P.L.1999, c.23 (C.48:3-87); or (6) is certified by the board, in consultation with the Department of Environmental Protection, as being located on a brownfield, on an area of historic fill, or on a properly closed sanitary landfill facility. Any solar electric power generation facility, other than that of a net metering customer on the customer's side of the meter, connected above 69 kilovolts shall not be considered connected to the distribution system.

"Customer" means any person that is an end user and is connected to any part of the transmission and distribution system within an electric public utility's service territory or a gas public utility's service territory within this State.

"Customer account service" means metering, billing, or such other administrative activity associated with maintaining a customer account.

"Delivery year" or "DY" means the 12-month period from June 1st through May 31st, numbered according to the calendar year in which it ends.

"Demand side management" means the management of customer demand for energy service through the implementation of cost-effective energy efficiency technologies, including, but not limited to, installed conservation, load management, and energy efficiency measures on and in the residential, commercial, industrial, institutional, and governmental premises and facilities in this State.

"Electric generation service" means the provision of retail electric energy and capacity which is generated off-site from the location at which the consumption of such electric energy and capacity is metered for retail billing purposes, including agreements and arrangements related thereto.

"Electric power generator" means an entity that proposes to construct, own, lease, or operate, or currently owns, leases, or operates, an electric power production facility that will sell or does sell at least 90 percent of its output, either directly or through a marketer, to a customer or customers located at sites that are not on or contiguous to the site on which the facility will be located or is located. The designation of an entity as an electric power generator for the purposes of P.L.1999, c.23 (C.48:3-49 et al.) shall not, in and of itself, affect the entity's status as an exempt wholesale generator under the Public Utility Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its successor act.

"Electric power supplier" means a person or entity that is duly licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and to assume the contractual and legal responsibility to provide electric generation service to retail customers, and includes load serving entities, marketers, and brokers that offer or provide electric generation service to retail customers. The term excludes an electric public utility that provides electric generation service only as a basic generation service pursuant to section 9 of P.L.1999, c.23 (C.48:3-57).

"Electric public utility" means a public utility, as that term is defined in R.S.48:2-13, that transmits and distributes electricity to end users within this State.

"Electric related service" means a service that is directly related to the consumption of electricity by an end user, including, but not limited to, the installation of demand side management measures at the end user's premises, the maintenance, repair, or replacement of appliances, lighting, motors, or other energy-consuming devices at the end user's premises, and the provision of energy consumption measurement and billing services.

"Electronic signature" means an electronic sound, symbol, or process, attached to, or logically associated with, a contract or other record, and executed or adopted by a person with the intent to sign the record.

"Eligible generator" means a developer of a base load or mid-merit electric power generation facility including, but not limited to, an on-site generation facility that qualifies as a capacity resource under PJM criteria and that commences construction after the effective date of P.L.2011, c.9 (C.48:3-98.2 et al.).

"Energy agent" means a person that is duly registered pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.), that arranges the sale of retail electricity or electric related services, or retail gas supply or gas related services, between government aggregators or private aggregators and electric power suppliers or gas suppliers, but does not take title to the electric or gas sold.

"Energy consumer" means a business or residential consumer of electric generation service or gas supply service located within the territorial jurisdiction of a government aggregator.

"Energy efficiency portfolio standard" means a requirement to procure a specified amount of energy efficiency or demand side management resources as a means of managing and reducing energy usage and demand by customers.

"Energy year" or "EY" means the 12-month period from June 1st through May 31st, numbered according to the calendar year in which it ends.

"Existing business relationship" means a relationship formed by a voluntary two-way communication between an electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer and a customer, regardless of an exchange of consideration, on the basis of an inquiry, application, purchase, or transaction initiated by the customer regarding products or services offered by the electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer; however, a consumer's use of electric generation service or gas supply service through the consumer's electric public utility or gas public utility shall not constitute or establish an existing business relationship for the purpose of P.L.2013, c.263.

"Farmland" means land actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

"Federal Energy Regulatory Commission" or "FERC" means the federal agency established pursuant to 42 U.S.C. s.7171 et seq. to regulate the interstate transmission of electricity, natural gas, and oil.

"Final remediation document" shall have the same meaning as provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

"Financing entity" means an electric public utility, a special purpose entity, or any other assignee of bondable transition property, which issues transition bonds. Except as specifically provided in P.L.1999, c.23 (C.48:3-49 et al.), a financing entity which is not itself an electric public utility shall not be subject to the public utility requirements of Title 48 of the Revised Statutes or any rules or regulations adopted pursuant thereto.



"Gas public utility" means a public utility, as that term is defined in R.S.48:2-13, that distributes gas to end users within this State.

"Gas related service" means a service that is directly related to the consumption of gas by an end user, including, but not limited to, the installation of demand side management measures at the end user's premises, the maintenance, repair or replacement of appliances or other energy-consuming devices at the end user's premises, and the provision of energy consumption measurement and billing services.

"Gas supplier" means a person that is duly licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and assume the contractual and legal obligation to provide gas supply service to retail customers, and includes, but is not limited to, marketers and brokers. A non-public utility affiliate of a public utility holding company may be a gas supplier, but a gas public utility or any subsidiary of a gas utility is not a gas supplier. In the event that a gas public utility is not part of a holding company legal structure, a related competitive business segment of that gas public utility may be a gas supplier, provided that related competitive business segment is structurally separated from the gas public utility, and provided that the interactions between the gas public utility and the related competitive business segment are subject to the affiliate relations standards adopted by the board pursuant to subsection k. of section 10 of P.L.1999, c.23 (C.48:3-58).

"Gas supply service" means the provision to customers of the retail commodity of gas, but does not include any regulated distribution service.

"Government aggregator" means any government entity subject to the requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., or the "County College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written contract with a licensed electric power supplier or a licensed gas supplier for: (1) the provision of electric generation service, electric related service, gas supply service, or gas related service for its own use or the use of other government aggregators; or (2) if a municipal or county government, the provision of electric generation service or gas supply service on behalf of business or residential customers within its territorial jurisdiction.

"Government energy aggregation program" means a program and procedure pursuant to which a government aggregator enters into a written contract for the provision of electric generation service or gas supply service on behalf of business or residential customers within its territorial jurisdiction.

"Governmental entity" means any federal, state, municipal, local, or other governmental department, commission, board, agency, court, authority, or instrumentality having competent jurisdiction.

"Greenhouse gas emissions portfolio standard" means a requirement that addresses or limits the amount of carbon dioxide emissions indirectly resulting from the use of electricity as applied to any electric power suppliers and basic generation service providers of electricity.

"Historic fill" means generally large volumes of non-indigenous material, no matter what date they were emplaced on the site, used to raise the topographic elevation of a site, which were contaminated prior to emplacement and are in no way connected with the operations at the location of emplacement and which include, but are not limited to, construction debris, dredge spoils, incinerator residue, demolition debris, fly ash, and non-hazardous solid waste. "Historic fill" shall not include any material which is substantially chromate chemical production waste or any other chemical production waste or waste from processing of metal or mineral ores, residues, slags, or tailings.

"Incremental auction" means an auction conducted by PJM, as part of PJM's reliability pricing model, prior to the start of the delivery year to secure electric capacity as necessary to satisfy the capacity requirements for that delivery year, that is not otherwise provided for in the base residual auction.

"Leakage" means an increase in greenhouse gas emissions related to generation sources located outside of the State that are not subject to a state, interstate, or regional greenhouse gas emissions cap or standard that applies to generation sources located within the State.

"Locational deliverability area" or "LDA" means one or more of the zones within the PJM region which are used to evaluate area transmission constraints and reliability issues including electric public utility company zones, sub-zones, and combinations of zones.

"Long-term capacity agreement pilot program" or "LCAPP" means a pilot program established by the board that includes participation by eligible generators, to seek offers for financially-settled standard offer capacity agreements with eligible generators pursuant to the provisions of P.L.2011, c.9 (C.48:3-98.2 et al.).

"Market transition charge" means a charge imposed pursuant to section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public utility, at a level determined by the board, on the electric public utility customers for a limited duration transition period to recover stranded costs created as a result of the introduction of electric power supply competition pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

"Marketer" means a duly licensed electric power supplier that takes title to electric energy and capacity, transmission and other services from electric power generators and other wholesale suppliers and then assumes the contractual and legal obligation to provide electric generation service, and may include transmission and other services, to an end-use retail customer or customers, or a duly licensed gas supplier that takes title to gas and then assumes the contractual and legal obligation to provide gas supply service to an end-use customer or customers.

"Mid-merit electric power generation facility" means a generation facility that operates at a capacity factor between baseload generation facilities and peaker generation facilities.

"Net metering aggregation" means a procedure for calculating the combination of the annual energy usage for all facilities owned by a single customer where such customer is a State entity, school district, county, county agency, county authority, municipality, municipal agency, or municipal authority, and which are served by a solar electric power generating facility as provided pursuant to paragraph (4) of subsection e. of section 38 of P.L.1999, c.23 (C.48:3-87).

"Net proceeds" means proceeds less transaction and other related costs as determined by the board.

"Net revenues" means revenues less related expenses, including applicable taxes, as determined by the board.

"Offshore wind energy" means electric energy produced by a qualified offshore wind project.

"Offshore wind renewable energy certificate" or "OREC" means a certificate, issued by the board or its designee, representing the environmental attributes of one megawatt hour of electric generation from a qualified offshore wind project.

"Off-site end use thermal energy services customer" means an end use customer that purchases thermal energy services from an on-site generation facility, combined heat and power facility, or co-generation facility, and that is located on property that is separated from the property on which the on-site generation facility, combined heat and power facility, or co-generation facility is located by more than one easement, public thoroughfare, or transportation or utility-owned right-of-way.

"On-site generation facility" means a generation facility, including, but not limited to, a generation facility that produces Class I or Class II renewable energy, and equipment and services appurtenant to electric sales by such facility to the end use customer located on the property or on property contiguous to the property on which the end user is located. An on-site genera-

tion facility shall not be considered a public utility. The property of the end use customer and the property on which the on-site generation facility is located shall be considered contiguous if they are geographically located next to each other, but may be otherwise separated by an easement, public thoroughfare, transportation or utility-owned right-of-way, or if the end use customer is purchasing thermal energy services produced by the on-site generation facility, for use for heating or cooling, or both, regardless of whether the customer is located on property that is separated from the property on which the on-site generation facility is located by more than one easement, public thoroughfare, or transportation or utility-owned right-of-way.

"Person" means an individual, partnership, corporation, association, trust, limited liability company, governmental entity, or other legal entity.

"PJM Interconnection, L.L.C." or "PJM" means the privately-held, limited liability corporation that is a FERC-approved Regional Transmission Organization, or its successor, that manages the regional, high-voltage electricity grid serving all or parts of 13 states including New Jersey and the District of Columbia, operates the regional competitive wholesale electric market, manages the regional transmission planning process, and establishes systems and rules to ensure that the regional and in-State energy markets operate fairly and efficiently.

"Preliminary assessment" shall have the same meaning as provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

"Private aggregator" means a non-government aggregator that is a duly-organized business or non-profit organization authorized to do business in this State that enters into a contract with a duly licensed electric power supplier for the purchase of electric energy and capacity, or with a duly licensed gas supplier for the purchase of gas supply service, on behalf of multiple end-use customers by combining the loads of those customers.

"Properly closed sanitary landfill facility" means a sanitary landfill facility, or a portion of a sanitary landfill facility, for which performance is complete with respect to all activities associated with the design, installation, purchase, or construction of all measures, structures, or equipment required by the Department of Environmental Protection, pursuant to law, in order to prevent, minimize, or monitor pollution or health hazards resulting from a sanitary landfill facility subsequent to the termination of operations at any portion thereof, including, but not necessarily limited to, the placement of earthen or vegetative cover, and the installation of methane gas vents or monitors and leachate monitoring wells or collection systems at the site of any sanitary landfill facility.

"Public utility holding company" means: (1) any company that, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of an electric public utility or a gas public utility or of a company which is a public utility holding company by virtue of this definition, unless the Securities and Exchange Commission, or its successor, by order declares such company not to be a public utility holding company under the Public Utility Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the Securities and Exchange Commission, or its successor, determines, after notice and opportunity for hearing, directly or indirectly, to exercise, either alone or pursuant to an arrangement or understanding with one or more other persons, such a controlling influence over the management or policies of an electric public utility or a gas public utility or public utility holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such person be subject to the obligations, duties, and liabilities imposed in the Public Utility Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its successor act.

"Qualified offshore wind project" means a wind turbine electricity generation facility in the Atlantic Ocean and connected to the electric transmission system in this State, and includes the associated transmission-related interconnection facilities and equipment, and approved by the board pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1).

"Registration program" means an administrative process developed by the board pursuant to subsection u. of section 38 of P.L.1999, c.23 (C.48:3-87) that requires all owners of solar electric power generation facilities connected to the distribution system that intend to generate SRECs, to file with the board documents detailing the size, location, interconnection plan, land use, and other project information as required by the board.

"Regulatory asset" means an asset recorded on the books of an electric public utility or gas public utility pursuant to the Statement of Financial Accounting Standards, No. 71, entitled "Accounting for the Effects of Certain Types of Regulation," or any successor standard and as deemed recoverable by the board.

"Related competitive business segment of an electric public utility or gas public utility" means any business venture of an electric public utility or gas public utility including, but not limited to, functionally separate business units, joint ventures, and partnerships, that offers to provide or provides competitive services.

"Related competitive business segment of a public utility holding company" means any business venture of a public utility holding company, in-

cluding, but not limited to, functionally separate business units, joint ventures, and partnerships and subsidiaries, that offers to provide or provides competitive services, but does not include any related competitive business segments of an electric public utility or gas public utility.

"Reliability pricing model" or "RPM" means PJM's capacity-market model, and its successors, that secures capacity on behalf of electric load serving entities to satisfy load obligations not satisfied through the output of electric generation facilities owned by those entities, or otherwise secured by those entities through bilateral contracts.

"Renewable energy certificate" or "REC" means a certificate representing the environmental benefits or attributes of one megawatt-hour of generation from a generating facility that produces Class I or Class II renewable energy, but shall not include a solar renewable energy certificate or an offshore wind renewable energy certificate.

"Resource clearing price" or "RCP" means the clearing price established for the applicable locational deliverability area by the base residual auction or incremental auction, as determined by the optimization algorithm for each auction, conducted by PJM as part of PJM's reliability pricing model.

"Resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse, which the Department of Environmental Protection has determined to be in compliance with current environmental standards, including, but not limited to, all applicable requirements of the federal "Clean Air Act" (42 U.S.C. s.7401 et seq.).

"Restructuring related costs" means reasonably incurred costs directly related to the restructuring of the electric power industry, including the closure, sale, functional separation, and divestiture of generation and other competitive utility assets by a public utility, or the provision of competitive services as those costs are determined by the board, and which are not stranded costs as defined in P.L.1999, c.23 (C.48:3-49 et al.) but may include, but not be limited to, investments in management information systems, and which shall include expenses related to employees affected by restructuring which result in efficiencies and which result in benefits to ratepayers, such as training or retraining at the level equivalent to one year's training at a vocational or technical school or county community college, the provision of severance pay of two weeks of base pay for each year of full-time employment, and a maximum of 24 months' continued health care coverage. Except as to expenses related to employees affected by restructuring, "restructuring related costs" shall not include going forward costs.

"Retail choice" means the ability of retail customers to shop for electric generation or gas supply service from electric power or gas suppliers, or opt to receive basic generation service or basic gas service, and the ability of an electric power or gas supplier to offer electric generation service or gas supply service to retail customers, consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

"Retail margin" means an amount, reflecting differences in prices that electric power suppliers and electric public utilities may charge in providing electric generation service and basic generation service, respectively, to retail customers, excluding residential customers, which the board may authorize to be charged to categories of basic generation service customers of electric public utilities in this State, other than residential customers, under the board's continuing regulation of basic generation service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57), for the purpose of promoting a competitive retail market for the supply of electricity.

"Sales representative" means a person employed by, acting on behalf of, or as an independent contractor for, an electric power supplier, gas supplier, broker, energy agent, marketer, or private aggregator who, by any means, solicits a potential residential customer for the provision of electric generation service or gas supply service.

"Sanitary landfill facility" shall have the same meaning as provided in section 3 of P.L.1970, c.39 (C.13:1E-3).

"School district" means a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes, a county special services school district established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes, a county vocational school district established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes, and a district under full State intervention pursuant to P.L.1987, c.399 (C.18A:7A-34 et al.).

"Shopping credit" means an amount deducted from the bill of an electric public utility customer to reflect the fact that the customer has switched to an electric power supplier and no longer takes basic generation service from the electric public utility.

"Site investigation" shall have the same meaning as provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

"Small scale hydropower facility" means a facility located within this State that is connected to the distribution system, and that meets the requirements of, and has been certified by, a nationally recognized low-impact hydropower organization that has established low-impact hydropower certification criteria applicable to: (1) river flows; (2) water quality;

(3) fish passage and protection; (4) watershed protection; (5) threatened and endangered species protection; (6) cultural resource protection; (7) recreation; and (8) facilities recommended for removal.

"Social program" means a program implemented with board approval to provide assistance to a group of disadvantaged customers, to provide protection to consumers, or to accomplish a particular societal goal, and includes, but is not limited to, the winter moratorium program, utility practices concerning "bad debt" customers, low income assistance, deferred payment plans, weatherization programs, and late payment and deposit policies, but does not include any demand side management program or any environmental requirements or controls.

"Societal benefits charge" means a charge imposed by an electric public utility, at a level determined by the board, pursuant to, and in accordance with, section 12 of P.L.1999, c.23 (C.48:3-60).

"Solar alternative compliance payment" or "SACP" means a payment of a certain dollar amount per megawatt hour (MWh) which an electric power supplier or provider may submit to the board in order to comply with the solar electric generation requirements under section 38 of P.L.1999, c.23 (C.48:3-87).

"Solar renewable energy certificate" or "SREC" means a certificate issued by the board or its designee, representing one megawatt hour (MWh) of solar energy that is generated by a facility connected to the distribution system in this State and has value based upon, and driven by, the energy market.

"Standard offer capacity agreement" or "SOCA" means a financially-settled transaction agreement, approved by board order, that provides for eligible generators to receive payments from the electric public utilities for a defined amount of electric capacity for a term to be determined by the board but not to exceed 15 years, and for such payments to be a fully non-bypassable charge, with such an order, once issued, being irrevocable.

"Standard offer capacity price" or "SOCP" means the capacity price that is fixed for the term of the SOCA and which is the price to be received by eligible generators under a board-approved SOCA.

"State entity" means a department, agency, or office of State government, a State university or college, or an authority created by the State.

"Stranded cost" means the amount by which the net cost of an electric public utility's electric generating assets or electric power purchase commitments, as determined by the board consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.), exceeds the market value of those assets or contractual commitments in a competitive supply marketplace and the costs of buydowns or buyouts of power purchase contracts.



"Stranded costs recovery order" means each order issued by the board in accordance with subsection c. of section 13 of P.L.1999, c.23 (C.48:3-61) which sets forth the amount of stranded costs, if any, the board has determined an electric public utility is eligible to recover and collect in accordance with the standards set forth in section 13 of P.L.1999, c.23 (C.48:3-61) and the recovery mechanisms therefor.

"Telemarketer" shall have the same meaning as set forth in section 2 of P.L.2003, c.76 (C.56:8-120).

"Telemarketing sales call" means a telephone call made by a telemarketer to a potential residential customer as part of a plan, program, or campaign to encourage the customer to change the customer's electric power supplier or gas supplier. A telephone call made to an existing customer of an electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, or sales representative, for the sole purpose of collecting on accounts or following up on contractual obligations, shall not be deemed a telemarketing sales call. A telephone call made in response to an express written request of a customer shall not be deemed a telemarketing sales call.

"Thermal efficiency" means the useful electric energy output of a facility, plus the useful thermal energy output of the facility, expressed as a percentage of the total energy input to the facility.

"Transition bond charge" means a charge, expressed as an amount per kilowatt hour, that is authorized by and imposed on electric public utility ratepayers pursuant to a bondable stranded costs rate order, as modified at any time pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

"Transition bonds" means bonds, notes, certificates of participation, beneficial interest, or other evidences of indebtedness or ownership issued pursuant to an indenture, contract, or other agreement of an electric public utility or a financing entity, the proceeds of which are used, directly or indirectly, to recover, finance or refinance bondable stranded costs and which are, directly or indirectly, secured by or payable from bondable transition property. References in P.L.1999, c.23 (C.48:3-49 et al.) to principal, interest, and acquisition or redemption premium with respect to transition bonds which are issued in the form of certificates of participation or beneficial interest or other evidences of ownership shall refer to the comparable payments on such securities.

"Transition period" means the period from August 1, 1999 through July 31, 2003.

"Transmission and distribution system" means, with respect to an electric public utility, any facility or equipment that is used for the transmission, distribution, or delivery of electricity to the customers of the electric public

utility including, but not limited to, the land, structures, meters, lines, switches, and all other appurtenances thereof and thereto, owned or controlled by the electric public utility within this State.

"Universal service" means any service approved by the board with the purpose of assisting low-income residential customers in obtaining or retaining electric generation or delivery service.

"Unsolicited advertisement" means any advertising claims of the commercial availability or quality of services provided by an electric power supplier, gas supplier, broker, energy agent, marketer, private aggregator, sales representative, or telemarketer which is transmitted to a potential customer without that customer's prior express invitation or permission.

2. This act shall take effect immediately.

Approved May 7, 2015.

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## CHAPTER 52

AN ACT concerning certain police departments and amending P.L.1996, c.115.

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

1. Section 10 of P.L.1996, c.115 (C.40A:14-181) is amended to read as follows:

**C.40A:14-181 Adoption of guidelines for internal affairs by law enforcement agency.**

10. Every law enforcement agency, including a police department of an institution of higher education established pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), shall adopt and implement guidelines which shall be consistent with the guidelines governing the "Internal Affairs Policy and Procedures" of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice in the Department of Law and Public Safety, and shall be consistent with any tenure or civil service laws, and shall not supersede any existing contractual agreements.

2. This act shall take effect on the first day of the fourth month after enactment.

Approved May 7, 2015.

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## CHAPTER 53

AN ACT concerning measurement of elder economic security and supplementing Title 44 of the Revised Statutes .

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

**C.44:15-1 Findings, declarations relative to elder economic security.**

1. The Legislature finds and declares that low-income elderly residents of the State are pressured by a widening gap between their increasing housing, health care, fuel, and utility expenses and their fixed incomes. Unfortunately, when income falls short of needs, the value of public support programs is often compromised by insufficient funding, low income limits, and asset limits that discourage savings.

The New Jersey Elder Economic Security Standard Index (NJ Elder Index) is a tool that measures the income older adults require to make ends meet and to remain in their own homes. The NJ Elder Index and related data helps elders and policymakers quantify elder economic security; examine the components of economically secure elders' basic expenses; measure how well public policies can help fill these gaps; evaluate current income support programs' ability to move individuals toward economic security; calculate New Jersey's elder economic insecurity rate; and identify who is most likely to lack security.

**C.44:15-2 Utilization of NJ Elder Index by DHS.**

2. a. The Department of Human Services shall utilize the NJ Elder Index to improve the coordination and delivery of public benefits and services to older adults residing in the State and as a planning tool to allocate public resources more efficiently.

b. The department shall update the NJ Elder Index annually using the most recent publicly available data on the costs to live in each county of the State. The department shall further provide the number and percentage of single elder and elder couple households with incomes below the Index by gender, by housing status, by race and ethnicity, and by age 65 to 74 years and 75 or more years, as data sources allow. The data sources to be used shall include:

(1) fair market rents, published by the U.S. Department of Housing and Urban Development;

(2) home ownership costs, published by the U.S. Census Bureau in the American Community Survey Public Use Microdata Sample;

(3) the low-cost food plan, published by the U.S. Department of Agriculture;

(4) Medicare Part A and Part B and out-of-pocket costs, published by the U.S. Department of Health & Human Services;

(5) Medicare Advantage and Part D contract and enrollment data, published by the U.S. Department of Health & Human Services;

(6) annual miles driven by seniors, from the National Household Travel Survey, published by the U.S. Department of Transportation;

(7) automobile operation costs per miles driven, published by the U.S. Internal Revenue Service; and

(8) miscellaneous expenses, including clothing, shoes, paper products, cleaning products, household items, personal hygiene items, and a landline telephone, calculated at 20 percent of housing, food, health care, and transportation.

c. In addition to the core NJ Elder Index, long-term care costs shall be calculated as a significant element of elders' living costs. The department shall calculate home and community-based long-term care costs. Projections shall include weekly costs for six hours, 16 hours, and 36 hours, with and without adult day services. Data sources to be used in determining these costs shall include:

(1) public long-term care costs for homemakers, home health aides, case management, and adult day health services and transportation rates, provided by the New Jersey Department of Human Services; and

(2) private long-term care costs, published in the Genworth Cost of Care Survey and adjusted according to the Consumer Price Index published by the U.S. Bureau of Labor Statistics.

d. When updating the NJ Elder Index and related data pursuant to this section, the department shall provide the NJ Elder Index and related data for the State and each county and any other geographic unit for which index data is deemed relevant and desirable.

**C.44:15-3 Report by department; referral to NJ Elder Index and related data.**

3. a. In any case in which the department reports on the incomes of public benefit participants, the department shall compare participant incomes to their local county NJ Elder Index.

b. The department shall refer to the NJ Elder Index and related data when:

- (1) making recommendations for funding to the Governor and the Legislature;
- (2) establishing public benefit income eligibility limits;
- (3) calculating the change in economic security levels in order to benchmark the impact of public benefit programs for seniors;
- (4) designing public outreach programs; and
- (5) evaluating case management initiatives that capture the incomes of public benefit program participants and track the impact of the resulting economic security benefit for these participants.

**C.44:15-4 Compliance subject to appropriation of sufficient funds, funding availability, resources.**

4. Compliance with the requirements of P.L.2015, c.53 (C.44:15-1 et seq.) shall be subject to the appropriation of sufficient funds and the availability of sufficient resources. If sufficient funds and resources are unavailable to the department to enable full compliance with the provisions of P.L.2015, c.53 (C.44:15-1 et seq.), the department shall comply with its provisions to the extent possible within the limits of available funding and resources.

5. This act shall take effect immediately.

Approved May 7, 2015.

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CHAPTER 54

AN ACT concerning motor vehicle insurance identification cards and amending R.S.39:3-29 and P.L.1972, c.200.

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

1. R.S.39:3-29 is amended to read as follows:

**License, registration certificate and insurance identification; possession; exhibit upon request; violations; fine; defense; certain fines to Omnibus Safety Enforcement Fund.**

39:3-29. The driver's license, the registration certificate of a motor vehicle and an insurance identification card shall be in the possession of the driver or operator at all times when he is in charge of a motor vehicle on the highways of this State.

The driver or operator shall exhibit his driver's license and an insurance identification card, and the holder of a registration certificate or the opera-

tor or driver of a motor vehicle for which a registration certificate has been issued, whether or not the holder, driver or operator is a resident of this State, shall also exhibit the registration certificate, when requested so to do by a police officer or judge, while in the performance of the duties of his office, and shall write his name in the presence of the officer, so that the officer may thereby determine the identity of the licensee and at the same time determine the correctness of the registration certificate, as it relates to the registration number and number plates of the motor vehicle for which it was issued; and the correctness of the evidence of a policy of insurance, as it relates to the coverage of the motor vehicle for which it was issued.

The insurance identification card may be displayed or provided in either paper or electronic form. For the purposes of this section, "electronic form" means the display of images on an electronic device, such as a cellular telephone, tablet, or computer.

The use of a cellular telephone, tablet, computer, or any other electronic device to display proof of insurance does not constitute consent for a police officer or judge to access any other contents on the device. Any police officer or judge presented with an electronic device pursuant to this section shall be immune from any liability resulting from damage to the device.

Any person violating this section shall be subject to a fine of \$150, except that if the person is a driver or operator of an omnibus, as defined pursuant to R.S.39:1-1, the amount of the fine shall be \$250. Of the amount of any such fine collected pursuant to this paragraph, \$25 shall be deposited in the Uninsured Motorist Prevention Fund established by section 2 of P.L.1983, c.141 (C.39:6B-3).

If a person charged with a violation of this section can exhibit his driver's license, insurance identification card and registration certificate, which were valid on the day he was charged, to the judge of the municipal court before whom he is summoned to answer to the charge, such judge may dismiss the charge. However, the judge may impose court costs.

In addition to and independent of any fine or other penalty provided for under law, the court shall impose a fine of \$150 on any driver or operator of an omnibus, convicted of a violation of this section, who does not have a certificate of public convenience and necessity as required pursuant to R.S.48:4-3. The State Treasurer shall annually deposit the monies collected from the fines imposed pursuant to this paragraph to the "Omnibus Safety Enforcement Fund" established pursuant to section 4 of P.L.2007, c.40 (C.39:3-79.23). The fine described herein shall not be deemed a fine, penalty, or forfeiture pursuant to R.S.39:5-41.

2. Section 2 of P.L.1972, c.200 (C.39:3-29.1) is amended to read as follows:

**C.39:3-29.1 Insurance identification cards; rules, regulations.**

2. The Commissioner of Banking and Insurance shall, after consultation with the New Jersey Motor Vehicle Commission, promulgate rules and regulations concerning the issuance, design and content of the insurance identification cards required by this act.

The rules and regulations shall:

- (1) contain provisions designed to deter and detect counterfeit or fraudulent insurance identification cards; and
- (2) provide for an electronic form for the display of insurance identification cards as provided in R.S.39:3-29.

3. This act shall take effect immediately.

Approved May 7, 2015.

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CHAPTER 55

AN ACT concerning restitution and amending P.L.1979, c.396.

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

1. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read as follows:

**C.2C:46-4 Fines, assessments, penalties, restitution; collection; disposition.**

3. a. All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) and restitution shall be collected as follows:

- (1) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1

of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) and restitution imposed by the Superior Court or otherwise imposed at the county level, shall be collected by the county probation division except when such fine, assessment or restitution is imposed in conjunction with a custodial sentence to a State correctional facility or in conjunction with a term of incarceration imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event such fine, assessment or restitution shall be collected by the Department of Corrections or the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State correctional institution or a juvenile serving a term of incarceration imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) or restitution shall have the assessment, penalty, fine or restitution deducted from any income the inmate receives as a result of labor performed at the institution or on any type of work release program or, pursuant to regulations promulgated by the Commissioner of the Department of Corrections or the Juvenile Justice Commission, from any personal account established in the institution for the benefit of the inmate.

(a) A payment of restitution collected by the Department of Corrections pursuant to this paragraph shall be maintained by the department for two years during which the department shall attempt to locate the victim to whom the restitution is owed. If the department has not located the victim and the victim has not come forward to claim the payment within this two-year period, the payment shall be transferred to the Victims of Crime Compensation Office Account to be used in satisfying claims pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.).

(b) If the Department of Corrections has transferred a payment of restitution to the Victims of Crime Compensation Office pursuant to subparagraph (a) of this paragraph, the department shall provide the office with the order for restitution and any other information regarding the identity of the victim to whom the payment is owed. The office shall be responsible for maintaining this information and for distributing payments of restitution to victims who can prove they are owed the payments.



(2) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed by a municipal court shall be collected by the municipal court administrator except if such fine, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered as a condition of probation in which event it shall be collected by the county probation division.

b. Except as provided in subsection c. with respect to fines imposed on appeals following convictions in municipal courts and except as provided in subsection i. with respect to restitution imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.), all fines imposed by the Superior Court or otherwise imposed at the county level, shall be paid over by the officer entitled to collect same to:

(1) The county treasurer with respect to fines imposed on defendants who are sentenced to and serve a custodial term, including a term as a condition of probation, in the county jail, workhouse or penitentiary except where such county sentence is served concurrently with a sentence to a State institution; or

(2) The State Treasurer with respect to all other fines.

c. All fines imposed by municipal courts, except a central municipal court established pursuant to N.J.S.2B:12-1 on defendants convicted of crimes, disorderly persons offenses and petty disorderly persons offenses, and all fines imposed following conviction on appeal therefrom, and all forfeitures of bail shall be paid over by the officer entitled to collect same to the treasury of the municipality wherein the municipal court is located.

In the case of an intermunicipal court, fines shall be paid into the municipal treasury of the municipality in which the offense was committed, and costs, fees, and forfeitures of bail shall be apportioned among the several municipalities to which the court's jurisdiction extends according to the ratios of the municipalities' contributions to the total expense of maintaining the court.

In the case of a central municipal court, established by a county pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail shall be paid into the county treasury of the county where the central municipal court is located.

d. All assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided in that section.

e. All mandatory Drug Enforcement and Demand Reduction penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded and deposited as provided for in that section.

f. All forensic laboratory fees assessed pursuant to N.J.S.2C:35-20 shall be forwarded and deposited as provided for in that section.

g. All restitution ordered to be paid to the Victims of Crime Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded to the office for deposit in the Victims of Crime Compensation Office Account.

h. All assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided in that section.

i. All restitution imposed on defendants under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law enforcement entity in extraditing the defendant from another jurisdiction shall be paid over by the officer entitled to collect same to the law enforcement entities which participated in the extradition of the defendant.

j. All penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided in that section.

k. All penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in that section.

l. All mandatory penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as provided in that section.

m. All mandatory Computer Crime Prevention penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8) shall be forwarded and deposited as provided in that section.

n. All mandatory Sex Offender Supervision penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be forwarded and deposited as provided in that section.

2. This act shall take effect on the first day of the seventh month after enactment.

Approved May 11, 2015.

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## CHAPTER 56

AN ACT concerning qualified municipalities and amending P.L.1996, c.62.

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

1. Section 3 of P.L.1996, c.62 (C.55:19-22) is amended to read as follows:

**C.55:19-22 Definitions relative to urban redevelopment.**

3. As used in P.L.1996, c.62 (C.55:19-20 et al.), except as otherwise clearly required by the context:

"Authority" means the New Jersey Redevelopment Authority established pursuant to section 4 of P.L.1996, c.62 (C.55:19-23).

"Council" means the Urban Coordinating Council established pursuant to section 45 of P.L.1996, c.62 (C.55:19-60).

"Department" means the Department of Commerce and Economic Development.

"Project" means a specific work or improvement, including lands, buildings, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, constructed, reconstructed, rehabilitated or improved by the authority or a subsidiary, or by any other person, firm or corporation under agreement with the authority or subsidiary pursuant to the provisions of P.L.1996, c.62 (C.55:19-20 et al.) in a qualified municipality, and which falls within any of the following classifications:

(1) "Industrial project"--a project designed and intended to provide facilities for manufacturing, industrial, commercial, wholesale, retail, warehousing, or research and development purposes, including but not limited to machinery and equipment deemed necessary for the operation thereof, when the authority finds that there is a compelling public need to undertake such project.

(2) "Land-use improvement project"--a project for the clearance, replanning, reconstruction, rehabilitation, renewal, redevelopment, conservation, restoration or improvement of an area, in cooperation or under agreement with a qualified municipality which has designated the area in need of redevelopment.

(3) "Civil project"--a project designed and intended to provide facilities for educational, cultural, health, recreational, community or other civic purposes.

(4) "Utility project"--a project designed and intended to provide facilities for provision of water, sewerage, solid waste disposal, transportation, utility or other public services necessary for the accommodation of a project of another classification undertaken pursuant to P.L.1996, c.62 (C.55:19-20 et al.), but accommodation of needs greater than those of the other project may be encompassed.

(5) "Mixed-use project"--a project consisting of housing development and commercial development, in which the prorated cost of the housing development is equivalent to no more than one-third of the cost of the total project.

(6) "Multi-purpose project"--a project combining the purposes of two or more of the foregoing classifications.

"Qualified municipality" means any municipality which at the time of the initiation of a project was either eligible to receive aid under the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.) or was coextensive with a school district which qualified for designation as a "special needs district" pursuant to the "Quality Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et seq.) or, if no municipality in a county meets these requirements, the Commissioner of Community Affairs may nominate one municipality in that county for inclusion. The nominated municipality must have a rank in the top 20% of the current Municipal Distress Index (MDI), as promulgated by the Division of Housing and Community Resources in the Department of Community Affairs, and be approved by the New Jersey Redevelopment Authority Board. If approved, the municipality shall be eligible to participate in the program for a period of five years and may, thereafter, be re-nominated by the commissioner every five years.

"Subsidiary" means a subsidiary corporation formed by the authority pursuant to section 8 of P.L.1996, c.62 (C.55:19-27).

2. This act shall take effect immediately.

Approved May 11, 2015.

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## CHAPTER 57

AN ACT designating a portion of State Highway Route 17 in Waldwick Borough as the "Christopher Goodell Memorial Highway."

WHEREAS, Christopher Goodell graduated from Waldwick High School in 2000, served the country honorably in the Marines for eight years, and was a five-year veteran of the Waldwick police force; and

WHEREAS, Christopher Goodell was killed in the line of duty on Thursday, July 17th when a tractor trailer struck the officer while he was operating radar on State Highway Route 17; and

WHEREAS, Mr. Goodell has been described and should be remembered as an outstanding and proactive law enforcement officer and outstanding person who loved his country, his town, and his police department; and

WHEREAS, It is altogether fitting and proper that the State of New Jersey recognize Officer Goodell's service to the people of this State and the

country by designating that portion of State Highway Route No. 17 in the Borough of Waldwick as the “Christopher Goodell Memorial Highway”; now, therefore,

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

1. The Commissioner of Transportation shall designate that portion of State Highway Route No. 17 in the Borough of Waldwick as the “Christopher Goodell Memorial Highway” and erect appropriate signs bearing this designation and dedication.

2. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with such private sources, including, but not limited to, non-governmental non-profit, educational, or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the department until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved May 11, 2015.

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## CHAPTER 58

AN ACT designating a portion of State Highway Route No. 15 as the “Senator Robert E. Littell Memorial Highway.”

WHEREAS, The Honorable Robert E. Littell, was an extraordinary public servant who served the people of New Jersey for four decades as a member of the New Jersey Legislature; and

WHEREAS, Born on January 9, 1936, Senator Littell was a lifelong resident of New Jersey who grew up in Sussex County and attended Franklin High School and the Hun School in Princeton; and

WHEREAS, Senator Littell served his country in the Marine Corps for three years during the Korean War and received an honorable discharge in 1956; and

WHEREAS, As a pillar of the community in Sussex County, Senator Littell served on the Franklin Borough Council from 1963 to 1965, in the New Jersey General Assembly from 1968 to 1990, and in the New Jersey Senate from 1990 until 2008; and

WHEREAS, Upon his retirement on January 8, 2008, Senator Littell was the longest serving member of the New Jersey Legislature, having served for 40 years; and

WHEREAS, While serving in the Senate, Senator Littell served as the chair of the Budget and Appropriations Committee, co-chair of the Joint Budget Oversight Committee, and a member of the Legislative Services Commission; and

WHEREAS, As a resident of rural Sussex County, Senator Littell was always cognizant of the important role that farming played in many communities and on the local economy, and had a significant impact on State agriculture by sponsoring legislation that led to the creation of the Commission on Open Space, the formation of the Garden State Preservation Trust, the preservation of Sterling Forest, and the establishment of the Farmland Preservation Program; and

WHEREAS, Senator Littell was integral in many initiatives that improved the quality of life enjoyed by New Jersey residents, including expanding Interstate 80, requiring stopped school buses to extend a stop sign from the vehicle, and enacting the Taxpayer's Bill of Rights; and

WHEREAS, During his tenure in the Legislature, Senator Littell assisted in opening two centers for child abuse victims, Ginnie's House of Sussex County, named for his wife Virginia Littell, and Wynona's House of Essex County, named for the late State Senator Wynona Lipman of Essex County; and

WHEREAS, Senator Littell served the community in numerous capacities, including as a member of the Centenary College of New Jersey Board of Trustees, the Sussex County Peace Officers Association, the Franklin Volunteer Fire Department, and as the chair of the local fundraising efforts for the American Cancer Society and the March of Dimes; and

WHEREAS, Senator Littell, who passed away on November 14, 2014, was a dedicated legislator as well as a loving husband, father, and grandfather

whose memory will live on in the hearts of his family, friends, and the citizens of New Jersey whose lives he impacted; and

WHEREAS, It is fitting and proper for the Legislature of the State of New Jersey to honor the memory of Senator Robert E. Littell for his contributions to the Legislature and his unwavering devotion to the people of Sussex County and the State of New Jersey by designating the Sussex County portion of State Highway Route No. 15 as the "Senator Robert E. Littell Memorial Highway;" now, therefore,

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

1. The Commissioner of Transportation shall designate the Sussex County portion of State Highway Route No. 15, extending from milepost 8.90 to milepost 19.53, as the "Senator Robert E. Littell Memorial Highway" and erect appropriate signs bearing this designation and dedication.

2. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with such private sources, including but not limited to non-governmental, non-profit, educational, or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the Department of Transportation, until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved May 11, 2015.

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## CHAPTER 59

AN ACT concerning fraudulent financing statements, amending various parts of the statutory law and supplementing Titles 2A and 2C of the New Jersey Statutes.

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

1. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to read as follows:

**C.47:1A-1.1 Definitions.**

1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

"Biotechnology" means any technique that uses living organisms, or parts of living organisms, to make or modify products, to improve plants or animals, or to develop micro-organisms for specific uses; including the industrial use of recombinant DNA, cell fusion, and novel bioprocessing techniques.

"Custodian of a government record" or "custodian" means in the case of a municipality, the municipal clerk and in the case of any other public agency, the officer officially designated by formal action of that agency's director or governing body, as the case may be.

"Government record" or "record" means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material.

A government record shall not include the following information which is deemed to be confidential for the purposes of P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit;

any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, except that this provision shall



not apply to an otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members;

any copy, reproduction or facsimile of any photograph, negative or print, including instant photographs and videotapes of the body, or any portion of the body, of a deceased person, taken by or for the medical examiner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the medical examiner except:

when used in a criminal action or proceeding in this State which relates to the death of that person,

for the use as a court of this State permits, by order after good cause has been shown and after written notification of the request for the court order has been served at least five days before the order is made upon the county prosecutor for the county in which the post mortem examination or autopsy occurred,

for use in the field of forensic pathology or for use in medical or scientific education or research, or

for use by any law enforcement agency in this State or any other state or federal law enforcement agency;

criminal investigatory records;

victims' records, except that a victim of a crime shall have access to the victim's own records;

any written request by a crime victim for a record to which the victim is entitled to access as provided in this section, including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order;

personal firearms records, except for use by any person authorized by law to have access to these records or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice;

personal identifying information received by the Division of Fish and Wildlife in the Department of Environmental Protection in connection with the issuance of any license authorizing hunting with a firearm. For the purposes of this paragraph, personal identifying information shall include, but not be limited to, identity, name, address, social security number, telephone number, fax number, driver's license number, email address, or social media address of any applicant or licensee;

trade secrets and proprietary commercial or financial information obtained from any source. For the purposes of this paragraph, trade secrets shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure;

any record within the attorney-client privilege. This paragraph shall not be construed as exempting from access attorney or consultant bills or invoices except that such bills or invoices may be redacted to remove any information protected by the attorney-client privilege;

administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security;

emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein;

security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software;

information which, if disclosed, would give an advantage to competitors or bidders;

information generated by or on behalf of public employers or public employees in connection with any sexual harassment complaint filed with a public employer or with any grievance filed by or against an individual or in connection with collective negotiations, including documents and statements of strategy or negotiating position;

information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office;

information which is to be kept confidential pursuant to court order;

any copy of form DD-214, or that form, issued by the United States Government, or any other certificate of honorable discharge, or copy thereof, from active service or the reserves of a branch of the Armed Forces of the United States, or from service in the organized militia of the State, that has been filed by an individual with a public agency, except that a veteran or the veteran's spouse or surviving spouse shall have access to the veteran's own records;

any copy of an oath of allegiance, oath of office or any affirmation taken upon assuming the duties of any public office, or that oath or affirmation, taken by a current or former officer or employee in any public office or position in this State or in any county or municipality of this State, including members of the Legislative Branch, Executive Branch, Judicial Branch, and all law enforcement entities, except that the full name, title, and oath date of that person contained therein shall not be deemed confidential; and

that portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number

of any person; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor.

A government record shall not include, with regard to any public institution of higher education, the following information which is deemed to be privileged and confidential:

- pedagogical, scholarly and/or academic research records and/or the specific details of any research project conducted under the auspices of a public higher education institution in New Jersey, including, but not limited to research, development information, testing procedures, or information regarding test participants, related to the development or testing of any pharmaceutical or pharmaceutical delivery system, except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available;

- test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination;

- records of pursuit of charitable contributions or records containing the identity of a donor of a gift if the donor requires non-disclosure of the donor's identity as a condition of making the gift provided that the donor has not received any benefits of or from the institution of higher education in connection with such gift other than a request for memorialization or dedication;

- valuable or rare collections of books and/or documents obtained by gift, grant, bequest or devise conditioned upon limited public access;

- information contained on individual admission applications; and

- information concerning student records or grievance or disciplinary proceedings against a student to the extent disclosure would reveal the identity of the student.

"Personal firearms record" means any information contained in a background investigation conducted by the chief of police, the county prosecu-

tor, or the Superintendent of State Police, of any applicant for a permit to purchase a handgun, firearms identification card license, or firearms registration; any application for a permit to purchase a handgun, firearms identification card license, or firearms registration; any document reflecting the issuance or denial of a permit to purchase a handgun, firearms identification card license, or firearms registration; and any permit to purchase a handgun, firearms identification card license, or any firearms license, certification, certificate, form of register, or registration statement. For the purposes of this paragraph, information contained in a background investigation shall include, but not be limited to, identity, name, address, social security number, phone number, fax number, driver's license number, email address, social media address of any applicant, licensee, registrant or permit holder.

"Public agency" or "agency" means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department; the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch; and any independent State authority, commission, instrumentality or agency. The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality or agency created by a political subdivision or combination of political subdivisions.

"Law enforcement agency" means a public agency, or part thereof, determined by the Attorney General to have law enforcement responsibilities.

"Constituent" means any State resident or other person communicating with a member of the Legislature.

"Member of the Legislature" means any person elected or selected to serve in the New Jersey Senate or General Assembly.

"Criminal investigatory record" means a record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency which pertains to any criminal investigation or related civil enforcement proceeding.

"Victim's record" means an individually-identifiable file or document held by a victims' rights agency which pertains directly to a victim of a crime except that a victim of a crime shall have access to the victim's own records.

"Victim of a crime" means a person who has suffered personal or psychological injury or death or incurs loss of or injury to personal or real

property as a result of a crime, or if such a person is deceased or incapacitated, a member of that person's immediate family.

"Victims' rights agency" means a public agency, or part thereof, the primary responsibility of which is providing services, including but not limited to food, shelter, or clothing, medical, psychiatric, psychological or legal services or referrals, information and referral services, counseling and support services, or financial services to victims of crimes, including victims of sexual assault, domestic violence, violent crime, child endangerment, child abuse or child neglect, and the Victims of Crime Compensation Board, established pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as the Victims of Crime Compensation Office pursuant to P.L.2007, c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

2. N.J.S.12A:9-502 is amended to read as follows:

**Contents of financing statement; record of mortgage as financing statement; time of filing financing statement.**

12A:9-502. Contents of Financing Statement; Record of Mortgage as Financing Statement; Time of Filing Financing Statement.

(a) Sufficiency of financing statement. Subject to subsection (b), a financing statement is sufficient only if it:

(1) provides the name of the debtor;

(2) provides the name of the secured party or a representative of the secured party, which discloses the identity of the secured party or representative; and

(3) indicates the collateral covered by the financing statement and that the collateral is within the scope of this chapter, pursuant to 12A:9-102 and 12A:9-109.

(b) Real-property-related financing statements. Except as otherwise provided in 12A:9-501(b), to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection (a) and also:

(1) indicate that it covers this type of collateral;

(2) indicate that it is to be filed in the real property records;

(3) provide a description of the real property to which the collateral is related; and

(4) if the debtor does not have an interest of record in the real property, provide the name of a record owner.

(c) Record of mortgage as financing statement. A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

(1) the record indicates the goods or accounts that it covers;

(2) the goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as-extracted collateral or timber to be cut;

(3) the record satisfies the requirements for a financing statement in this section, but:

(A) the record need not indicate that it is to be filed in the real property records; and

(B) the record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom 12A:9-503(a)(4) applies; and

(4) the record is recorded.

(d) Filing before security agreement or attachment. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

3. N.J.S.12A:9-516 is amended to read as follows:

**What constitutes filing; effectiveness of filing.**

12A:9-516. What Constitutes Filing; Effectiveness of Filing.

(a) What constitutes filing. Except as otherwise provided in subsection (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Refusal to accept record; filing does not occur. Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) the record is not communicated by a method or medium of communication authorized by the filing office;

(2) an amount equal to or greater than the applicable filing fee is not tendered;

(3) the filing office is unable to index the record because:

(A) in the case of an initial financing statement, the record does not provide a name for the debtor;

(B) in the case of an amendment or information statement, the record:

(i) does not identify the initial financing statement as required by 12A:9-512 or 12A:9-518, as applicable; or

(ii) identifies an initial financing statement whose effectiveness has lapsed under 12A:9-515;

(C) in the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's surname; or

(D) in the case of a record filed or recorded in the filing office described in 12A:9-501(a) (1), the record does not provide a sufficient description of the real property to which it relates;

(4) in the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(5) in the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(A) provide a mailing address for the debtor; or

(B) indicate whether the name provided as the name of the debtor is the name of an individual or an organization;

(C) (Deleted by amendment, P.L.2013, c.65.)

(6) in the case of an assignment reflected in an initial financing statement under 12A:9-514 (a) or an amendment filed under 12A:9-514(b), the record does not provide a name and mailing address for the assignee;

(7) in the case of a continuation statement, the record is not filed within the six-month period prescribed by 12A:9-515(d); or

(8) one or more of the following circumstances exist:

(A) the record is not required or authorized to be filed or recorded with the filing office;

(B) the record on its face is being filed or recorded for a purpose outside the scope of this chapter;

(C) the collateral described in the record is not within the scope of this chapter;

(D) the filing office reasonably believes that the filer is attempting to file under a fictitious name with the intent to harass or defraud the person identified as the debtor ;

(E) the filing office reasonably believes that the record is materially false or fraudulent because:

(i) the record asserts a claim against a current or former officer or employee of any federal, state, county, or other local governmental unit, including members of the Legislative Branch, Executive Branch, Judicial

Branch, and all law enforcement entities, and relates to the performance or non-performance of the officer's or employee's public duties, and for which the filer does not hold a properly executed security agreement or judgment from a court of competent jurisdiction;

- (ii) the record indicates that the debtor and the secured party are the same;
- (iii) the record indicates that an individual is a transmitting utility; or
- (iv) the filer is incarcerated.

The provisions of this paragraph (8) are not subject to the "mandatory refusal to accept record" requirement of 12A:9-520(a). However, upon discovery of a filed record that meets the provisions of this paragraph (8), the filing office shall remove that record as per procedures established in rules promulgated in accordance with 12A:9-526(a).

The filing office and the employees of the filing office may not be held liable for the filing or non-filing of any record described within this paragraph (8).

(c) Rules applicable to subsection (b). For purposes of subsection (b):

(1) a record does not provide information if the filing office is unable to read or decipher the information; and

(2) a record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by 12A:9-512, 12A:9-514, or 12A:9-518, is an initial financing statement.

(d) Refusal to accept record; record effective as filed record. A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

4. N.J.S.12A:9-520 is amended to read as follows:

**Acceptance and refusal to accept record.**

12A:9-520. Acceptance and refusal to accept record.

(a) Mandatory refusal to accept record. A filing office shall refuse to accept a record for filing for a reason set forth in 12A:9-516(b) and may refuse to accept a record for filing only for a reason set forth in 12A:9-516(b).

(b) Communication concerning refusal. If a filing office refuses to accept a record for filing, it shall communicate to the person that presented the record the fact of and reason for the refusal and the date and time the record would have been filed had the filing office accepted it. The communication must be made at the time and in the manner prescribed by filing-office rule



but, in the case of a filing office described in 12A:9-501(a)(2), in no event more than two business days after the filing office receives the record.

(c) When filed financing statement effective. A filed financing statement satisfying 12A:9-502(a) and (b) is effective, even if the filing office is required to refuse to accept it for filing under subsection (a). However, 12A:9-338 applies to a filed financing statement providing information described in 12A:9-516(b)(5) which is incorrect at the time the financing statement is filed.

(d) Separate application to multiple debtors. If a record communicated to a filing office provides information that relates to more than one debtor, this part applies as to each debtor separately.

(e) The provisions of 12A:9-516(b)(8)(A) through (E) do not apply to a financing statement filed by a registered organization or a representative of a registered organization. If a registered organization that is attempting to file a financing statement is organized under the law of a governmental unit other than this State and the filing office reasonably believes the record is submitted to harass, defraud, or for any other unlawful purpose, the filing office may require the registered organization or its representative to provide verification from the jurisdiction under whose law the institution is organized. As used in this subsection, "registered organization" means that term as defined in 12A:9-102.

5. N.J.S.12A:9-525 is amended to read as follows:

**Fees.**

12A:9-525. Fees.

(a) Initial financing statement or other record: general rule. Except as otherwise provided in subsections (d) and (e), the fees for filing and indexing records under this part are:

- (1) \$25 for financing statement;
- (2) \$25 for continuation statement;
- (3) \$25 for amendment statement;
- (4) \$25 for partial release;
- (5) \$25 for assignment;
- (6) \$25 termination statement; and
- (7) \$1 per page for copy of any filed financing statement.

(b) Number of names. Except as otherwise provided in subsection (d), the number of names required to be indexed does not affect the amount of the fee in subsection (a).

(c) Response to information request. The fee for responding to a request for information from the filing office, including for issuing a certificate of search showing whether there is on file any financing statement naming a particular debtor, is \$25.

(d) Record of mortgage. This section does not require a fee with respect to a record of mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under 12A:9-502 (c). However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

(e) No fee shall be paid for any correction statement, termination statement, or other documentation filed by any current or former officer or employee of any federal, state, county, or other local governmental unit, including members of the Legislative Branch, Executive Branch, Judicial Branch, and all law enforcement entities, or the officer's or employee's immediate family or estate, filing for the purpose of removing a fraudulent or otherwise improper filing or record related to the performance or non-performance of that officer's or employee's public duties for which the initial filer did not hold a properly executed security agreement or judgment from a court of competent jurisdiction or for which the initial filer was not entitled to file the initial financing statement under 12A:9-509.

6. N.J.S.12A:9-625 is amended to read as follows:

**Remedies for secured party's failure to comply with charter.**

12A:9-625. Remedies for Secured Party's Failure to Comply with Chapter.

(a) Judicial orders concerning noncompliance. If it is established that a secured party is not proceeding in accordance with this chapter, a court may order or restrain collection, enforcement, or disposition of collateral on appropriate terms and conditions.

(b) Damages for noncompliance. Subject to subsections (c), (d) and (f), a person is liable for damages in the amount of any loss caused by a failure to comply with this chapter. Loss caused by a failure to comply may include loss resulting from the debtor's inability to obtain, or increased costs of, alternative financing.

(c) Persons entitled to recover damages; statutory damages if collateral is consumer goods. Except as otherwise provided in 12A:9-628:

(1) a person that, at the time of the failure, was a debtor, was an obligor, or held a security interest in or other lien on the collateral may recover damages under subsection (b) for its loss; and

(2) if the collateral is consumer goods, a person that was a debtor or a secondary obligor at the time a secured party failed to comply with this part may recover for that failure in any event an amount not less than the credit service charge plus 10 percent of the principal amount of the obligation or the time-price differential plus 10 percent of the cash price.

(d) Recovery when deficiency eliminated or reduced. A debtor whose deficiency is eliminated under 12A:9-626 may recover damages for the loss of any surplus. However, a debtor or secondary obligor whose deficiency is eliminated or reduced under 12A:9-626 may not otherwise recover under subsection (b) for noncompliance with the provisions of this part relating to collection, enforcement, disposition, or acceptance.

(e) Statutory damages: noncompliance with specified provisions. In addition to any damages recoverable under subsection (b), the debtor, consumer obligor, or person named as a debtor in a filed record, as applicable, may recover \$500 in each case from a person that:

- (1) fails to comply with 12A:9-207;
- (2) fails to comply with 12A:9-208;
- (3) files a record that the person is not entitled to file under 12A:9-509 (a);
- (4) fails to cause the secured party of record to file or send a termination statement as required by 12A:9-513 (a) or (c);
- (5) fails to comply with 12A:9-616 (b) (1) and whose failure is part of a pattern, or consistent with a practice, of noncompliance; or
- (6) fails to comply with 12A:9-616 (b) (2).

(f) Statutory damages: noncompliance with 12A:9-210. A debtor or consumer obligor may recover damages under subsection (b) and, in addition, \$500 in each case from a person that, without reasonable cause, fails to comply with a request under 12A:9-210. A recipient of a request under 12A:9-210 which never claimed an interest in the collateral or obligations that are the subject of a request under that section has a reasonable excuse for failure to comply with the request within the meaning of this subsection.

(g) Limitation of security interest: noncompliance with 12A:9-210. If a secured party fails to comply with a request regarding a list of collateral or a statement of account under 12A:9-210, the secured party may claim a security interest only as shown in the list or statement included in the request as against a person that is reasonably misled by the failure.

(h) Additional damages for fraudulent filings: any current or former officer or employee of any federal, state, county, or other local governmental unit, including members of the Legislative Branch, Executive Branch, Judicial Branch, and all law enforcement entities, or the current or former officer's or employee's immediate family or estate injured by a filing that

relates to the performance or non-performance of the officer's or employee's public duties, and for which the filer does not hold a properly executed security agreement or judgment from a court of competent jurisdiction or for which the initial filer was not entitled to file the initial financing statement under 12A:9-509, may bring a civil action in the Superior Court against the person or entity who filed or recorded the injuring documents. Upon a finding that a filing is false or contains any materially false, fictitious, or fraudulent statement or representation, or with the intent to harass, hinder, defraud, retaliate against, or in any way impede the performance of that officer's or employee's duties, the court may do any one or more of the following:

- (1) order the defendant to pay a sum of not less than \$2000 for each fraudulent filing, or the actual damages caused by the filing or recording, whichever is greater;
- (2) enjoin the defendant from filing any future liens, encumbrances, court actions, or claims against persons specified by the court without approval of the court;
- (3) award the defendant court costs and reasonable attorney's fees; or
- (4) order any other relief as is required to clear title to the real or personal property.

**C.2C:21-42 Second degree crime.**

7. A person commits a crime of the second degree if he files or records, or directs another to file or record, in any public record or in any private record which is generally available to the public, any document, lien, encumbrance, or court action against the real or personal property of a current or former public servant, the public servant's immediate family or estate, a current or former federal officer or employee, or the officer's or employee's immediate family or estate, on account of the performance or non-performance of that public servant's, officer's or employee's official duties, knowing or having reason to know that such document, lien, encumbrance, or court action is false or contains any materially false, fictitious, or fraudulent statement or representations, or with the intent to harass, hinder, defraud, retaliate against, or in any way impede the performance of that public servant's, officer's or employee's duties.

A person convicted of a violation of this section may, in addition to any other penalty imposed by the court, be enjoined from filing any future liens, encumbrances, or court actions against persons specified by the court without approval of the court.

**C.2A:37B-1 Civil action against fraudulent filer.**

8. Any current or former officer or employee of any federal, state, county, or other local governmental unit, including members of the Legislative Branch, Executive Branch, Judicial Branch, and all law enforcement entities, or the current or former officer's or employee's immediate family or estate injured by a filing or recording that relates to the performance or non-performance of the officer's or employee's public duties, and for which the filer does not hold a properly executed security agreement or judgment from a court of competent jurisdiction or for which the initial filer was not entitled to file the initial financing statement under N.J.S.12A:9-509 may bring a civil action against the person or entity who filed or recorded the documents. Upon a showing that a filing is false or contains any materially false, fictitious, or fraudulent statement or representations, or with the intent to harass, hinder, defraud, retaliate against, or in any way impede the performance of that officer's or employee's duties, the court may do any one or more of the following:

- a. order the defendant to pay a sum of not less than \$2000 for each fraudulent filing, or the actual damages caused by the filing or recording, whichever is greater;
- b. enjoin the defendant from making any future liens, encumbrances, court actions, or claims against persons specified by the court without approval of the court;
- c. award the plaintiff court costs and reasonable attorney's fees; or
- d. order any other relief as is required to clear title to the real or personal property.

**C.2A:37B-2 Rules, regulations.**

9. The Division of Revenue in the Department of the Treasury may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the provisions of this act.

10. This act shall take effect immediately, and shall apply only to documents filed on or after the effective date of this act.

Approved May 11, 2015.

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**CHAPTER 60**

AN ACT concerning motor vehicle data recording devices and supplementing Title 39 of the Revised Statutes.

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

**C.39:10B-7 Definitions relative to motor vehicle data recording devices.**

1. As used in this act:

“Owner” means a person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents, or creates a security interest in the vehicle; a person entitled to the possession of a vehicle as the purchaser under a security agreement; or a person entitled to possession of the vehicle as the lessee pursuant to a written lease agreement, provided such agreement at inception is for a period in excess of three months.

“Recorded data” means the data stored or preserved electronically in a recording device identifying performance or operation information about the motor vehicle including, but not limited to the: speed of the motor vehicle or the direction in which the vehicle is traveling, or both; vehicle location data; vehicle steering performance; vehicle brake performance including, but not limited to, whether brakes were applied before a crash; driver's seatbelt status; and information concerning a crash in which the motor vehicle has been involved, including the ability to transmit such information to a central communications system. Recorded data excludes audio and video data.

“Recording device” means an electronic system, and the physical device or mechanism containing the electronic system, that primarily, or incidental to its primary function, preserves or records, in electronic form, data collected by sensors or provided by other systems within the vehicle. A recording device includes event data recorders, sensing and diagnostic modules, electronic control modules, automatic crash notification systems, geographic information systems, and any other device that records and preserves data that can be accessed through that vehicle. A recording device shall not include personal recording devices, such as video cameras, dashboard cameras, or mobile telephones with recording capabilities.

**C.39:10B-8 Persons permitted to retrieve data relative to recording device.**

2. a. Except as provided in subsection c. of this section, no person, except the owner of the motor vehicle that contains the recording device, or the owner's representative, may retrieve, obtain, or use data recorded, stored, or transmitted from the recording device, unless:

(1) The owner of the motor vehicle, or the owner's representative, consents to the duration and scope of data retrieval, retention, and use, prior to or at the time the data is retrieved, obtained, or used;

(2) The recorded data is retrieved or obtained by a law enforcement officer pursuant to a search warrant issued by a judge of the Superior Court or upon order by a court of competent jurisdiction or, except for recorded data concerning vehicle location, a grand jury subpoena;

(3) The recorded data is used for the purpose of improving motor vehicle safety, security, performance, operation, compliance with traffic laws, or traffic management, including for medical research on physical reaction to motor vehicle accidents, provided that the identity of the owner, operator or other occupant of the motor vehicle is not disclosed with respect to the data. For the purposes of this paragraph, the disclosure of a vehicle identification number with the last six numbers deleted shall not constitute disclosure of the identity of the owner, operator, or other occupant;

(4) The recorded data is retrieved or obtained by a licensed new motor vehicle dealer, a motor vehicle repair or servicing facility and a technician or mechanic at such a facility, or the manufacturer of the motor vehicle, and used for the sole purpose of diagnosing, servicing, or repairing the motor vehicle;

(5) The recorded data is accessed by an emergency response provider and used for the sole purpose of determining the need for or facilitating an emergency medical response in the event of a motor vehicle crash, and assisting the emergency response provider in performing its duties; or

(6) The recorded data is retrieved or obtained pursuant to a legally proper discovery request or order in a civil action.

b. Any person who retrieves or obtains recorded data, except a law enforcement officer who retrieves or obtains the recorded data pursuant to paragraph (2) of subsection a. of this section, shall not further disclose such data, except that a person may further disclose recorded data pursuant to paragraph (3) , (4) , or (5) of subsection a. of this section if the identity of the owner, operator, or other occupant of the motor vehicle is not disclosed, or the owner of the motor vehicle, or the owner's representative, consents to the additional disclosure prior to it being further disclosed.

c. Recorded data may be retrieved, obtained, and used by a subscription service provider pursuant to a subscription service agreement if the agreement discloses that the data may be recorded, stored, and transmitted.

**C.39:10B-9 Alteration, deletion of certain data prohibited; violations, penalties.**

3. a. No person shall knowingly alter or delete data on a recording device, or knowingly destroy a recording device with the intent to prevent access to or destroy the recorded data, within two years after a crash event that resulted in bodily injury or death.

b. (1) The alteration or deletion of data by a recording device with an overwriting or rewriting program or function, which is activated during the vehicle's normal operation, shall not be considered a knowing alteration or deletion pursuant to subsection a. of this section.

(2) There shall be a rebuttable presumption that a vehicle recycler or scrap recycling facility, as defined in section 3 of P.L.2005, c.54 (C.13:1E-99.84), has no knowledge of the involvement of a motor vehicle in a crash event that resulted in bodily injury or death.

c. A person in violation of subsection a. of this section shall be liable for a civil penalty of \$5,000 for each offense, to be recoverable by the Chief Administrator of the New Jersey Motor Vehicle Commission pursuant to the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

4. This act shall take effect immediately.

Approved May 11, 2015.

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## CHAPTER 61

AN ACT concerning certain fees charged by cemetery companies and amending P.L.2003, c.261.

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

1. Section 13 of P.L.2003, c.261 (C.45:27-13) is amended to read as follows:

**C.45:27-13 Capital required for issuance of certificate of authority; fees and charges.**

13. a. As a condition for the issuance of its certificate of authority to operate a cemetery, a cemetery company established after December 1, 1971 shall make an initial deposit of \$75,000 to its Maintenance and Preservation Fund. A for-profit corporation, partnership, association or other private entity managing or operating a cemetery company pursuant to a certificate of authority granted under section 1 of P.L.2006, c.26 (C.45:27-7.1) shall not be required to make that initial deposit of \$75,000 to its Maintenance and Preservation Fund; however the cemetery company and the for-profit corporation, partnership, association or other private entity



shall be jointly and severally liable for the maintenance and use of that Maintenance and Preservation Fund.

b. A cemetery company established before December 1, 1971 shall transfer into the Maintenance and Preservation Fund any funds established for the maintenance and preservation of the cemetery and any additional amount set by the board.

c. A cemetery company shall collect and pay into the Maintenance and Preservation Fund the following fees and charges:

(1) on the initial sale by a cemetery company of each grave, 15% of the gross sales price;

(2) 10% of the initial sales price of a crypt or niche in a public mausoleum or columbarium;

(3) on bulk sales of graves, 15% of the current retail gross sales price of comparable graves;

(4) on bulk sales of crypts or niches, 10% of the current retail gross sales price of comparable crypts or niches;

(5) on transfer of a grave, 15% of the current gross sales price of equivalent graves, less any amounts previously paid to the Maintenance and Preservation Fund on sales of that grave;

(6) on transfer of a crypt or niche, 15% of the current gross sales price of equivalent crypts or niches, less any amounts previously paid to the Maintenance and Preservation Fund on sales of that crypt or niche;

(7) for each interment or for the placement of cremated human remains, 3% of the charge for the interment or placement or \$20, whichever is more;

(8) for a foundation, base or installation, 10% of the charge for the foundation, base or installation, or \$20, whichever is more.

For the purposes of paragraphs (5) and (6) of this subsection, "transfer" shall not include: (a) sales to the cemetery company or to the next of kin; or (b) conveyance of a right of burial in a grave, crypt or niche for which there is no transfer of title provided the grave, crypt or niche was sold after December 1, 1971, the conveyance of the right of burial is from a corporation or association organized not for profit and operated exclusively for religious or charitable purposes to a member or authorized designee of a member of the corporation or association, and a fee or charge had previously been paid on that grave, crypt or niche pursuant to subsection c.

d. Monies required to be deposited into the Maintenance and Preservation Fund shall be paid to the fund on a monthly basis. Such deposits shall be made by the last day of the month following the month in which the monies were received. In the event of an installment sale of a grave,

crypt or niche, the cemetery company may make the required deposit at the time the deed is issued or when the payments are received.

e. A cemetery company may make additional payments or accept contributions into the Maintenance and Preservation Fund.

2. This act shall take effect immediately.

Approved May 21, 2015.

## CHAPTER 62

AN ACT amending and supplementing the Fiscal Year 2015 annual appropriations act, P.L.2014, c.14.

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

1. The following items in section 1 of P.L.2014, c.14, the fiscal year 2015 appropriations act, are amended to read as follows:

### **82 DEPARTMENT OF THE TREASURY**

#### ***30 Educational, Cultural, and Intellectual Development***

#### ***36 Higher Educational Services***

#### **GRANTS-IN-AID**

49-2155 Miscellaneous Higher Education Programs..... \$83,615,000

Total Grants-in-Aid Appropriation, Higher Educational

Services ..... \$85,852,000

#### ***Grants-in-Aid:***

49 Higher Education Facilities Trust Fund -

Debt Service ..... (\$6,866,000)

Department of the Treasury, Total State Appropriation..... \$1,668,578,000

### **DEBT SERVICE**

### **82 DEPARTMENT OF THE TREASURY**

#### **70 Government Direction, Management, and Control**

#### **76 Management and Administration**

99-2000 Interest on Bonds..... \$76,965,000

Total Debt Service Appropriation, Department of the

Treasury..... \$348,134,000

**Debt Service:**

## Special Purpose:

## Interest:

Payments on Future Bond Sales.....(\$2,750,000)

Total Debt Service Appropriation, Department of the  
Treasury..... \$348,134,000

Total Appropriation, Debt Service..... \$382,832,000

Total Appropriation, All State Funds..... \$32,500,809,000

2. In addition to the amounts appropriated under P.L.2014, c.14, the annual appropriations act for fiscal year 2015, there are appropriated out of the General Fund the following sums for the purposes specified:

**16 DEPARTMENT OF CHILDREN AND FAMILIES****50 Economic Planning, Development, and Security****55 Social Services Programs****DIRECT STATE SERVICES**

01-1610 Child Protection and Permanency ..... \$1,335,000

Total Direct State Services Appropriation,

Social Services Programs ..... \$1,335,000

**Direct State Services:**

## Personal Services:

Salaries and Wages .....(\$1,335,000)

**GRANTS-IN-AID**

01-1610 Child Protection and Permanency ..... \$605,000

Total Grants-in-Aid Appropriation, Social Services Programs..... \$605,000

**Grants-in-Aid:**

01 Subsidized Adoption.....(\$605,000)

Department of Children and Families, Total State

Appropriation ..... \$1,940,000

**42 DEPARTMENT OF ENVIRONMENTAL PROTECTION****40 Community Development and Environmental Management****44 Site Remediation and Waste Management****DIRECT STATE SERVICES**

27-4815 Remediation Management and Response..... \$9,000,000

Total Direct State Services Appropriation, Site

Remediation and Waste Management ..... \$9,000,000

**Direct State Services:**

## Special Purpose:

27 Hazardous Discharge Site Cleanup Fund -  
 Responsible Party ..... (\$9,000,000)

Department of Environmental Protection,  
 Total State Appropriation ..... \$9,000,000

**54 DEPARTMENT OF HUMAN SERVICES****30 Educational, Cultural, and Intellectual Development****32 Operation and Support of Educational Institutions****7601 Community Programs****GRANTS-IN-AID**

01-7601 Purchased Residential Care ..... \$68,609,000  
 Total Grants-in-Aid Appropriation,  
 Community Programs..... \$68,609,000

**Grants-in-Aid:**

01 Group Homes ..... (\$68,609,000)

Department of Human Services, Total State Appropriation ..... \$68,609,000

**66 DEPARTMENT OF LAW AND PUBLIC SAFETY****10 Public Safety and Criminal Justice****12 Law Enforcement****DIRECT STATE SERVICES**

06-1200 State Police Operations..... \$5,500,000  
 Total Direct State Services Appropriation, Law Enforcement..... \$5,500,000

**Direct State Services:**

## Personal Services:

Salaries and Wages ..... (\$5,500,000)

**80 Special Government Services****82 Protection of Citizens' Rights****DIRECT STATE SERVICES**

14-1310 Consumer Affairs ..... \$1,600,000  
 Total Direct State Services Appropriation,  
 Protection of Citizens' Rights..... \$1,600,000

**Direct State Services:**

## Special Purpose:

14 Securities Enforcement Fund ..... (\$1,600,000)

Department of Law and Public Safety, Total State  
 Appropriation ..... \$7,100,000

**94 INTERDEPARTMENTAL ACCOUNTS****70 Government Direction, Management, and Control****74 General Government Services****9410 Employee Benefits****DIRECT STATE SERVICES**

03-9410 Employee Benefits .....	<u>\$69,970,000</u>
Total Direct State Services Appropriation,	
Employee Benefits .....	<u>\$69,970,000</u>

**Direct State Services:****Special Purpose:**

03 Public Employees' Retirement System .....	(\$49,765,000)
03 Police and Firemen's Retirement System .....	(11,315,000)
03 Police and Firemen's Retirement System	
(P.L.1979, c.109) .....	(327,000)
03 State Police Retirement System .....	(5,867,000)
03 Judicial Retirement System .....	(2,388,000)
03 Teachers' Pension and Annuity Fund .....	(308,000)

**GRANTS-IN-AID**

03-9410 Employee Benefits .....	<u>\$8,164,000</u>
Total Grants-in-Aid Appropriation,	
Employee Benefits .....	<u>\$8,164,000</u>

**Grants-in-Aid:****Special Purpose:**

03 Public Employees' Retirement System .....	(\$7,237,000)
03 Police and Firemen's Retirement System .....	(863,000)
03 Teachers' Pension and Annuity Fund .....	(64,000)

Interdepartmental Accounts, Total State Appropriation ..... \$78,134,000

Total Appropriation, General Fund..... \$164,783,000

3. In addition to the amounts appropriated under P.L.2014, c.14, the annual appropriations act for fiscal year 2015, there are appropriated out of the Property Tax Relief Fund the following sums for the purposes specified:

**34 DEPARTMENT OF EDUCATION****30 Educational, Cultural, and Intellectual Development****34 Educational Support Services****STATE AID**

39-5094 Teachers' Pension and Annuity Assistance.....	<u>\$124,032,000</u>
Total State Aid Appropriation, Educational	
Support Services.....	<u>\$124,032,000</u>

*(From Property Tax Relief Fund..... \$124,032,000)*

**State Aid:**

39 Teachers' Pension and Annuity Fund (PTRF) ....(\$124,032,000)

Department of Education, Total State Appropriation..... \$124,032,000

**82 DEPARTMENT OF THE TREASURY**

**30 Educational, Cultural, and Intellectual Development**

**36 Higher Educational Services**

**STATE AID**

48-2155 Aid to County Colleges ..... \$19,000

Total State Aid Appropriation, Higher Educational Services ..... \$19,000

*(From Property Tax Relief Fund..... \$19,000)*

**State Aid:**

48 Employer Contributions - Teachers' Pension and  
Annuity Fund (PTRF)..... (\$19,000)

**70 Government Direction, Management, and Control**

**75 State Subsidies and Financial Aid**

**STATE AID**

35-2078 Police and Firemen's Retirement System ..... \$9,815,000

Total State Aid Appropriation, State Subsidies

and Financial Aid ..... \$9,815,000

*(From Property Tax Relief Fund..... \$9,815,000)*

**State Aid:**

35 Police and Firemen's Retirement System (PTRF) . (\$5,775,000)

35 Police and Firemen's Retirement System  
(P.L.1979, c.109) (PTRF)..... (4,040,000)

Department of the Treasury, Total State Appropriation..... \$9,834,000

Total Appropriation, Property Tax Relief Fund..... \$133,866,000

Total Appropriation, All State Funds..... \$298,649,000

4. The following language provisions in section 1 of P.L.2014, c.14, the annual appropriations act for fiscal year 2015, are amended to read as follows:

**42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**

There is appropriated to the Department of Environmental Protection from the "1996 Dredging and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, an amount not to exceed \$10,000,000, as determined by the Commissioner of the Department of Environmental Protection, to provide

funding to the Department of Transportation for financing the cost of dredging navigation channels not located in the port region, as provided for in section 7 of P.L.1996, c.70, subject to the following condition: the Department of Environmental Protection shall enter into a memorandum of understanding with the Department of Transportation to provide for the terms and conditions pursuant to which the bond monies shall be spent, including a list of the channels to be dredged.

#### **46 DEPARTMENT OF HEALTH**

Notwithstanding the provisions of P.L.2005, c.237, \$25,000,000 from the surcharge on each general hospital and each specialty heart hospital is appropriated to fund federally qualified health centers and \$15,000,000 is appropriated to the General Fund as general revenue. Any unexpended balance at the end of the preceding fiscal year in the Health Care Subsidy Fund received through the hospital and other health care initiatives account during the preceding fiscal year is appropriated for payments to federally qualified health centers.

#### **78 DEPARTMENT OF TRANSPORTATION**

##### ***60 Transportation Programs***

##### ***61 State and Local Highway Facilities***

##### **CAPITAL CONSTRUCTION**

Notwithstanding the provisions of any law or regulation to the contrary, in the event that some of the amounts hereinabove appropriated are not required to pay amounts due under the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Prior Bonds as the result of the receipt of federal subsidies for debt service on the Prior Bonds, or other obligations issued by the New Jersey Transportation Trust Fund Authority in connection with the Prior Bonds the amount hereinabove appropriated from the sales and use tax revenues in clause (iii) of the first paragraph above shall be reduced by such corresponding amount, except if the Director of the Division of Budget and Accounting determines that such amounts should be carried forward to the following fiscal year.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that some of the amounts hereinabove appropriated are not required to pay amounts due under the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Prior Bonds or the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Transportation Program Bonds as the result of refundings, restructurings, lowered interest rates, or any other action which reduces the amounts required to make the payments under such State contracts, the amount hereinabove appropriated from the sales and use tax revenues in clause (iii) of the first paragraph above for the Transportation Program Bonds or the Prior Bonds shall be reduced by such corresponding amounts, except if the Director of the

Division of Budget and Accounting determines that such amounts should be carried forward to the following fiscal year.

5. The following language provision is added to the General Provisions of P.L.2014, c.14, the annual appropriations act for fiscal year 2015:

87. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated an amount not to exceed \$39,000,000 from the Clean Energy Fund for transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

6. This act shall take effect immediately.

Approved June 26, 2015.



**CHAPTER 63**

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2016 and regulating the disbursement thereof.

**ANTICIPATED RESOURCES  
FOR THE FISCAL YEAR 2015-2016  
GENERAL FUND**

Undesignated Fund Balance, July 1, 2015:..... \$528,031,000

**Major Taxes**

Sales.....	\$9,231,206,000
<b>Less: Sales Tax Dedication.....</b>	<b>(688,000,000)</b>
Corporation Business.....	2,697,164,000
Transfer Inheritance.....	755,000,000
Insurance Premium.....	660,000,000
Motor Fuels .....	534,906,000
Motor Vehicle Fees .....	472,070,000
Realty Transfer .....	309,112,000
Petroleum Products Gross Receipts.....	215,000,000
Corporation Banks and Financial Institutions.....	165,000,000
Cigarette .....	147,610,000
Alcoholic Beverage Excise.....	107,000,000
Tobacco Products Wholesale Sales .....	21,800,000
Public Utility Excise (Reform) .....	<u>15,500,000</u>
Total - Major Taxes.....	<u>\$14,643,368,000</u>

**Miscellaneous Taxes, Fees, and Revenues****Executive Branch****Department of Agriculture:**

Fertilizer Inspection Fees ..... \$366,000

Miscellaneous Revenue ..... 2,000

Subtotal, Department of Agriculture..... \$368,000

**Department of Banking and Insurance:**

Actuarial Services..... \$39,000

Banking - Assessments..... 13,888,000

Banking - Licenses and Other Fees ..... 1,900,000

Fraud Fines..... 1,250,000

HMO Covered Lives ..... 373,000

**Matter within summary of appropriations is not enacted as part of the law and is intended to be for the purpose of displaying summaries of the items of appropriations set forth elsewhere.**

Insurance - Examination Billings .....	1,000,000
Insurance - Licenses and Other Fees .....	53,787,000
Insurance - Special Purpose Assessment .....	41,210,000
Insurance Fraud Prevention .....	30,006,000
Real Estate Commission .....	<u>4,500,000</u>
Subtotal, Department of Banking and Insurance .....	<u>\$147,953,000</u>
Department of Children and Families:	
Child Care Licensing .....	\$320,000
Contract Recoveries .....	14,500,000
Divorce Filing Fees .....	1,300,000
Marriage License/Civil Union Fees .....	<u>1,150,000</u>
Subtotal, Department of Children and Families .....	<u>\$17,270,000</u>
Department of Community Affairs:	
Affordable Housing and Neighborhood Preservation -	
Fair Housing .....	\$41,232,000
Construction Fees .....	16,541,000
Fire Safety .....	17,274,000
Housing Inspection Fees .....	10,565,000
Planned Real Estate Development Fees .....	<u>750,000</u>
Subtotal, Department of Community Affairs .....	<u>\$86,362,000</u>
Department of Education:	
Audit Recoveries .....	\$150,000
Audit of Enrollments .....	1,300,000
Nonpublic Schools Handicapped and Auxiliary Recoveries .....	4,500,000
Nonpublic Schools Textbook Recoveries .....	1,000,000
School Construction Inspection Fees .....	400,000
State Board of Examiners .....	<u>4,770,000</u>
Subtotal, Department of Education .....	<u>\$12,120,000</u>
Department of Environmental Protection:	
Air Pollution Fees - Minor Sources .....	\$9,643,000
Air Pollution Fees - Title V Operating Permits .....	5,000,000
Air Pollution Fines .....	1,340,000
Clean Water Enforcement Act .....	1,600,000
Coastal Area Facility Review Act .....	1,685,000
Endangered Species Tax Checkoff .....	158,000
Environmental Infrastructure Financing Program	
Administrative Fee .....	5,000,000
Excess Diversion .....	170,000
Freshwater Wetlands Fees .....	3,020,000
Freshwater Wetlands Fines .....	300,000
Hazardous Waste Fees .....	3,300,000
Hazardous Waste Fines .....	450,000
Hunters' and Anglers' Licenses .....	11,983,000

Industrial Site Recovery Act.....	25,000
Laboratory Certification Fees.....	2,855,000
Laboratory Certification Fines.....	30,000
Marina Rentals .....	885,000
Marine Lands - Preparation and Filing Fees.....	145,000
Medical Waste.....	5,100,000
New Jersey Pollutant Discharge Elimination System/Stormwater	
Permits .....	16,700,000
Parks Management Fees and Permits .....	4,300,000
Parks Management Fines.....	50,000
Pesticide Control Fees .....	4,400,000
Pesticide Control Fines.....	25,000
Radiation Protection Fees.....	3,300,000
Radiation Protection Fines .....	110,000
Radon Testers Certification.....	235,000
Solid Waste - Utility Regulation Assessments .....	3,100,000
Solid Waste Fines.....	1,000,000
Solid Waste Management Fees.....	6,665,000
Solid and Hazardous Waste Disclosure.....	202,000
Stream Encroachment.....	3,345,000
Toxic Catastrophe Prevention Fees .....	1,540,000
Toxic Catastrophe Prevention Fines.....	100,000
Treatment Works Approval.....	1,200,000
Underground Storage Tanks Fees.....	700,000
Water Allocation .....	2,425,000
Water Supply Management Regulations .....	1,245,000
Water/Wastewater Operators Licenses.....	210,000
Waterfront Development Fees.....	3,245,000
Waterfront Development Fines .....	20,000
Well Permits/Well Drillers/Pump Installers Licenses .....	1,100,000
Wetlands.....	120,000
Worker Community Right to Know - Fines .....	10,000
Subtotal, Department of Environmental Protection .....	<u>\$108,036,000</u>
Department of Health:	
Admission Charge Hospital Assessment.....	\$6,000,000
Federal Funds - Graduate Medical Education .....	17,000,000
Health Care Reform.....	1,200,000
Licenses, Fines, Permits, Penalties and Fees .....	2,540,000
Miscellaneous Revenue.....	150,000
Subtotal, Department of Health .....	<u>\$26,890,000</u>
Department of Human Services:	
Early Periodic Screening, Diagnosis and Treatment .....	\$7,880,000
Medicaid Uncompensated Care - Acute.....	201,617,000

Medicaid Uncompensated Care - Mental Health.....	34,556,000
Medicaid Uncompensated Care - Psychiatric.....	177,640,000
Medical Assistance - Federal Match on PAAD/Medicaid	
Dual Eligibles.....	350,000
Miscellaneous Revenue.....	2,634,000
Patients' and Residents' Cost Recovery - Developmental	
Disabilities.....	13,255,000
Patients' and Residents' Cost Recovery - Psychiatric Hospitals .....	76,384,000
School Based Medicaid .....	<u>47,521,000</u>
Subtotal, Department of Human Services.....	<u>\$561,837,000</u>
Department of Labor and Workforce Development:	
Miscellaneous Revenue.....	\$155,000
Special Compensation Fund .....	1,924,000
Workers' Compensation Assessment .....	13,561,000
Workplace Standards - Licenses, Permits and Fines .....	<u>4,358,000</u>
Subtotal, Department of Labor and Workforce Development ....	<u>\$19,998,000</u>
Department of Law and Public Safety:	
Beverage Licenses .....	\$4,199,000
Charities Registration Section .....	556,000
Consumer Affairs .....	830,000
Controlled Dangerous Substances .....	100,000
Forfeiture Funds .....	1,000,000
Legalized Games of Chance Control .....	1,200,000
Miscellaneous Revenue .....	20,000
New Jersey Cemetery Board .....	4,000
Private Employment Agencies .....	258,000
Recreational Boating .....	2,100,000
Securities Enforcement.....	13,394,000
Settlements .....	110,000,000
State Board of Architects.....	333,000
State Board of Audiology and Speech-Language Pathology	
Advisory.....	357,000
State Board of Certified Public Accountants .....	35,000
State Board of Chiropractors .....	396,000
State Board of Cosmetology and Hairstyling .....	312,000
State Board of Court Reporting .....	63,000
State Board of Dentistry .....	2,540,000
State Board of Electrical Contractors .....	53,000
State Board of HVAC Contractors .....	448,000
State Board of Marriage Counselor Examiners .....	158,000
State Board of Massage and Bodyworks .....	53,000
State Board of Master Plumbers .....	32,000
State Board of Medical Examiners .....	2,660,000

State Board of Mortuary Science.....	126,000
State Board of Nursing .....	6,710,000
State Board of Occupational Therapists and Assistants .....	326,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians .....	242,000
State Board of Optometrists .....	21,000
State Board of Orthotics and Prosthetics .....	2,000
State Board of Pharmacy .....	219,000
State Board of Physical Therapy .....	403,000
State Board of Polysomnography .....	7,000
State Board of Professional Engineers and Land Surveyors .....	560,000
State Board of Professional Planners.....	119,000
State Board of Psychological Examiners.....	49,000
State Board of Real Estate Appraisers.....	543,000
State Board of Respiratory Care .....	200,000
State Board of Social Workers .....	35,000
State Board of Veterinary Medical Examiners .....	35,000
State Police - Fingerprint Fees.....	3,694,000
State Police - Other Licenses.....	348,000
State Police - Private Detective Licenses .....	185,000
Victims of Violent Crime Compensation .....	3,372,000
Weights and Measures - General.....	<u>2,612,000</u>
Subtotal, Department of Law and Public Safety .....	<u>\$160,909,000</u>
Department of Military and Veterans' Affairs:	
Soldiers' Homes .....	<u>\$52,840,000</u>
Subtotal, Department of Military and Veterans' Affairs.....	<u>\$52,840,000</u>
Department of Transportation:	
Air Safety Fund .....	\$965,000
Applications and Highway Permits .....	2,000,000
Autonomous Transportation Authorities .....	53,500,000
Drunk Driving Fines.....	400,000
Good Driver.....	79,900,000
Interest on Purchase of Right of Way.....	5,000
Logo Sign Program Fees .....	300,000
Maritime Program Receipts.....	2,000,000
Miscellaneous Revenue .....	40,000
Outdoor Advertising.....	<u>740,000</u>
Subtotal, Department of Transportation.....	<u>\$139,850,000</u>
Department of the Treasury:	
Assessment on Real Property Greater Than \$1 Million .....	\$129,000,000
Assessments - Cable TV.....	5,121,000
Assessments - Public Utility.....	30,975,000
CATV Universal Access .....	8,905,000

Commercial Recording - Expedited .....	1,150,000
Commissions (Notary).....	1,300,000
Domestic Security.....	36,200,000
Dormitory Safety Trust Fund - Debt Service Recovery .....	5,636,000
Equipment Leasing Fund - Debt Service Recovery .....	4,143,000
General Revenue - Fees (Commercial Recording and UCC) .....	60,000,000
Higher Education Capital Improvement Fund - Debt Service Recovery .....	19,472,000
Hotel/Motel Occupancy Tax.....	105,000,000
Miscellaneous Revenue .....	950,000
NJ Public Records Preservation.....	26,900,000
Nuclear Emergency Response Assessment .....	4,467,000
Office of Dispute Settlement Mediation .....	50,000
Public Defender Client Receipts.....	3,750,000
Public Utility Fines.....	1,000,000
Public Utility Gross Receipts and Franchise Taxes (Water/Sewer).....	118,000,000
Railroad Tax - Class II.....	4,600,000
Railroad Tax - Franchise .....	7,000,000
Rate Counsel.....	8,316,000
Surplus Property .....	1,700,000
Tax Referral Cost Recovery Fee.....	8,000,000
Telephone Assessment .....	122,200,000
Tire Clean-Up Surcharge.....	9,500,000
Tobacco Settlement Financing Corporation - MSA Payments .....	<u>52,228,000</u>
Subtotal, Department of the Treasury .....	<u>\$775,563,000</u>
Other Sources:	
Miscellaneous Revenue .....	<u>\$10,200,000</u>
Subtotal, Other Sources.....	<u>\$10,200,000</u>
Interdepartmental Accounts:	
Administration and Investment of Pension and Health Benefit Funds - Recoveries.....	\$2,810,000
Employee Maintenance Deductions .....	300,000
Fringe Benefit Recoveries from Colleges and Universities / University Hospital .....	194,259,000
Fringe Benefit Recoveries from Federal and Other Funds .....	336,305,000
Fringe Benefit Recoveries from School Districts .....	45,200,000
Indirect Cost Recoveries - DEP Other Funds .....	11,100,000
MTF Revenue Fund.....	55,400,000
Rent of State Building Space.....	3,470,000
Social Security Recoveries from Federal and Other Funds .....	<u>61,831,000</u>
Subtotal, Interdepartmental Accounts .....	<u>\$710,675,000</u>
Judicial Branch	

## The Judiciary:

Court Fees .....	<u>\$54,630,000</u>
Subtotal, The Judiciary .....	<u>\$54,630,000</u>

Total - Miscellaneous Taxes, Fees, and Revenues..... \$2,885,501,000

*Interfund Transfers*

Beaches and Harbor Fund.....	\$1,000
Building Our Future Fund .....	195,000
Dam, Lake, Stream and Flood Control Project Fund - 2003 .....	11,000
Developmental Disabilities Waiting List Reduction Fund .....	1,000
Dredging and Containment Facility Fund .....	454,000
Enterprise Zone Assistance Fund .....	80,479,000
Fund for the Support of Free Public Schools.....	4,668,000
Garden State Farmland Preservation Trust Fund.....	2,051,000
Garden State Green Acres Preservation Trust Fund .....	5,573,000
Garden State Historic Preservation Trust Fund .....	672,000
Hazardous Discharge Site Cleanup Fund .....	18,903,000
Housing Assistance Fund .....	5,000
Judiciary Bail Fund.....	33,000
Judiciary Probation Fund.....	9,000
Judiciary Special Civil Fund.....	4,000
Judiciary Superior Court Miscellaneous Fund.....	3,000
Legal Services Fund .....	11,000,000
Mortgage Assistance Fund .....	475,000
Motor Vehicle Security Responsibility Fund .....	1,000
NJ Bridge Rehabilitation and Improvement and R.R. Right-of-Way Preservation Fund .....	3,000
Natural Resources Fund.....	1,000
New Jersey Spill Compensation Fund .....	16,744,000
New Jersey Workforce Development Partnership Fund.....	32,021,000
Pollution Prevention Fund .....	1,016,000
Safe Drinking Water Fund.....	2,556,000
Shore Protection Fund .....	7,000
State Disability Benefit Fund.....	38,709,000
State Land Acquisition and Development Fund .....	1,000
State Lottery Fund .....	1,000,000,000
State Lottery Fund - Administration .....	13,271,000
State of New Jersey Cash Management Fund.....	1,563,000
Statewide Transportation and Local Bridge Fund .....	7,000
Supplemental Workforce Fund for Basic Skills .....	2,000,000
Unclaimed Insurance Payments on Deposit Accounts Trust Fund.....	8,000
Unclaimed Personal Property Trust Fund.....	174,111,000

Unclaimed Utility Deposits Trust Fund .....	7,000
Unemployment Compensation Auxiliary Fund .....	13,322,000
Universal Service Fund .....	67,337,000
Wage and Hour Trust Fund .....	2,000
Water Conservation Fund .....	1,000
Water Supply Fund .....	4,384,000
Worker and Community Right to Know Fund .....	2,763,000
Total - Interfund Transfers .....	<u>\$1,494,372,000</u>
Total State Revenues, General Fund .....	<u>\$19,023,241,000</u>
Total Resources, General Fund .....	<u>\$19,551,272,000</u>

***Property Tax Relief Fund***

Undesignated Fund Balance, July 1, 2015 .....	\$98,823,000
Gross Income Tax .....	13,930,000,000
Sales Tax Dedication .....	<u>710,100,000</u>
Total Resources, Property Tax Relief Fund .....	<u>\$14,738,923,000</u>

***Casino Control Fund***

Investment Earnings .....	\$6,000
License Fees .....	<u>55,196,000</u>
Total Resources, Casino Control Fund .....	<u>\$55,202,000</u>

***Casino Revenue Fund***

Casino Simulcasting Fund .....	\$175,000
Gross Revenue Tax .....	194,161,000
Other Casino Taxes and Fees .....	<u>9,849,000</u>
Total Resources, Casino Revenue Fund .....	<u>\$204,185,000</u>

***Gubernatorial Elections Fund***

Undesignated Fund Balance, July 1, 2015 .....	\$700,000
Taxpayers' Designations .....	<u>700,000</u>
Total Resources, Gubernatorial Elections Fund .....	<u>\$1,400,000</u>

Total Resources, All State Funds .....

\$34,550,982,000

***Federal Revenue***

Executive Branch

Department of Agriculture:

Child Care .....	\$89,900,000
Child Nutrition - School Breakfast .....	92,000,000
Child Nutrition - School Lunch .....	295,000,000
Child Nutrition - Special Milk .....	1,300,000
Child Nutrition - Summer Programs .....	10,857,000
Child Nutrition Administration .....	<u>7,570,000</u>



Farm Risk Management Education Program.....	282,000
Farmland Preservation.....	4,500,000
Food Stamp - The Emergency Food Assistance Program (TEFAP) ..	2,620,000
Fresh Fruit and Vegetable Program.....	5,200,000
Indemnities - Avian Influenza .....	546,000
National School Lunch Program - Equipment Assistance for	
School Food Authorities .....	400,000
Specialty Crop Block Grant Program .....	1,600,000
Various Federal Programs and Accruals .....	<u>1,699,000</u>
Subtotal, Department of Agriculture.....	<u>\$513,474,000</u>
Department of Banking and Insurance:	
Patient Protection and Affordable Care Act .....	<u>\$885,000</u>
Subtotal, Department of Banking and Insurance .....	<u>\$885,000</u>
Department of Children and Families:	
Restricted Federal Grants .....	\$15,355,000
Social Services Block Grant.....	44,303,000
Title IV-B Child Welfare Services .....	10,831,000
Title IV-E Foster Care.....	<u>157,461,000</u>
Subtotal, Department of Children and Families.....	<u>\$227,950,000</u>
Department of Community Affairs:	
Community Services Block Grant.....	\$19,900,000
Emergency Solutions Grants Program.....	3,200,000
Low Income Home Energy Assistance Program.....	143,525,000
Mainstream 5 .....	450,000
Moderate Rehabilitation Housing Assistance.....	9,000,000
National Affordable Housing - HOME Investment	
Partnerships.....	6,000,000
National Housing Trust Fund .....	15,000,000
Section 8 Housing Voucher Program .....	240,000,000
Shelter Plus Care Program.....	4,500,000
Small Cities Block Grant Program .....	8,023,000
Weatherization Assistance Program.....	<u>4,437,000</u>
Subtotal, Department of Community Affairs.....	<u>\$454,035,000</u>
Department of Corrections:	
Diversity Training .....	\$100,000
Engaging the Family - Community Centered.....	192,000
Federal Re-Entry Initiative .....	500,000
Inmate Vocational Certifications.....	350,000
Medicaid Eligibility Workers .....	150,000
Offender Reentry .....	500,000
Prison Rape Elimination Grant.....	500,000
Special Investigations Division - Intelligence Technology .....	500,000
Special Operations Tactical Equipment.....	200,000

State Criminal Alien Assistance Program .....	2,695,000
Technology Enhancements.....	500,000
Various Federal Programs and Accruals .....	263,000
Videoconferencing Equipment Upgrade .....	<u>175,000</u>
Subtotal, Department of Corrections.....	<u>\$6,625,000</u>
Department of Education:	
21st Century Schools.....	\$23,606,000
AIDS Prevention Education .....	501,000
Bilingual and Compensatory Education - Homeless Children and Youth.....	1,495,000
Head Start Collaboration .....	275,000
Improving America's Schools Act - Consolidated Administration ....	4,750,000
Improving Teacher Quality - Higher Education .....	1,415,000
Individuals with Disabilities Education Act Basic State Grant .....	357,660,000
Individuals with Disabilities Education Act Preschool Grants .....	10,650,000
Language Acquisition Discretionary Administration .....	21,100,000
Mathematics and Science Partnerships Grants .....	2,825,000
Migrant Education - Administration/Discretionary .....	2,022,000
Public Charter Schools .....	5,210,000
Race to the Top - Preschool Development Grant .....	19,000,000
School Improvement Grants .....	10,055,000
State Assessments.....	8,772,000
State Grants for Improving Teacher Quality .....	52,000,000
Title I - Grants to Local Educational Agencies .....	331,100,000
Title I - Part D, Neglected and Delinquent .....	1,665,000
Various Federal Programs and Accruals .....	1,087,000
Vocational Education - Basic Grants - Administration .....	<u>22,390,000</u>
Subtotal, Department of Education .....	<u>\$877,578,000</u>
Department of Environmental Protection:	
Air Pollution Maintenance Program .....	\$10,500,000
AmeriCorps .....	260,000
Artificial Reef Program - PSE&G/NJPDES Permit Fees .....	985,000
Asian Longhorned Beetle Project.....	2,300,000
Atlantic Coastal Cooperative Program .....	150,000
Atlantic Coastal Fisheries.....	300,000
Beach Monitoring and Notification .....	265,000
BioWatch Monitoring.....	670,000
Brownfields .....	1,500,000
Clean Vessels.....	1,000,000
Clean Water State Revolving Fund .....	63,500,000
Coastal Zone Management Implementation .....	3,400,000
Community Assistance Program .....	300,000
Consolidated Forest Management .....	1,000,000

Cooperative Technical Partnership.....	1,000,000
DERA - Marine Vessel Emission Reduction.....	1,500,000
Drinking Water State Revolving Fund .....	20,200,000
Endangered Species.....	350,000
Endangered and Nongame Species Program State Wildlife Grants ...	1,000,000
Fish and Wildlife Action Plan .....	125,000
Fish and Wildlife Health .....	350,000
Forest Legacy .....	6,054,000
Forest Resource Management - Cooperative Forest	
Fire Control.....	1,775,000
Hazardous Waste - Resource Conservation Recovery Act.....	4,650,000
Historic Preservation Survey and Planning .....	1,000,000
Hunters' and Anglers' License Fund.....	8,360,000
Land and Water Conservation Fund.....	3,000,000
Marine Fisheries Investigation and Management.....	1,750,000
Multimedia .....	750,000
NJ Atlantic and Shortnose Sturgeon.....	365,000
NJ Landowner Incentive.....	250,000
National Coastal Wetlands Conservation .....	3,000,000
National Dam Safety Program (FEMA).....	120,000
National Geologic Mapping Program.....	300,000
National Recreational Trails.....	1,900,000
New Jersey Shooting Range Development and Improvement .....	2,750,000
New Jersey's Landscape Project .....	750,000
Nonpoint Source Implementation (319H) .....	3,828,000
Northeast Wildlife Teamwork Strategy.....	60,000
Particulate Monitoring Grant.....	1,000,000
Pesticide Technology.....	550,000
Preliminary Assessments/Site Inspections .....	1,900,000
Radon Program.....	500,000
Remedial Planning Support Agency Assistance.....	1,000,000
Species of Greater Conservation Need - Mammal Research and	
Management.....	300,000
State and EPA Data Management Grant .....	600,000
Superfund Grants.....	5,000,000
Underground Storage Tank Program Standard Compliance	
Inspections .....	1,250,000
Underground Storage Tanks.....	2,500,000
Various Federal Programs and Accruals .....	525,000
Water Monitoring and Planning .....	1,000,000
Water Pollution Control Program.....	4,575,000
Wetlands Living Shoreline .....	150,000
Wetlands Past Present & Future .....	<u>250,000</u>

Subtotal, Department of Environmental Protection .....	<u>\$172,417,000</u>
Department of Health:	
ACA MIECH Home Visiting Formula Grant .....	\$1,152,000
AIDS Drug Distribution Program .....	4,000,000
Abstinence Education - Family Health Services (FHS) .....	1,003,000
Asthma Surveillance and Coalition Building .....	769,000
Bioterrorism Hospital Emergency Preparedness .....	14,786,000
Birth Defects Surveillance Program .....	508,000
Breastfeeding Peer Counseling .....	300,000
Chronic Disease Prevention and Health Promotion Programs -	
Public Health .....	3,350,000
Clinical Laboratory Improvement Amendments Program .....	563,000
Comprehensive AIDS Resources Grant .....	46,311,000
Conformance with the Manufactured Food Regulatory	
Program Standards .....	290,000
Coordinated Integrated Initiative .....	2,255,000
Core Injury Prevention and Control Program .....	300,000
Early Hearing Detection and Intervention (EHDI) Tracking,	
Research .....	210,000
Early Intervention for Infants and Toddlers with Disabilities	
(Part C) .....	13,000,000
Ebola Hospital Preparedness and Response .....	6,022,000
Eliminating Disparities in Perinatal Health .....	500,000
Emergency Medical Services for Children (EMSC) Partnership	
Grants .....	200,000
Emergency Preparedness For Bioterrorism .....	29,581,000
Enhanced HIV/AIDS Surveillance - Perinatal .....	213,000
Enhancing & Making Programs & Outcomes Work to End Rape .....	96,000
Federal Lead Abatement Program .....	440,000
Food Emergency Response Network - E. Coli in Ground Beef .....	165,000
Food Inspection .....	603,000
Fundamental & Expanded Occupational Health .....	985,000
H1N1 Public Health Emergency Response .....	18,404,000
HIV/AIDS Events Without Care in New Jersey .....	373,000
HIV/AIDS Prevention and Education Grant .....	17,600,000
HIV/AIDS Surveillance Grant .....	3,318,000
Healthy Homes and Lead Poisoning Prevention Program .....	594,000
Heart Disease and Stroke Prevention .....	450,000
Housing Opportunities For Persons With AIDS .....	2,264,000
Housing Opportunities for Incarcerated Persons with AIDS .....	2,250,000
Immunization Project .....	8,874,000
Lab Biomonitoring Program - Impact of Biohazards on NJ	
Citizens .....	1,000,000

Maternal and Child Health (MCH) Early Childhood	
Comprehensive System.....	140,000
Maternal and Child Health Block Grant.....	13,000,000
Maternal, Infant and Early Childhood Home Visiting Program .....	12,046,000
Medicare/Medicaid Inspections of Nursing Facilities .....	16,672,000
Morbidity and Risk Behavior Surveillance .....	725,000
National Cancer Prevention and Control - Public Health.....	6,889,000
National HIV/AIDS Behavioral Surveillance.....	512,000
National Program of Cancer Registries .....	842,000
New Jersey Cancer Education & Early Detection (NJ CEED).....	219,000
New Jersey Childhood Lead.....	316,000
New Jersey Personal Responsibility Education Program .....	1,426,000
New Jersey's Reducing Health Disparities Initiative .....	160,000
Nurse Aide Certification Program .....	1,000,000
Pandemic Influenza Healthcare Preparedness .....	1,935,000
Pediatric AIDS Health Care Demonstration Project.....	2,350,000
Pregnancy Risk Assessment Monitoring System .....	750,000
Preventative Health and Health Services Block Grant .....	4,776,000
Prevention & Public Health Fund (PPHF) - Coordinated	
Integrated Initiative.....	1,187,000
Public Employees Occupational Safety and Health - State Plan .....	900,000
Public Health Emergency Ebola Preparedness and Response .....	3,875,000
Public Health Laboratory Biomonitoring Planning .....	2,156,000
Rape Prevention and Education Program .....	1,896,000
Ryan White Part B - Emergency Relief.....	7,300,000
Ryan White Part B - Supplemental.....	1,500,000
Senior Farmers' Market Nutrition Program .....	2,000,000
Supplemental Food Program - Women, Infants, and Children	
(WIC).....	151,608,000
Surveillance, Epidemiology and End Results (SEER) .....	1,319,000
Tobacco Age of Sale Enforcement (TASE) .....	1,393,000
Tuberculosis Control Program.....	6,095,000
Various Federal Programs and Accruals .....	16,839,000
Venereal Disease Project.....	3,882,000
Vital Statistics Component.....	1,498,000
West Nile Virus - Laboratory .....	200,000
West Nile Virus - Public Health .....	1,942,000
Women, Infants, and Children (WIC) Farmers' Market	
Nutrition Program .....	2,600,000
Subtotal, Department of Health .....	<u>\$454,677,000</u>
Department of Human Services:	
Block Grant Mental Health Services .....	\$12,962,000
Child Care Block Grant.....	116,592,000

New Jersey State Library

Child Support Enforcement Program .....	206,333,000
Chronic Disease Self-Management Expansion.....	570,000
Developmental Disabilities Council .....	1,636,000
Electronic Health Records Provider Incentive Payments .....	125,645,000
Food Stamp Program .....	157,293,000
General Assistance Medicaid Waiver - Childless Adult	
Demonstration .....	20,000,000
Health Information Technology (HIT) .....	5,661,000
National Family Caregiver Program.....	5,200,000
New Jersey Money Follows the Person.....	19,867,000
Older Americans Act - Title III .....	34,077,000
Projects for Assistance in Transition from Homelessness (PATH) ....	2,137,000
Refugee Resettlement Program .....	4,268,000
Strategic Prevention Framework .....	2,208,000
Substance Abuse Block Grant .....	46,379,000
Supplemental Nutrition Assistance Program - Education.....	7,000,000
Temporary Assistance to Needy Families Block Grant.....	418,804,000
Title XIX Child Residential.....	92,891,000
Title XIX Community Care Waiver .....	466,700,000
Title XIX ICF/MR.....	252,823,000
Title XIX Medical Assistance .....	9,086,575,000
Title XXI Children's Health Insurance Program .....	402,017,000
United States Department of Agriculture Older Americans .....	4,350,000
Various Federal Programs and Accruals .....	6,339,000
Vocational Rehabilitation Act, Section 120.....	<u>12,801,000</u>
Subtotal, Department of Human Services.....	<u>\$11,511,128,000</u>
Department of Labor and Workforce Development:	
Comprehensive Services for Independent Living.....	\$600,000
Current Employment Statistics .....	2,325,000
Disability Determination Services .....	70,986,000
Disabled Veterans' Outreach Program .....	2,898,000
Employment Services .....	26,339,000
Employment Services Grants - Alien Labor Certification.....	666,000
Local Veterans' Employment Representatives .....	1,530,000
National Council on Aging - Senior Community Services	
Employment Project.....	3,850,000
Occupational Safety Health Act - On-Site Consultation .....	2,600,000
One Stop Labor Market Information .....	1,010,000
Public Employees Occupational Safety and Health Act.....	2,754,000
Redesigned Occupational Safety and Health (ROSH).....	370,000
Reemployment Eligibility Assessments - State Administration .....	2,500,000
Rehabilitation of Supplemental Security Income Beneficiaries .....	2,000,000
Supported Employment .....	975,000

Technology Related Assistance Project.....	550,000
Trade Adjustment Assistance Project.....	4,145,000
Unemployment Insurance.....	157,270,000
Various Federal Programs and Accruals .....	1,880,000
Vocational Rehabilitation Act of 1973 .....	51,955,000
Work Opportunity Tax Credit .....	719,000
Workforce Investment Act .....	108,420,000
Workforce Investment Act - Adult and Continuing Education .....	<u>16,981,000</u>
Subtotal, Department of Labor and Workforce Development ..	<u>\$463,323,000</u>
Department of Law and Public Safety:	
Anti-Trafficking Task Force.....	\$300,000
Bulletproof Vest Partnership .....	14,000
Byrne Criminal Justice Innovation Program .....	1,000,000
Community Oriented Policing (COPS) Hiring Program .....	7,000,000
Domestic Marijuana Eradication Suppression Program .....	75,000
Emergency Management Performance Grant - Non Terrorism.....	8,500,000
Enhancement of Data Analysis Center .....	50,000
Equal Employment Opportunity Commission.....	328,000
Fatality Analysis Reporting System (FARS).....	280,000
Flood Mitigation Assistance.....	9,000,000
Hazardous Materials Transportation .....	510,000
Highway Traffic Safety .....	36,562,000
Homeland Security Grant Program .....	8,354,000
Incident Command .....	1,500,000
Intellectual Property .....	270,000
Internet Crimes Against Children.....	400,000
Justice Assistance Grant (JAG).....	4,641,000
Justice and Mental Health Collaboration.....	270,000
Juvenile Justice Delinquency Prevention .....	909,000
Medicaid Fraud Unit.....	3,872,000
National Criminal History Program - Office of the Attorney	
General.....	979,000
Paul Coverdell National Forensic Science Improvement .....	500,000
Port Security .....	3,000,000
Pre-Disaster Mitigation Grant (Competitive) .....	5,000,000
Prescription Drug Monitoring Program.....	500,000
Project Safe Neighborhoods .....	500,000
Recreational Boating Safety .....	4,000,000
Residential Treatment for Substance Abuse.....	153,000
Sex Offender Registration and Notification Act (SORNA) .....	400,000
Smart Policing Initiative.....	690,000
Solving Cold Cases .....	340,000
UASI Nonprofit Security Grant Program (NSGP) .....	1,149,000

Urban Area Security Initiative (UASI).....	20,800,000
VOCA Training Discretionary Grant .....	670,000
Various Federal Programs and Accruals .....	390,000
Victim Assistance Grants .....	54,000,000
Victim Compensation Award .....	4,800,000
Victims of Crime Act - Vision 21.....	250,000
Violence Against Women Act - Criminal Justice.....	<u>3,612,000</u>
Subtotal, Department of Law and Public Safety .....	<u>\$185,568,000</u>
Department of Military and Veterans' Affairs:	
Antiterrorism Program Manager.....	\$120,000
Armory Renovations and Improvements .....	5,200,000
Army Facilities Service Contracts .....	5,000,000
Army National Guard Electronic Security System .....	100,000
Army National Guard Statewide Security Agreement.....	700,000
Army National Guard Sustainable Range Program .....	80,000
Army Training and Technology Lab .....	350,000
Atlantic City Air Base - Service Contracts.....	2,688,000
Atlantic City Environmental.....	66,000
Atlantic City Operations and Maintenance.....	191,000
Atlantic City Sustainment, Restoration and Modernization .....	700,000
Brigadier General Doyle Memorial Cemetery Building Project.....	10,000,000
Coyle Field Atlantic City.....	30,000
Dining Facility Operations .....	150,000
Facilities Support Contract .....	17,000,000
Federal Distance Learning Program .....	200,000
Fire Fighter/Crash Rescue Service Cooperative Funding Agreement.....	2,000,000
Hazardous Waste Environmental Protection Program.....	3,000,000
McGuire Air Force Base - Service Contracts .....	1,440,000
McGuire Air Force Base Environmental .....	80,000
McGuire Operations and Maintenance .....	200,000
Medicare Part A Receipts for Resident Care and Operational Costs.....	11,520,000
National Guard Communications Agreement.....	500,000
Natural and Cultural Resources Management .....	20,000
New Jersey National Guard ChalleNGe Youth Program.....	3,200,000
Sea Girt Regional Training Institute - Construction .....	34,000,000
Training Site Facilities Maintenance Agreements .....	120,000
Training and Equipment - Pool Sites.....	700,000
Various Federal Programs and Accruals .....	4,000,000
Veterans' Education Monitoring .....	552,000
Warren Grove Sustainment Restoration & Modernization.....	5,000
Warren Grove/Coyle Field .....	<u>55,000</u>



Subtotal, Department of Military and Veterans' Affairs.....	<u>\$103,967,000</u>
Department of State:	
AmeriCorps Grants.....	\$5,080,000
College Access Challenge Grant Program .....	2,500,000
Foster Grandparent Program .....	850,000
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP).....	4,000,000
National Endowment for the Arts Partnership.....	900,000
State Trade and Export Promotion Pilot Grant Program .....	500,000
Statewide Longitudinal Data Systems Grant.....	215,000
Student Loan Administrative Cost Deduction and Allowance .....	<u>16,787,000</u>
Subtotal, Department of State.....	<u>\$30,832,000</u>
Department of Transportation:	
Airport Fund.....	\$2,000,000
Boating Infrastructure Program (New Jersey Maritime Program) .....	1,600,000
Commercial Drivers' License Program .....	1,316,000
Development and Implementation Grant - Federal Transit Administration .....	1,000,000
Motor Carrier Safety Assistance Program .....	9,900,000
New Jersey Maritime Program - Ferry Boat.....	<u>5,000,000</u>
Subtotal, Department of Transportation.....	<u>\$20,816,000</u>
Department of the Treasury:	
Local Government Energy Improvement Program .....	\$280,000
Pipeline Safety.....	600,000
State Energy Conservation Program.....	<u>1,097,000</u>
Subtotal, Department of the Treasury .....	<u>\$1,977,000</u>
Judicial Branch	
The Judiciary:	
NICS - Civil Name Change Project.....	\$1,000,000
Various Federal Programs and Accruals .....	<u>1,325,000</u>
Subtotal, The Judiciary .....	<u>\$2,325,000</u>
Special Transportation Fund	
Department of Transportation:	
Transportation Trust Fund - Federal Highway Administration .	\$1,018,663,000
Transportation Trust Fund - Federal Transit Administration .....	<u>1,338,808,000</u>
Subtotal, Special Transportation Fund.....	<u>\$2,357,471,000</u>
Total - Federal Revenue.....	<u>\$17,385,048,000</u>
Grand Total Resources, All Funds .....	<u>\$51,936,030,000</u>

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 2016. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by encumbrances on file as of June 30, 2016 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 2016 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 2016 together with an explanation of their status. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any encumbrance or pre-encumbrance made under any appropriation contained in any appropriation act of the previous year or years. Furthermore, balances held by pre-encumbrances as of June 30, 2015 are available for payments applicable to fiscal year 2015 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 2015 together with an explanation of their status. On or before December 1, 2015, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46), shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending June 30, 2015, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 2015.

## 01 LEGISLATURE

### 70 Government Direction, Management, and Control

#### 71 Legislative Activities

##### 0001 Senate

#### DIRECT STATE SERVICES

01-0001 Senate .....	<u>\$11,700,000</u>
Total Direct State Services Appropriation, Senate.....	<u>\$11,700,000</u>

#### **Direct State Services:**

##### Personal Services:

Senators (40) .....	(\$1,990,000)
Salaries and Wages .....	(4,590,000)
Members' Staff Services .....	(4,400,000)
Materials and Supplies.....	(135,000)
Services Other Than Personal.....	(486,000)

Maintenance and Fixed Charges.....(72,000)  
 Additions, Improvements and Equipment .....(27,000)  
 The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

**0002 General Assembly**

**DIRECT STATE SERVICES**

02-0002 General Assembly ..... \$18,217,000  
 Total Direct State Services Appropriation, General Assembly... \$18,217,000

***Direct State Services:***

**Personal Services:**

Assemblypersons (80).....(\$3,937,000)  
 Salaries and Wages .....(4,702,000)  
 Members' Staff Services.....(8,800,000)  
 Materials and Supplies.....(108,000)  
 Services Other Than Personal.....(576,000)  
 Maintenance and Fixed Charges.....(90,000)  
 Additions, Improvements and Equipment .....(4,000)  
 The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

**0003 Office of Legislative Services**

**DIRECT STATE SERVICES**

03-0003 Legislative Support Services ..... \$31,646,000  
 Total Direct State Services Appropriation, Office of  
 Legislative Services ..... \$31,646,000

***Direct State Services:***

**Personal Services:**

Salaries and Wages .....(\$24,389,000)  
 Materials and Supplies.....(1,065,000)  
 Services Other Than Personal.....(2,527,000)  
 Maintenance and Fixed Charges.....(3,181,000)

**Special Purpose:**

03 State House Express Civics Education Program.....(30,000)  
 03 Affirmative Action and Equal Employment  
 Opportunity .....(29,000)  
 03 Senator Wynona Lipman Chair in Women's Political  
 Leadership, Eagleton Institute.....(100,000)  
 03 Henry J. Raimondo Legislative Fellows Program .....(69,000)

Additions, Improvements and Equipment .....(256,000)

Such amounts as are required, as determined by the Technology Executive Group of the Legislative Information Systems Committee of the Legislative Services Commission, for the continuation and expansion of existing and emerging com-

puter and information technologies for the Legislature including but not limited to interactive video conferencing, telecommunication capabilities, electronic copying and facsimile transmissions, training and such other technologies in order to sustain a coordinated and comprehensive legislative technology infrastructure that the Legislature deems necessary are appropriated. No amounts so determined shall be obligated, expended or otherwise made available without the written prior authorization of the Senate President and the Speaker of the General Assembly.

Such amounts as are required for Master Lease payments are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

Such amounts as may be required for the cost of information system audits performed by the State Auditor are funded from the departmental data processing accounts of the department in which the audits are performed.

Receipts from fees and charges for public access to legislative information systems and the unexpended balance at the end of the preceding fiscal year of such receipts are appropriated and shall be credited to a non-lapsing revolving fund established in and administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain, and expand the dissemination and availability of legislative information.

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

#### ***77 Legislative Commissions and Committees***

##### **DIRECT STATE SERVICES**

09-0010 Intergovernmental Relations Commission.....	\$400,000
09-0014 Joint Committee on Public Schools.....	335,000
09-0018 State Commission of Investigation.....	4,679,000
09-0053 New Jersey Law Revision Commission .....	321,000
09-0058 State Capitol Joint Management Commission.....	<u>9,838,000</u>
Total Direct State Services Appropriation, Legislative	
Commissions and Committees .....	<u>\$15,573,000</u>

##### ***Direct State Services:***

##### **Intergovernmental Relations Commission:**

09 The Council of State Governments .....	(\$145,000)
09 National Conference of State Legislatures.....	(184,000)
09 Eastern Trade Council - The Council of State	
Governments .....	(31,000)
09 National Foundation for Women Legislators.....	(40,000)

##### **Joint Committee on Public Schools:**

09 Expenses of Commission .....	(335,000)
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##### **State Commission of Investigation:**

09 Expenses of Commission .....	(4,679,000)
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New Jersey Law Revision Commission:

09 Expenses of Commission.....(321,000)

State Capitol Joint Management Commission:

09 Expenses of Commission.....(9,838,000)

The unexpended balances at the end of the preceding fiscal year in these accounts are appropriated.

Receipts from the rental of the Cafeteria and the Welcome Center and any other facility under the jurisdiction of the State Capitol Joint Management Commission are appropriated to defray custodial, security, maintenance and other related costs of these facilities.

Such amounts as are required for the establishment and operation of the Apportionment Commission and the legislative New Jersey Redistricting Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

Legislature, Total State Appropriation..... \$77,136,000

**Summary of Legislature Appropriations**

(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services ..... \$77,136,000

*Appropriations by Fund:*

General Fund..... \$77,136,000

**06 OFFICE OF THE CHIEF EXECUTIVE**

**70 Government Direction, Management, and Control**

**76 Management and Administration**

**DIRECT STATE SERVICES**

01-0300 Executive Management ..... \$6,722,000

Total Direct State Services Appropriation, Management

and Administration..... \$6,722,000

***Direct State Services:***

Personal Services:

Salaries and Wages .....(\$5,710,000)

Special Purpose:

01 National Governors' Association.....(185,000)

01 Education Commission of the States .....(125,000)

01 National Conference of Commissioners On

Uniform State Laws .....(65,000)

01 Brian Stack Intern Program .....(10,000)

01 Allowance to the Governor of Funds Not Otherwise Appropriated, For Official Reception on Behalf of the State, Operation of an Official Residence and Other Expenses .....	(95,000)
Materials and Supplies.....	(133,000)
Services Other Than Personal.....	(356,000)
Maintenance and Fixed Charges.....	(43,000)
The unexpended balance at the end of the preceding fiscal year in this account is appropriated.	
Office of the Chief Executive, Total State Appropriation.....	<u>\$6,722,000</u>

***Summary of The Office of the Chief Executive Appropriations***

(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services..... \$6,722,000

*Appropriations by Fund:*

General Fund ..... \$6,722,000

**10 DEPARTMENT OF AGRICULTURE**

***40 Community Development and Environmental Management***

***49 Agricultural Resources, Planning, and Regulation***

**DIRECT STATE SERVICES**

01-3310 Animal Disease Control.....	\$1,134,000
02-3320 Plant Pest and Disease Control.....	1,648,000
03-3330 Agriculture and Natural Resources.....	538,000
05-3350 Food and Nutrition Services.....	343,000
06-3360 Marketing and Development Services.....	702,000
08-3380 Farmland Preservation.....	2,069,000
99-3370 Administration and Support Services .....	<u>874,000</u>
Total Direct State Services Appropriation, Agricultural Resources, Planning, and Regulation .....	<u>\$7,308,000</u>

***Direct State Services:***

Personal Services:

Salaries and Wages .....	(\$4,440,000)
Materials and Supplies.....	(88,000)
Services Other Than Personal.....	(156,000)
Maintenance and Fixed Charges.....	(162,000)
Special Purpose:	

05	The Emergency Food Assistance Program .....	(343,000)
06	Promotion/Market Development.....	(50,000)
08	Agricultural Right-to-Farm Program .....	(85,000)
08	Open Space Administrative Costs.....	(1,984,000)

Receipts from laboratory test fees are appropriated to support the Animal Health Diagnostic Laboratory program. The unexpended balance at the end of the preceding fiscal year in the Animal Health Diagnostic Laboratory receipt account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for the cost of these programs. The unexpended balance at the end of the preceding fiscal year in the seed laboratory testing and certification receipt account is appropriated for the same purpose.

Receipts from Nursery Inspection fees are appropriated for the cost of that program. The unexpended balance at the end of the preceding fiscal year in the Nursery Inspection program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory. The unexpended balance at the end of the preceding fiscal year in the Sale of Insects account is appropriated for the same purpose.

Receipts from Stormwater Discharge Permit program fees are appropriated for the cost of that program. The unexpended balance at the end of the preceding fiscal year in the Stormwater Discharge Permit program account is appropriated for the same purpose.

Receipts from the distribution of commodities, sale of containers, and salvage of commodities, in accordance with applicable federal regulations, are appropriated for Commodity Distribution expenses.

Receipts in excess of the amount anticipated from feed, fertilizer, and liming material registrations and inspections are appropriated for the cost of that program.

Receipts from dairy licenses and inspections are appropriated for the cost of that program.

Receipts from agriculture chemistry fees not to exceed \$75,000 are appropriated to support the organic certification program.

Receipts from organic certification program fees are appropriated for the cost of that program.

Receipts from inspection fees from fruit, vegetable, fish, red meat, and poultry inspections are appropriated for the cost of conducting fruit, vegetable, fish, red meat, and poultry inspections.

An amount equal to receipts generated at the rate of \$0.47 per gallon of wine, vermouth, and sparkling wine sold by plenary winery and farm winery licensees licensed pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxation, are appropriated to the Department of Agriculture from the alcoholic beverage excise tax for expenses of the Wine Promotion Program.

Receipts from the surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$278,000, are appropriated to support the Agro-Terrorism program within the Department of Agriculture.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Open Space Administrative Costs account is transferred from the Garden State Farmland Preservation Trust Fund, the 2007 Farmland Preservation Fund, and the 2009 Farmland Preservation Fund to the General Fund, together with an amount not to exceed \$1,029,000, and is appropriated to the Department of Agriculture for the State Agriculture Development Committee's administration of the Farmland Preservation program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed \$200,000 shall be transferred from the appropriate funds established in the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, to the State Transfer of Development Rights Bank account and is appropriated to the State Agriculture Development Committee for Transfer of Development Rights administrative costs.

#### **GRANTS-IN-AID**

05-3350 Food and Nutrition Services .....	\$6,818,000
Total Grants-in-Aid Appropriation, Agricultural	
Resources, Planning, and Regulation .....	\$6,818,000

#### ***Grants-in-Aid:***

05 Hunger Initiative/Food Assistance Program ..... (\$6,818,000)

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed \$250,000 may be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account and is appropriated for the Animal Waste Management portion of the Conservation Assistance Program in the Division of Agricultural and Natural Resources in the Department of Agriculture, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Conservation Assistance Program is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, \$540,000 shall be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account and is appropriated to support nonpoint source pollution control programs in the Department of Agriculture on or before September 1 of the current fiscal year. Further additional amounts may be transferred pursuant to a Memorandum of Understanding between the Department of Environmental Protection and the Department of Agriculture from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication



special purpose account to support nonpoint source pollution control programs in the Department of Agriculture, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance of this program at the end of the preceding fiscal year is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The expenditure of funds for the Conservation Cost Share program hereinabove appropriated shall be based upon an expenditure plan, subject to the approval of the Director of the Division of Budget and Accounting.

#### STATE AID

05-3350 Food and Nutrition Services.....	\$5,613,000
08-3380 Farmland Preservation.....	<u>3,000</u>
Total State Aid Appropriation, Agricultural Resources,	
Planning, and Regulation .....	<u>\$5,616,000</u>

***State Aid:***

05 School Lunch Aid - State Aid Grants .....	(\$5,613,000)
08 Payments in Lieu of Taxes.....	(3,000)

The unexpended balance at the end of the preceding fiscal year in the School Lunch Aid - State Aid Grants account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount necessary to reimburse State and local government entities for participating in the School Lunch Program shall be paid from the School Lunch Aid - State Aid Grants account, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Department of Agriculture, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Department of Agriculture, Total State Appropriation .....	<u>\$19,742,000</u>
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#### ***Summary of Department of Agriculture Appropriations***

(For Display Purposes Only)

***Appropriations by Category:***

Direct State Services .....	\$7,308,000
Grants-in-Aid .....	6,818,000
State Aid .....	5,616,000

***Appropriations by Fund:***

General Fund.....	\$19,742,000
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**14 DEPARTMENT OF BANKING AND INSURANCE****50 Economic Planning, Development, and Security****52 Economic Regulation****DIRECT STATE SERVICES**

01-3110	Consumer Protection Services and Solvency Regulation .....	\$21,484,000
02-3120	Actuarial Services.....	5,200,000
03-3130	Regulation of the Real Estate Industry .....	3,680,000
04-3110	Public Affairs, Legislative and Regulatory Services .....	2,322,000
06-3110	Bureau of Fraud Deterrence .....	22,996,000
07-3170	Supervision and Examination of Financial Institutions .....	4,059,000
99-3150	Administration and Support Services .....	<u>4,272,000</u>
Total Direct State Services Appropriation, Economic Regulation .....		<u>\$64,013,000</u>

***Direct State Services:*****Personal Services:**

Salaries and Wages .....	(\$42,720,000)
Materials and Supplies.....	(392,000)
Services Other Than Personal.....	(7,225,000)
Maintenance and Fixed Charges.....	(463,000)

**Special Purpose:**

01 Rate Counsel - Insurance .....	(149,000)
02 Actuarial Services .....	(168,000)
06 Insurance Fraud Prosecution Services.....	(12,896,000)

The unexpended balance at the end of the preceding fiscal year in the Public Adjusters' Licensing account, together with receipts from the "Public Adjusters' Licensing Act," P.L.1993, c.66 (C.17:22B-1 et seq.), are appropriated for the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of those investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There are appropriated from the assessments imposed by the New Jersey Individual Health Coverage Program Board, created pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Benefits Program Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), those amounts as may be necessary to carry out the provisions of those acts, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of anticipated revenues from licensing fees, bank assessments, fines and penalties, and the unexpended balances at the end of the preceding fiscal year, not to exceed \$400,000, are appropriated to the Division of Banking, subject to the approval of the Director of the Division of Budget and Accounting.

Proceeds from the sale of credits by the Pinelands Development Credit Bank pursuant to P.L.1985, c.310 (C.13:18A-30 et seq.) are appropriated to the Pinelands Development Credit Bank to administer the "Pinelands Development Credit Bank Act." The unexpended balance at the end of the preceding fiscal year in the Pinelands Development Credit Bank is appropriated to administer the operations of the bank.

In addition to the amounts hereinabove appropriated, such other amounts, as the Director of the Division of Budget and Accounting shall determine, are appropriated from the assessments of the insurance industry pursuant to P.L.1995, c.156 (C.17:1C-19 et seq.) and from the assessments of the banking and consumer finance industries pursuant to P.L.2005, c.199 (C.17:1C-33 et seq.) for the purpose of implementing the requirements of those statutes.

The amount hereinabove appropriated for the Division of Insurance accounts is payable from receipts from the Special Purpose Assessment of insurance companies pursuant to section 2 of P.L.1995, c.156 (C.17:1C-20). If the Special Purpose Assessment cap calculation is less than the amount hereinabove appropriated for this purpose for the Division of Insurance, the appropriation shall be reduced to the level of funding supported by the Special Purpose Assessment cap calculation.

Department of Banking and Insurance, Total State

Appropriation ..... \$64,013,000

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***Summary of Department of Banking and Insurance Appropriations***

(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services ..... \$64,013,000

*Appropriations by Fund:*

General Fund..... \$64,013,000

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**16 DEPARTMENT OF CHILDREN AND FAMILIES**

***50 Economic Planning, Development, and Security***

***55 Social Services Programs***

**DIRECT STATE SERVICES**

01-1610 Child Protection and Permanency ..... \$466,318,000

(From General Fund..... \$197,643,000)

(From Federal Funds..... 268,263,000)

(From All Other Funds ..... 412,000)

02-1620 Children's System of Care..... 2,127,000

(From General Fund..... 1,919,000)

(From Federal Funds..... 208,000)

03-1630 Family and Community Partnerships .....	1,891,000
<i>(From General Fund)</i> .....	1,889,000)
<i>(From Federal Funds)</i> .....	2,000)
04-1600 Education Services .....	26,683,000
<i>(From General Fund)</i> .....	8,201,000)
<i>(From Federal Funds)</i> .....	1,231,000)
<i>(From All Other Funds)</i> .....	17,251,000)
05-1600 Child Welfare Training Academy Services and Operations .....	8,240,000
<i>(From General Fund)</i> .....	6,181,000)
<i>(From Federal Funds)</i> .....	2,059,000)
06-1600 Safety and Security Services .....	4,675,000
<i>(From General Fund)</i> .....	3,775,000)
<i>(From Federal Funds)</i> .....	900,000)
99-1600 Administration and Support Services .....	<u>61,669,000</u>
<i>(From General Fund)</i> .....	46,674,000)
<i>(From Federal Funds)</i> .....	14,995,000)
Total Appropriation, State, Federal and All Other Funds .....	<u>\$571,603,000</u>
<i>(From General Fund)</i> .....	\$266,282,000)
<i>(From Federal Funds)</i> .....	287,658,000)
<i>(From All Other Funds)</i> .....	17,663,000)
<b>Less:</b>	
<b>Federal Funds</b> .....	<b>\$287,658,000</b>
<b>All Other Funds</b> .....	<b>17,663,000</b>
<b>Total Deductions</b> .....	<b><u>\$305,321,000</u></b>
Total Direct State Services Appropriation, Social	
Services Programs .....	<u>\$266,282,000</u>
<b>Direct State Services:</b>	
Personal Services:	
Salaries and Wages .....	(\$478,293,000)
Materials and Supplies.....	(4,371,000)
Services Other Than Personal .....	(18,307,000)
Maintenance and Fixed Charges .....	(36,792,000)
Special Purpose:	
01 Child Collaborative Mental Health	
Care Pilot Program .....	(2,400,000)
05 NJ Partnership for Public Child Welfare.....	(3,500,000)
06 Safety and Security Services .....	(4,675,000)
99 Information Technology .....	(1,524,000)
99 Safety and Permanency in the Courts .....	(15,545,000)
Additions, Improvements and Equipment .....	(6,196,000)
<b>Less:</b>	
<b>Federal Funds</b> .....	<b>287,658,000</b>
<b>All Other Funds</b> .....	<b>17,663,000</b>

Of the amounts hereinabove appropriated for Salaries and Wages for the Child Welfare Training Academy Services and Operations, such amounts as may be necessary shall be used to train the Department of Children and Families' staff who serve children and families in the field, who have not already received training in cultural competency. The Department of Children and Families shall also offer training opportunities in cultural competency to staff of community-based organizations serving children and families under contract to the Department of Children and Families.

Of the amount hereinabove appropriated for Safety and Permanency in the Courts, an amount not to exceed \$15,045,000 shall be reimbursed to the Department of Law and Public Safety and is appropriated for legal services implementing the approved child welfare settlement with the federal court, subject to the approval of the Director of the Division of Budget and Accounting.

#### GRANTS-IN-AID

01-1610 Child Protection and Permanency .....	\$490,186,000
<i>(From General Fund.....</i>	<i>\$439,871,000)</i>
<i>(From Federal Funds.....</i>	<i>43,461,000)</i>
<i>(From All Other Funds .....</i>	<i>6,854,000)</i>
02-1620 Children's System of Care.....	514,934,000
<i>(From General Fund.....</i>	<i>337,681,000)</i>
<i>(From Federal Funds.....</i>	<i>177,103,000)</i>
<i>(From All Other Funds .....</i>	<i>150,000)</i>
03-1630 Family and Community Partnerships .....	103,021,000
<i>(From General Fund.....</i>	<i>67,526,000)</i>
<i>(From Federal Funds.....</i>	<i>34,162,000)</i>
<i>(From All Other Funds .....</i>	<i>1,333,000)</i>
04-1600 Education Services .....	27,357,000
<i>(From Federal Funds.....</i>	<i>1,081,000)</i>
<i>(From All Other Funds .....</i>	<i>26,276,000)</i>
99-1610 Administration and Support Services .....	<u>663,000</u>
<i>(From Federal Funds.....</i>	<i>663,000)</i>
Total Appropriation, State, Federal, and All Other Funds .....	<u>\$1,136,161,000</u>
<i>(From General Fund.....</i>	<i>\$845,078,000)</i>
<i>(From Federal Funds.....</i>	<i>256,470,000)</i>
<i>(From All Other Funds .....</i>	<i>34,613,000)</i>
<b>Less:</b>	
<b>Federal Funds.....</b>	<b>\$256,470,000</b>
<b>All Other Funds.....</b>	<b>34,613,000</b>
<b>Total Deductions.....</b>	<b><u>\$291,083,000</u></b>
Total Grants-in-Aid Appropriation, Social Services	
Programs .....	<u>\$845,078,000</u>
Grants-in-Aid:	

01	Substance Use Disorder Services.....	(\$10,024,000)
01	Court Appointed Special Advocates .....	(2,000,000)
01	Independent Living and Shelter Care.....	(15,078,000)
01	Out-of-Home Placements.....	(14,475,000)
01	Family Support Services .....	(86,006,000)
01	Child Abuse Prevention .....	(12,324,000)
01	Foster Care.....	(100,416,000)
01	Subsidized Adoption .....	(139,346,000)
01	Foster Care and Permanency Initiative .....	(7,558,000)
01	New Jersey Homeless Youth Act.....	(1,556,000)
01	Wynona M. Lipman Child Advocacy Center, Essex County.....	(537,000)
01	Purchase of Social Services .....	(62,289,000)
01	Child Health Units .....	(31,516,000)
01	Restricted Federal Grants .....	(7,061,000)
02	Care Management Organizations .....	(78,833,000)
02	Out-of-Home Treatment Services .....	(275,473,000)
02	Family Support Services .....	(32,735,000)
02	Mobile Response.....	(26,562,000)
02	Intensive In-Home Behavioral Assistance .....	(63,868,000)
02	Youth Incentive Program .....	(3,762,000)
02	Outpatient.....	(13,149,000)
02	Contracted Systems Administrator .....	(13,552,000)
02	State Children's Health Insurance Program Administration.....	(4,000,000)
02	Restricted Federal Grants .....	(3,000,000)
03	Early Childhood Services.....	(21,648,000)
03	School Linked Services Program .....	(30,293,000)
03	Family Support Services .....	(18,079,000)
03	Women's Services.....	(22,372,000)
03	Children's Trust Fund .....	(180,000)
03	NJ Coalition Against Sexual Assault .....	(2,800,000)
03	Project S.A.R.A.H.....	(100,000)
03	Restricted Federal Grants.....	(7,549,000)
04	Education Services.....	(27,357,000)
99	National Center for Child Abuse and Neglect.....	(663,000)

**Less:**

**Federal Funds.....256,470,000**

**All Other Funds.....34,613,000**

Of the amounts hereinabove appropriated for Substance Use Disorder Services, an amount not to exceed \$10,024,000 shall be transferred to the Department of Human Services Division of Mental Health and Addiction Services to fund the Division of Child Protection and Permanency Child Welfare Substance Use

Disorder Treatment Services contracts as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services' Division of Mental Health and Addiction Services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Out-of-Home Placements, Independent Living and Shelter Care, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.

Of the amounts hereinabove appropriated for Out-of-Home Placements and Independent Living and Shelter Care, such amounts as determined by the Department of Children and Families may be transferred between such accounts to properly align expenditures based upon changes in client placements, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Out-of-Home Placements account is subject to the following condition: amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State may be transferred from the Residential Placements account to the appropriate Child Protection and Permanency account, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for Foster Care, Subsidized Adoption, and Independent Living and Shelter Care are subject to the following condition: any change by the Department of Children and Families in the rates paid for these programs shall be approved by the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Foster Care and Subsidized Adoption, such amounts as determined by the Department of Children and Families may be transferred between such accounts to address the movement of children from foster care to a permanent adoption setting, subject to the approval of the Director of the Division of Budget and Accounting.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the current fiscal year are appropriated for resource families and other out-of-home placements.

Receipts from counties for persons under the care and supervision of the Division of Child Protection and Permanency are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Purchase of Social Services account, \$1,000,000 is appropriated for the programs administered under the "New Jersey Homeless Youth Act," P.L.1999, c.224 (C.9:12A-2 et seq.), and the Divi-

sion of Child Protection and Permanency shall prioritize the expenditure of this allocation to address transitional living services in the division's region that is experiencing the most severe over-capacity.

Of the amounts hereinabove appropriated for the Purchase of Social Services, an amount as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services Division of Family Development shall be transferred to the Department of Human Services Division of Family Development to fund the Post Adoption Child Care Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for Out-of-Home Treatment Services, Care Management Organizations, Youth Incentive Program, Behavioral Assistance and In-Home Community Services, Family Support Services, except those services provided pursuant to the "Family Support Act," P.L.1993, c.98 (C.30:6D-33 et seq.), and Mobile Response shall be expended for any individual served by Children's System of Care, with the exception of court-ordered placements or to ensure services necessary to prevent risk of harm to the individual or others, unless that individual makes a full and complete application for NJ FamilyCare. Individuals receiving services from appropriations covered by the exceptions above shall apply for NJ FamilyCare in a timely manner, as shall be defined by the Commissioner of Children and Families, after receiving services.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred among accounts in the Children's System of Care program classification. Amounts may also be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Children's System of Care program classification in the Department of Children and Families. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Of the amounts hereinabove appropriated for Early Childhood Services, an amount as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services' Division of Family Development shall be transferred to the Department of Human Services' Division of Family Development to fund the Strengthening Families Initiative Training Program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the School Linked Services Program, there shall be available \$400,000 for the After School Reading Initiative,



\$200,000 for the After School Start-Up Fund, \$400,000 for School Health Clinics, and \$530,000 for Positive Youth Development.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the increases in divorce filing fees enacted in the amendment to N.J.S.22A:2-12 by section 41 of P.L.2003, c.117, are appropriated for transfer to the General Fund as general State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Domestic Violence Prevention Services, \$1,150,000 is payable out of the Marriage and Civil Union License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced by the amount of the shortfall.

Receipts in the Marriage and Civil Union License Fee Fund in excess of the amount anticipated are appropriated for Domestic Violence Prevention Services.

Of the amount hereinabove appropriated for Women's Services, the amounts allocated to the lead domestic violence agencies in the State and to the New Jersey Coalition for Battered Women and the amount allocated to the 21 county-based sexual violence service organizations and the New Jersey Coalition Against Sexual Assault shall be no less than the amounts allocated for FY 2015 to those agencies.

Department of Children and Families, Total State

Appropriation ..... \$1,111,360,000

***Summary of Department of Children and Families Appropriations***

(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services ..... \$266,282,000

Grants-in-Aid ..... 845,078,000

*Appropriations by Fund:*

General Fund.....\$1,111,360,000

**22 DEPARTMENT OF COMMUNITY AFFAIRS**

***40 Community Development and Environmental Management***

***41 Community Development Management***

**DIRECT STATE SERVICES**

01-8010 Housing Code Enforcement ..... \$8,466,000

02-8020 Housing Services ..... 3,135,000

06-8015 Uniform Construction Code ..... 12,580,000

13-8027 Codes and Standards ..... 418,000

18-8017 Uniform Fire Code ..... 7,553,000

## Total Direct State Services Appropriation, Community

Development Management..... \$32,152,000***Direct State Services:***

## Personal Services:

Salaries and Wages ..... (\$27,948,000)  
 Materials and Supplies..... (86,000)  
 Services Other Than Personal..... (563,000)  
 Maintenance and Fixed Charges..... (102,000)

## Special Purpose:

02 Affordable Housing..... (1,752,000)  
 02 Local Planning Services..... (1,326,000)  
 18 Local Fire Fighters' Training..... (375,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Uniform Construction Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.) fees account, together with any receipts in excess of the amount anticipated, is appropriated for code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the additional fee established by section 10 of P.L.2003, c.311 (C.52:27D-437.10) are appropriated to the Housing Code Enforcement program classification for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of \$0.0006, and to surcharges on other construction, shall be dedicated to the general support of the Uniform Construction Code program and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), shall be available for training and non-training purposes. Notwithstanding the provisions of any law or regulation to the contrary, unexpended balances at the end of the preceding fiscal year in

the Uniform Construction Code Revolving Fund are appropriated for expenses of code enforcement activities.

Such amounts as may be required for the registration of builders and reviewing and paying claims under “The New Home Warranty and Builders’ Registration Act,” P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the New Home Warranty Security Fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from fees associated with the Fire Protection Contractor’s Certification program pursuant to P.L.2001, c.289 (C.52:27D-25n et seq.), are appropriated to the Department of Community Affairs Division of Fire Safety, in such amounts as are necessary to operate the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Fire Safety may transfer within its own division between a Direct State Services appropriations account and a Grants-In-Aid appropriations account, such amounts as are necessary for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts appropriated from the Department of Community Affairs’ code enforcement activities in excess of the amount anticipated and in excess of the amounts required to support the code enforcement activity for which they were collected may be transferred as necessary to cover shortfalls in other Department of Community Affairs’ code enforcement accounts, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Local Planning Services and Affordable Housing accounts shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the “New Jersey Affordable Housing Trust Fund” pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer fee directed to be credited to the “New Jersey Affordable Housing Trust Fund” pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). Any receipts in excess of the amount anticipated, and any unexpended balance at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Housing and Community Resources may transfer between the Affordable Housing State Aid appropriations account, the Local Planning Services Direct State Services appropriations account and the Affordable Housing Direct State Services appropriations account, such amounts as are necessary, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide written notice of such a transfer to the Joint Budget Oversight Committee within 10 working days of making such a transfer.

There is appropriated from the "Petroleum Overcharge Reimbursement Fund" the amount of \$300,000 for the expenses of the Green Homes Office, subject to the approval of the Director of the Division of Budget and Accounting.

Any receipts from the Boarding Home Regulation and Assistance program, including fees, fines, and penalties, are appropriated for the Boarding Home Regulation and Assistance program.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the Commissioner of Community Affairs shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and notwithstanding the provisions of P.L.1983, c.530 (C.55:14K-1 et seq.) to the contrary, moneys held in the "Boarding House Rental Assistance Fund" that were originally appropriated from the General Fund may be used by the commissioner for the purpose of providing life safety improvement loans, and any moneys held in the "Boarding House Rental Assistance Fund" may be used for the purpose of providing rental assistance for repayment of such loans. Notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.), the commissioner shall have authority to disburse funds from the "Boarding House Rental Assistance Fund" established pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) for the purpose of repaying, through rental assistance or otherwise, loans made to the boarding house owners for the purpose of rehabilitating boarding houses.

The unexpended balance at the end of the preceding fiscal year in the Truth-in-Renting account, and receipts from the sale of Truth-in-Renting statements, including fees, fines, and penalties, are appropriated for the Truth-in-Renting program, subject to the approval of the Director of the Division of Budget and Accounting.

#### **GRANTS-IN-AID**

01-8010 Housing Code Enforcement.....	\$919,000
02-8020 Housing Services.....	25,410,000
18-8017 Uniform Fire Code .....	<u>8,571,000</u>
Total Grants-in-Aid Appropriation, Community	
Development Management.....	<u>\$34,900,000</u>

***Grants-in-Aid:***

01	Cooperative Housing Inspection.....	(\$919,000)
02	Shelter Assistance .....	(2,300,000)
02	Prevention of Homelessness .....	(4,360,000)
02	State Rental Assistance Program .....	(18,500,000)
02	Camden County Housing First Pilot Program .....	(250,000)
18	Uniform Fire Code - Local Enforcement Agency Rebates .....	(8,425,000)
18	Uniform Fire Code - Continuing Education.....	(146,000)

There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in the State Rental Assistance Program account is appropriated for the expenses of the State Rental Assistance Program.

Upon determination by the Commissioner of Community Affairs that all eligible shelter assistance projects have received funding from the amount appropriated for Shelter Assistance from receipts of the portions of the realty transfer fee dedicated to the "New Jersey Affordable Housing Trust Fund," any available balance in the Shelter Assistance account may be transferred to the Affordable Housing account, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Shelter Assistance program, the Prevention of Homelessness program, and the State Rental Assistance Program shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the "New Jersey Affordable Housing Trust Fund" pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer fee directed to be credited to the "New Jersey Affordable Housing Trust Fund" pursuant to section 4 of P.L.1975, c.176 (C.46:15-

10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as are necessary shall be available from the Prevention of Homelessness Grants-In-Aid appropriation for program administrative expenses, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from repayment of loans from the Downtown Business Improvement Loan Fund, together with the unexpended balance at the end of the preceding fiscal year of such loan fund and any interest thereon, are appropriated for the purposes of P.L.1998, c.115 (C.40:56-71.1 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, Revolving Housing Development and Demonstration Grant funds are appropriated to support loans and grants to non-profit entities for the purpose of economic development and historic preservation.

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as may be received from the New Jersey Housing and Mortgage Finance Agency for the State Rental Assistance Program are appropriated to the Department of Community Affairs for the purposes of providing rental assistance.

In addition to the amount hereinabove appropriated for the State Rental Assistance Program (SRAP), an amount not less than \$20,000,000 is appropriated from the "New Jersey Affordable Housing Trust Fund" to SRAP for the purposes of subsections a. and c. of section 1 of P.L.2004, c.140 (C.52:27D-287.1).

#### **STATE AID**

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as may be required to fund relocation costs of boarding home residents are appropriated from the "Boarding House Rental Assistance Fund."

The unexpended balance at the end of the preceding fiscal year in the Relocation Assistance account, not to exceed \$250,000, is appropriated for the expenses of the Relocation Assistance program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Affordable Housing program, an amount not to exceed \$400,000 may be used for matching, on a 50/50 basis, for the federal share of the administrative costs of the federal Community Development Block Grant.

Of the amount hereinabove appropriated for the "New Jersey Affordable Housing Trust Fund," such amounts as are necessary may be pledged as a match for the HOME Investment Partnership Program to ensure adherence to the federal matching requirements for affordable housing production.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Affordable Housing program may be used to provide technical assistance grants to non-profit housing organizations

and authorities for creating and supporting affordable housing and community development opportunities.

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated for the Affordable Housing program may be provided directly to the housing project being assisted; provided, however, that any such project has the support by resolution of the governing body of the municipality in which it is located.

### ***50 Economic Planning, Development, and Security***

#### ***55 Social Services Programs***

##### **DIRECT STATE SERVICES**

05-8050 Community Resources .....	<u>\$100,000</u>
Total Direct State Services Appropriation, Social Services Programs .....	<u>\$100,000</u>

##### ***Direct State Services:***

##### **Personal Services:**

    Salaries and Wages .....(\$76,000)

    Services Other Than Personal.....(24,000)

Additional funds as may be allocated by the federal government for New Jersey's Low Income Home Energy Assistance Block Grant Program (LIHEAP) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

##### **GRANTS-IN-AID**

05-8050 Community Resources .....	<u>\$9,490,000</u>
Total Grants-in-Aid Appropriation, Social Services Programs .....	<u>\$9,490,000</u>

##### ***Grants-in-Aid:***

    05 Recreation for the Handicapped.....(\$585,000)

    05 New Jersey Re-entry Corporation -

        One-Stop Offender Re-entry Services.....(3,500,000)

    05 Volunteers of America - Re-entry Services .....(1,500,000)

    05 City of Orange - Community Center for Youth  
        and Seniors.....(2,500,000)

    05 City of Newark - Anti-Violence Out-of-School  
        Youth Summer Program.....(1,000,000)

    05 Special Olympics .....(405,000)

Of the amount hereinabove appropriated for the Special Olympics program, an amount not to exceed \$75,000 may be allocated for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.2003, c.311 (C.52:27D-437.1 et seq.), or any law or regulation to the contrary, the amount hereinabove appropriated for

the "Lead Hazard Control Assistance Fund" is payable from receipts of the portion of the sales tax directed to be credited to the "Lead Hazard Control Assistance Fund" pursuant to section 11 of P.L.2003, c.311 (C.52:27D-437.11), and there is further appropriated from such receipts an amount not to exceed \$8,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such amounts as are necessary are appropriated from the "Lead Hazard Control Assistance Fund" for administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for New Jersey Re-entry Corporation - One-Stop Offender Re-entry Services shall be utilized to provide One-Stop Re-entry services in Newark, Jersey City, Paterson, and Toms River.

The amount hereinabove appropriated for Volunteers of America - Re-entry Services shall be utilized to provide expanded re-entry services in Atlantic City and Trenton.

### **70 Government Direction, Management, and Control**

#### **75 State Subsidies and Financial Aid**

##### **DIRECT STATE SERVICES**

04-8030 Local Government Services.....	<u>\$4,512,000</u>
Total Direct State Services Appropriation, State	
Subsidies and Financial Aid .....	<u>\$4,512,000</u>

##### **Direct State Services:**

##### **Personal Services:**

Local Finance Board Members .....	(\$84,000)
Salaries and Wages .....	(4,146,000)
Materials and Supplies.....	(40,000)
Services Other Than Personal.....	(227,000)
Maintenance and Fixed Charges.....	(15,000)

Receipts received by the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

##### **STATE AID**

04-8030 Local Government Services.....	<u>\$717,515,000</u>
(From General Fund.....	\$1,600,000)
(From Property Tax Relief Fund.....	715,915,000)
Total State Aid Appropriation, State Subsidies and	
Financial Aid .....	<u>\$717,515,000</u>
(From General Fund.....	\$1,600,000)
(From Property Tax Relief Fund.....	715,915,000)



**State Aid:**

04 Consolidated Municipal Property Tax Relief Aid (PTRF).....	(\$594,082,000)
04 County Prosecutors and Officials Salary Increase (P.L.2007, c.350) .....	(1,600,000)
04 County Prosecutor Funding Initiative Pilot Program (PTRF) .....	(4,000,000)
04 Consolidation Implementation (PTRF).....	(4,000,000)
04 Transitional Aid to Localities (PTRF) .....	(107,350,000)
04 Open Space Payments in Lieu of Taxes (PTRF).....	(6,483,000)

The amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; December 1 for municipalities operating under a calendar fiscal year, 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due.

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts received from the appropriation to the Consolidated Municipal Property Tax Relief Aid program and received from amounts transferred from Consolidated Municipal Property Tax Relief Aid to the "Energy Tax Receipts Property Tax Relief Fund" account, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67, less an amount proportional to reductions in the combined total amount received by the municipality from Consolidated Municipal Property Tax Relief Aid and from the "Energy Tax Receipts Property Tax Relief Fund" since fiscal year 2008.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities that received funding pursuant to the previous fiscal year's annual appropriations act; provided further, however, that from the amount hereinabove appropriated there are transferred to the "Energy Tax Receipts Property Tax Relief Fund" account such amounts as were determined for fiscal year 2003, fiscal year 2006, fiscal year 2007, fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2012, fiscal year 2013, fiscal year 2014, fiscal year 2015, and fiscal year 2016 pursuant to subsection e. of section 2 of P.L.1997, c.167 (C.52:27D-439), as amended by P.L.1999, c.168; and except that the amount of Consolidated Municipal Property Tax Relief Aid received by a municipality shall be increased by such amounts of Transitional Aid to Localities deemed to constitute Consolidated Municipal Property Tax Relief Aid by the Director of the Division of Local Government Services in the previous fiscal year.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Local Government Services shall take such actions as may be necessary to ensure that proportional amounts of the Consolidated Municipal Property Tax Relief Aid and the amounts transferred from Consolidated Municipal Property Tax Relief Aid to the "Energy Tax Receipts Property Tax Relief Fund" account appropriated to offset losses from business personal property tax that would have otherwise been used for the support of public schools will be used to reduce the school property tax levy for those affected school districts with the remaining State Aid used as municipal property tax relief. The chief financial officer of the municipality shall pay to the school districts such amounts as may be due by December 31.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the final 5% or \$500, whichever is greater, of the total annual amount due for the current fiscal year from Consolidated Municipal Property Tax Relief Aid to municipalities is subject to the following condition: the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services and shall receive at least a minimum score on such inventory as determined by the Director of the Division of Local Government Services; provided, however, that the director may take into account the particular circumstances of a municipality in computing such score. In preparing the Best Practices Inventory, the director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the final 5% or \$500, whichever is greater, of the total annual amount due for the current fiscal year, but in no event shall amounts be withheld with respect to municipal practices occurring prior to the issuance of the Best Practices Inventory unless related to a municipal practice identified in the Best Practices Inventory established in the previous fiscal year.

The Director of the Division of Local Government Services may permit any municipality that received Regional Efficiency Aid Program funds pursuant to the annual appropriations act for fiscal year 2010, P.L.2009, c.68, to use a portion of Consolidated Municipal Property Tax Relief Aid to provide "Regional Efficiency Aid Program" benefits pursuant to P.L.1999, c.61 (C.54:4-8.76 et seq.).

The amount hereinabove appropriated for the County Prosecutor Funding Initiative Pilot Program shall be distributed as follows: Camden County, \$895,000; Essex County, \$1,811,000; Hudson County, \$802,500; and Mercer County, \$491,500.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidation Implementation shall be allocated to provide reimbursement to local government units that consolidate pursuant to any law, including but not limited to P.L.2007, c.63 (C.40A:65-1 et seq.) and P.L.2009, c.118 (C.54:1-86 et seq.), or to a municipality that is wholly

annexed by another municipality pursuant to N.J.S.40A:7-1 et seq., for non-recurring costs that the Director of the Division of Local Government Services, or in the case of a school district consolidation the Commissioner of Education, determines to be necessary to implement such consolidation or annexation, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that in addition to the amounts hereinabove appropriated, there are appropriated such additional amounts as are determined to be necessary for reimbursement of non-recurring costs associated with local government unit consolidations, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Transitional Aid to Localities is subject to the following condition: a municipality that has not yet applied for Transitional Aid for 2015 as of the effective date of this act may file an application on the appropriate forms prescribed by the Director of the Division of Local Government Services and such application shall be considered by the director for a determination of eligibility for Transitional Aid for the current fiscal year.

Of the amount hereinabove appropriated for Transitional Aid to Localities, an amount may be allocated by the Director of the Division of Local Government Services to provide short-term financial assistance to a local government unit that is determined by the director to be experiencing financial distress caused by the destruction or loss of a major local business ratable. For purposes of this paragraph, a "major local business ratable" means one or more related parcels of property owned by a single business entity, classified as commercial or industrial, which comprised the largest assessed valuation of any one or more line items of taxable property in a municipality, or generated an annual PILOT payment in excess of 10% of the total municipal levy, or is otherwise determined by the director to be of such significance to a municipality that its destruction or loss has resulted in financial distress; provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Local Government Services may direct that part of any such allocation be paid to an affected school district or county, or to both, in the same manner as if the award of Transitional Aid were raised as revenue from the municipal tax levy; and provided further that a local government unit determined to be experiencing financial distress because of the loss or destruction of a major local business ratable shall not be required to be subject to any additional conditions, requirements, orders, or other operational efficiency or oversight measures authorized pursuant to P.L.2011, c.144 (C.52:27D-118.42a), except as determined to be appropriate by the Director of the Division of Local Government Services.

The amount hereinabove appropriated for Transitional Aid to Localities is subject to the following condition: notwithstanding the provisions of R.S.43:21-14, or any other law or regulation to the contrary, the Commissioner of Labor and Workforce Development, in consultation with the Commissioner of Community

Affairs, is authorized to enter into individualized payment plan agreements with municipalities that receive Transitional Aid for the reimbursement of unemployment benefits paid to former employees of such municipal government units, at reasonable interest rates based on current market conditions, and on such other terms and conditions as may be determined to be appropriate by the Commissioner of Labor and Workforce Development. Any municipality that enters into an individualized payment plan agreement pursuant to this section shall be required to expend all funds budgeted for this activity remaining as of the last day of its budget year for the repayment of outstanding obligations under the plan.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Transitional Aid to Localities shall be allocated to provide short-term financial assistance where needed to help a municipality that is in serious fiscal distress meet immediate budgetary needs and regain financial stability. A municipality shall be deemed to be eligible for transitional aid if it is identified by the Director of the Division of Local Government Services as experiencing serious fiscal distress where the director determines that, despite local officials having implemented substantive cost reduction strategies, there continue to exist conditions of serious fiscal distress, which may include but shall not be limited to: substantial structural or accumulated deficits; ongoing reliance on non-recurring revenues; limited ability to raise supplemental non-property tax revenues; extraordinary demands for public safety appropriations; and other factors indicating a constrained ability to raise sufficient revenues to meet budgetary requirements that substantially jeopardizes the fiscal integrity of the municipality. Municipalities seeking transitional aid shall file an application on a form prescribed by the director, which application, among other things, shall set forth the minimum criteria that must be met in order for an application to be considered by the director for a determination of eligibility. The director shall determine whether a municipality which files an application meeting such minimum criteria is in serious fiscal distress, and, if so, what amount of transitional aid should be provided to address the municipality's serious fiscal distress. The transitional aid shall be provided to the municipality subject to the provisions of subsection a. of section 1 of P.L.2011, c.144 (C.52:27D-118.42a); provided, however, that an amount of Transitional Aid to Localities as determined by the Director of the Division of Local Government Services for a municipality may be deemed to constitute Consolidated Municipal Property Tax Relief Aid in an amount not in excess of the amount of Transitional Aid to Localities such municipality received in the previous fiscal year and shall not reduce the amount of Consolidated Municipal Property Tax Relief Aid such municipality shall receive for the current fiscal year. Provided, however, if the Director of the Division of Local Government Services deems an amount of Transitional Aid to Localities for a municipality as constituting Consolidated Munic-

ipal Property Tax Relief Aid pursuant to this provision, that municipality is not relieved from compliance with the requirements for transitional aid.

Notwithstanding the provisions of subsection d. of section 29 of P.L.1999, c.152 (C.13:8C-29) or subsection d. of section 30 of P.L.1999, c.152 (C.13:8C-30), or any law or regulation to the contrary, all payments to municipalities in lieu of taxes for lands acquired by the State and non-profit organizations for recreation and conservation purposes shall be retained by the municipality and not apportioned in the same manner as the general tax rate of the municipality.

Notwithstanding the provisions of any law or regulation to the contrary, payments to municipalities in lieu of taxes for lands acquired by the State and non-profit organizations for recreation and conservation purposes shall be provided only to municipalities whose payments received in fiscal year 2010 exceeded \$5,000 and shall be provided at two-thirds of the payment amount provided in fiscal year 2010.

Notwithstanding the provisions of any law or regulation to the contrary, any qualifying municipality, as defined in section 1 of P.L.1978, c.14 (C.52:27D-178) for the previous fiscal year, shall continue to be a qualifying municipality thereunder during the current fiscal year.

Notwithstanding the provisions of any law or regulation to the contrary, whenever funds appropriated as State Aid and payable to any municipality, which municipality requests and receives the approval of the Local Finance Board, such funds may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to section 11 of P.L.2003, c.15 (C.40A:2-8.1) and any tax anticipation notes issued pursuant to N.J.S.40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

The State Treasurer, in consultation with the Commissioner of Community Affairs, is empowered to direct the Director of the Division of Budget and Accounting to transfer appropriations from any State department to any other State department as may be necessary to provide a loan for a term not to exceed 180 days to a municipality faced with a fiscal crisis, including but not limited to a potential default on tax anticipation notes. Extension of the term of the loan shall be conditioned on the municipality being an "eligible municipality" pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Notwithstanding the provisions of N.J.S.40A:4-39 or any other law or regulation to the contrary, a county that assumes responsibility for the provision of local police services in one or more municipalities utilizing a new or expanded county police force may display the anticipated revenues and appropriations associated

with such county police force in its annual budget by annexing to that budget a statement describing the sources and amounts of anticipated dedicated revenues and appropriating those dedicated amounts for the purposes of the county police force.

### **76 Management and Administration**

#### **DIRECT STATE SERVICES**

49-8049 Historic Trust.....	\$649,000
99-8070 Administration and Support Services .....	<u>2,813,000</u>
Total Direct State Services Appropriation, Management and Administration .....	<u>\$3,462,000</u>

#### **Direct State Services:**

##### **Personal Services:**

Salaries and Wages .....	(\$2,103,000)
Materials and Supplies.....	(8,000)
Services Other Than Personal.....	(74,000)
Maintenance and Fixed Charges .....	(16,000)

##### **Special Purpose:**

49 Historic Trust/Open Space Administrative Costs .....	(649,000)
99 Government Records Council .....	(612,000)

The amount hereinabove appropriated for the Historic Trust/Open Space Administrative Costs program is appropriated for all administrative costs and expenses pursuant to the "New Jersey Cultural Trust Act," P.L.2000, c.76 (C.52:16A-72 et seq.); the "Garden State Preservation Trust Act," sections 1 through 42 of P.L.1999, c.152 (C.13:8C-1 et seq.); the "Historic Preservation Revolving Loan Fund," P.L.1991, c.41 (C.13:1B-15.115a et seq.); the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88; the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204; the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119; and the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Historic Trust/Open Space Administrative Costs account is transferred from the Garden State Historic Preservation Trust Fund, the 2007 Historic Preservation Fund, and the 2009 Historic Preservation Fund to the General Fund and is appropriated to the Department of Community Affairs for Historic Trust/Open Space Administrative Costs, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Community Affairs, Total State

Appropriation ..... \$802,131,000

All moneys comprising original bond proceeds or the repayment of loans or advances from the Mortgage Assistance Fund established under the "New Jersey Mortgage Assistance Bond Act of 1976," P.L.1976, c.94, are appropriated in accordance with the purposes set forth in section 5 of that act.

Notwithstanding the provisions of any law or regulation to the contrary, deposits of any funds into the Revolving Housing Development and Demonstration Grant Fund are subject to prior approval of the Director of the Division of Budget and Accounting.

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**Summary of Department of Community Affairs Appropriations**

(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services .....	\$40,226,000
Grants-in-Aid .....	44,390,000
State Aid .....	717,515,000

*Appropriations by Fund:*

General Fund .....	\$86,216,000
Property Tax Relief Fund .....	715,915,000

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**26 DEPARTMENT OF CORRECTIONS**

**10 Public Safety and Criminal Justice**

**16 Detention and Rehabilitation**

**DIRECT STATE SERVICES**

07-7040 Institutional Control and Supervision .....	\$466,314,000
08-7040 Institutional Care and Treatment .....	244,370,000
99-7040 Administration and Support Services .....	<u>70,507,000</u>
Total Direct State Services Appropriation, Detention and Rehabilitation .....	<u>\$781,191,000</u>

**Direct State Services:**

Personal Services:

Salaries and Wages .....	(\$515,261,000)
Food In Lieu of Cash .....	(2,462,000)
Materials and Supplies .....	(59,159,000)
Services Other Than Personal .....	(157,184,000)
Maintenance and Fixed Charges .....	(13,938,000)

Special Purpose:

07 Civilly Committed Sexual Offender Program .....	(31,914,000)
08 Edna Mahan Visitation Program .....	(123,000)
Additions, Improvements and Equipment .....	(1,150,000)

The unexpended balances at the end of the preceding fiscal year in the Civilly Committed Sexual Offender Program account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the Upholstery Program at the Albert C. Wagner Youth Correctional Facility, and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program with surplus funds being credited to the institution's Inmate Welfare Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated in the Detention and Rehabilitation various institutional accounts, an amount may be transferred to the Purchase of Community Services account or to other programs that reduce the number of inmates housed in State facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for payment of inmate health care are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, amounts collected by the Department of Corrections as commissions in connection with the provision of services for inmates at inmate kiosks, including automated banking, video visitation, electronic mail, and related services, and any unexpended balance at the end of the preceding fiscal year in that account are appropriated to offset departmental costs associated with the provision of such services, subject to the approval of the Director of the Division of Budget and Accounting.

#### ***7025 System-Wide Program Support***

##### **DIRECT STATE SERVICES**

07-7025 Institutional Control and Supervision .....	\$33,222,000
13-7025 Institutional Program Support .....	<u>38,535,000</u>
Total Direct State Services Appropriation, System-Wide	
Program Support.....	<u>\$71,757,000</u>

##### ***Direct State Services:***

###### **Personal Services:**

Salaries and Wages .....	(\$44,377,000)
Materials and Supplies.....	(1,169,000)
Services Other Than Personal.....	(13,478,000)

###### **Special Purpose:**

13 Integrated Information Systems .....	(8,899,000)
13 Offender Re-entry Program.....	(1,000,000)
13 Mutual Agreement Program.....	(1,162,000)
13 DOC/DOT Work Details .....	(537,000)
Additions, Improvements and Equipment .....	(1,135,000)



**GRANTS-IN-AID**

13-7025 Institutional Program Support .....	<u>\$73,679,000</u>
Total Grants-in-Aid Appropriation, System-Wide	
Program Support .....	<u>\$73,679,000</u>

**Grants-in-Aid:**

- 13 Purchase of Service for Inmates
  - Incarcerated In County Penal Facilities.....(\$2,720,000)
- 13 Purchase of Community Services .....(65,959,000)
- 13 Essex County - Recidivism Pilot Program.....(5,000,000)

Of the amount hereinabove appropriated for Purchase of Service for Inmates Incarcerated in County Penal Facilities, an amount may be transferred for operational costs of State facilities for inmate housing, which become ready for occupancy and other programs which reduce the number of State inmates in county facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Purchase of Community Services shall be subject to the following condition: in order to permit flexibility and efficiency in the housing of State inmates, the operational capacity of the Residential Community Release Program, as a place of confinement, shall be determined by the Commissioner of Corrections as authorized by section 2 of P.L.1969, c.22 (C.30:4-91.2), subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Purchase of Community Services is conditioned upon the following: the Commissioner of Corrections shall report to the Presiding Officers of the Legislature in accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1) on the operation of each Community Based Residential Placement. The report shall include, but not be limited to, the following: (a) the total reimbursement provided, (b) the rate of reimbursement received per client, (c) the number of clients for which reimbursement was received, (d) the number of clients imprisoned for violent crimes and the total number of days such clients were imprisoned, (e) the number of clients imprisoned for non-violent crimes and the total number of days such clients were imprisoned, (f) the number of escapes by clients imprisoned for violent crimes and the number of escapes by clients imprisoned for non-violent crimes, and (g) the number of incidents involving physical violence documented.

**STATE AID**

13-7025 Institutional Program Support .....	<u>\$22,500,000</u>
(From Property Tax Relief Fund.....	\$22,500,000)

## Total State Aid Appropriation, System-Wide Program

Support ..... \$22,500,000*(From Property Tax Relief Fund..... \$22,500,000)***State Aid:**

13 Essex County - County Jail Substance

Use Disorder Programs (PTRF) ..... (\$20,000,000)

13 Union County Inmate Rehabilitation

Services (PTRF) ..... (2,500,000)

**17 Parole****DIRECT STATE SERVICES**03-7010 Parole..... \$45,611,000

05-7280 State Parole Board ..... 13,238,000

99-7280 Administration and Support Services ..... 4,008,000Total Direct State Services Appropriation, Parole ..... \$62,857,000**Direct State Services:**

## Personal Services:

Salaries and Wages ..... (\$39,939,000)

Materials and Supplies..... (535,000)

Services Other Than Personal..... (2,010,000)

Maintenance and Fixed Charges..... (1,030,000)

## Special Purpose:

03 Parolee Electronic Monitoring Program ..... (4,073,000)

03 Supervision, Surveillance, and Gang

Suppression Program ..... (1,481,000)

03 Sex Offender Management Unit ..... (11,457,000)

03 Satellite-based Monitoring of Sex Offenders ..... (2,282,000)

Additions, Improvements and Equipment ..... (50,000)

**GRANTS-IN-AID**03-7010 Parole..... \$35,882,000Total Grants-in-Aid Appropriation, Parole ..... \$35,882,000**Grants-in-Aid:**

03 Re-Entry Substance Abuse Program ..... (\$7,889,000)

03 Mutual Agreement Program (MAP) ..... (4,618,000)

03 Community Resource Center Program (CRC)..... (11,381,000)

03 Stages to Enhance Parolee Success Program

(STEPS)..... (11,994,000)

Any change by the Division of Parole in the per diem rates affecting Special Case-load accounts first shall be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the New Jersey State Parole Board is authorized to expend the amounts appropriated for

Re-Entry Substance Abuse Program, Stages to Enhance Parolee Success Program (STEPS), Mutual Agreement Program (MAP), and Community Resource Center Program (CRC) to provide services to ex-offenders who are age 18 or older and under juvenile or adult parole supervision, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Mutual Agreement Program (MAP), the amount of \$175,000 shall be transferred to the Department of Human Services, Division of Mental Health and Addiction Services for the reimbursement of salaries and to fund other related administrative costs for the Mutual Agreement Program (MAP), subject to the approval of the Director of the Division of Budget and Accounting.

To permit flexibility and ensure the appropriate levels of services are provided, appropriated amounts may be transferred between the following accounts: Re-Entry Substance Abuse Program, Mutual Agreement Program (MAP), Community Resource Center Program (CRC), and Stages to Enhance Parolee Success Program (STEPS), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Community Resource Center Program (CRC), an amount not to exceed \$3,000,000 may be transferred to the Department of Labor and Workforce Development, Employment and Training Services Program, for parolee employment services from contracted providers, subject to the approval of the Director of the Division of Budget and Accounting.

### ***19 Central Planning, Direction and Management***

#### **DIRECT STATE SERVICES**

99-7000 Administration and Support Services .....	<u>\$19,814,000</u>
Total Direct State Services Appropriation, Central	
Planning, Direction and Management .....	<u>\$19,814,000</u>

#### ***Direct State Services:***

##### **Personal Services:**

Salaries and Wages .....	(\$14,021,000)
Materials and Supplies.....	(583,000)
Services Other Than Personal.....	(539,000)
Maintenance and Fixed Charges.....	(791,000)
Additions, Improvements and Equipment .....	(3,880,000)

Receipts from the Culinary Arts Vocational Program, and any unexpended balance at the end of the preceding fiscal year in that account, are appropriated for the operation of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Corrections, Total State Appropriation .....	<u>\$1,067,680,000</u>
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The unexpended balance at the end of the preceding fiscal year of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the benefit of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under section 4 of P.L.1969, c.22 (C.30:4-91.4 et seq.).

***Summary of Department of Corrections Appropriations***  
(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services.....	\$935,619,000
Grants-in-Aid.....	109,561,000
State Aid.....	22,500,000

*Appropriations by Fund:*

General Fund.....	\$1,045,180,000
Property Tax Relief Fund.....	22,500,000

**34 DEPARTMENT OF EDUCATION**

***30 Educational, Cultural, and Intellectual Development***

***31 Direct Educational Services and Assistance***

**DIRECT STATE SERVICES**

36-5120 Student Transportation .....	\$417,000
38-5120 Facilities Planning and School Building Aid.....	1,562,000
42-5120 School Finance .....	<u>3,294,000</u>
Total Direct State Services Appropriation, Direct	
Educational Services and Assistance.....	<u>\$5,273,000</u>

***Direct State Services:***

Personal Services:

Salaries and Wages .....	(\$4,915,000)
Materials and Supplies.....	(69,000)
Services Other Than Personal.....	(264,000)
Maintenance and Fixed Charges.....	(25,000)

**GRANTS-IN-AID**

03-5120 Miscellaneous Grants-In-Aid .....	<u>\$30,000</u>
Total Grants-in-Aid Appropriation, Direct	
Educational Services and Assistance.....	<u>\$30,000</u>

***Grants-in-Aid:***

03 Community Relations Committee of the	
United Jewish Federation of Metrowest.....	(\$30,000)

**STATE AID**

01-5120 General Formula Aid .....	\$7,674,252,000
<i>(From General Fund.....</i>	<i>\$3,933,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>7,670,319,000)</i>
02-5120 Nonpublic School Aid .....	92,753,000
03-5120 Miscellaneous Grants-In-Aid .....	48,976,000
<i>(From Property Tax Relief Fund.....</i>	<i>48,976,000)</i>
04-5120 Adult and Continuing Education .....	4,000,000
07-5120 Special Education .....	928,304,000
<i>(From General Fund.....</i>	<i>3,978,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>924,326,000)</i>
36-5120 Student Transportation .....	186,959,000
<i>(From Property Tax Relief Fund.....</i>	<i>186,959,000)</i>
38-5120 Facilities Planning and School Building Aid.....	<u>999,338,000</u>
<i>(From General Fund.....</i>	<i>50,000,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>949,338,000)</i>
Subtotal State Aid Appropriation, Direct Educational	
Services and Assistance.....	<u>\$9,934,582,000</u>
<i>(From General Fund.....</i>	<i>\$154,664,000)</i>
<i>(From Property Tax Relief Fund .....</i>	<i>9,779,918,000)</i>

**Less:**

Assessment of EDA Debt Service.....	<b>\$26,529,000</b>
Growth Savings - Payment Changes .....	<b>912,000</b>
Total Deductions .....	<u><b>\$27,441,000</b></u>
Total State Aid Appropriation, Direct Educational	
Services and Assistance.....	<u><b>\$9,907,141,000</b></u>
<i>(From General Fund.....</i>	<i>\$154,664,000)</i>
<i>(From Property Tax Relief Fund .....</i>	<i>9,752,477,000)</i>

**State Aid:**

01 Equalization Aid .....	(\$3,933,000)
01 Equalization Aid (PTRF) .....	(6,066,071,000)
01 Supplemental Enrollment Growth Aid (PTRF) .....	(4,141,000)
01 Per Pupil Growth Aid (PTRF) .....	(13,460,000)
01 PARCC Readiness (PTRF) .....	(13,460,000)
01 Educational Adequacy Aid (PTRF) .....	(82,397,000)
01 Security Aid (PTRF) .....	(195,491,000)
01 Adjustment Aid (PTRF).....	(570,551,000)
01 Preschool Education Aid (PTRF) .....	(655,517,000)
01 Under Adequacy Aid (PTRF) .....	(16,763,000)
01 School Choice (PTRF).....	(52,468,000)
02 Nonpublic Textbook Aid .....	(8,243,000)
02 Nonpublic Handicapped Aid.....	(27,240,000)
02 Nonpublic Auxiliary Services Aid.....	(31,649,000)

02	Nonpublic Auxiliary/Handicapped	
	Transportation Aid .....	(2,469,000)
02	Nonpublic Nursing Services Aid .....	(13,451,000)
02	Nonpublic Technology Initiative .....	(3,951,000)
02	Nonpublic Security Aid .....	(5,750,000)
03	Charter School Aid (PTRF) .....	(10,000,000)
03	Bridge Loan Interest and Approved	
	Borrowing Cost (PTRF) .....	(200,000)
03	Payments for Institutionalized Children -	
	Unknown District of Residence (PTRF).....	(37,500,000)
03	Integration Assistance Aid (PTRF).....	(1,276,000)
04	Adult Education Programs .....	(4,000,000)
07	Special Education Categorical Aid (PTRF) .....	(763,304,000)
07	Extraordinary Special Education Costs Aid.....	(3,978,000)
07	Extraordinary Special Education Costs Aid	
	(PTRF).....	(161,022,000)
36	Transportation Aid (PTRF).....	(186,859,000)
36	Family Crisis Transportation Aid (PTRF) .....	(100,000)
38	School Building Aid (PTRF) .....	(51,768,000)
38	School Construction Debt Service Aid (PTRF) .....	(63,403,000)
38	School Construction & Renovation Fund .....	(50,000,000)
38	School Construction & Renovation Fund	
	(PTRF).....	(834,167,000)

**Less:**

**Deductions.....27,441,000**

Of the amount hereinabove appropriated for Equalization Aid, an amount equal to the total earnings of investments of the Fund for the Support of Free Public Schools first shall be charged to such fund.

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2015-2016 allocation of the amounts hereinabove appropriated for Equalization Aid shall be as set forth in the February 2015 State Aid notice issued by the Commissioner of Education.

Of the amounts hereinabove appropriated for Nonpublic School Aid, such amounts as determined by the Commissioner of Education may be transferred between such accounts to address changes in enrollments and services, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from nonpublic schools handicapped and auxiliary recoveries are appropriated for the payment of additional aid in accordance with section 17 of P.L.1977, c.192 (C.18A:46A-14) and section 14 of P.L.1977, c.193 (C.18A:46-19.8), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 14 of P.L.1977, c.193 (C.18A:46-19.8), for the purpose of computing Nonpublic Handicapped Aid for pupils requiring

the following services, the per pupil amounts for the 2015-2016 school year shall be: \$1,326.17 for an initial evaluation or reevaluation for examination and classification; \$380 for an annual review for examination and classification; \$930 for speech correction; and \$826 for supplementary instruction services, provided, however, that the Commissioner of Education may adjust the per pupil amounts based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1977, c.192 (C.18A:46A-9), the per pupil amount for compensatory education for the 2015-2016 school year for the purposes of computing Nonpublic Auxiliary Services Aid shall equal \$995.33 and the per pupil amount for providing the equivalent service to children of limited English-speaking ability shall be \$1,015, provided, however, that the Commissioner of Education may adjust the per pupil amounts based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1991, c.226 (C.18A:40-31), the amount hereinabove appropriated for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16, 2014.

Items purchased for the use of nonpublic school students with Nonpublic Technology Initiative funds in previous budget cycles shall remain the property of the local education agency; provided, however, that they shall remain on permanent loan for the use of nonpublic school students for the balance of the technologies' useful life.

Notwithstanding the provisions of any law or regulation to the contrary, Nonpublic Technology Initiative Aid shall be paid to school districts and allocated for nonpublic school pupils at the rate of \$26 per pupil in a manner that is consistent with the provisions of the federal and State constitutions.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated to the Emergency Fund account such additional amounts as may be required, not to exceed \$650,000, to fund approved applications for emergency aid in accordance with the provisions of N.J.S.18A:58-11, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts received in the "School District Deficit Relief Account," established pursuant to section 5 of P.L.2006, c.15 (C.18A:7A-58), including loan repayments, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.), there is appropriated from the Drug Abuse Education Fund, the amount of \$50,000, to be used for the NJSIAA Steroid Testing program.

The amount hereinabove appropriated for Extraordinary Special Education Costs Aid first shall be charged to receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1) credited to the Extraordinary Aid Account. Notwithstanding the provisions of that law to the contrary, the amount appropriated for Extraordinary Special Education Costs Aid from re-

ceipts deposited into the Extraordinary Aid Account shall not exceed the amount hereinabove appropriated. Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Extraordinary Special Education Costs Aid, such amounts as the Director of the Division of Budget and Accounting may determine first shall be charged to the Property Tax Relief Fund instead of receipts deposited into the Extraordinary Aid Account.

In addition to the amount hereinabove appropriated for the School Construction and Renovation Fund account to make payments under the contracts authorized pursuant to section 18 of P.L.2000, c.72 (C.18A:7G-18), there are appropriated such other amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the School Construction and Renovation Fund account is appropriated for the same purpose.

From the amount hereinabove appropriated for Nonpublic Security Aid the Commissioner of Education shall provide State aid to each school district in an amount equal to \$25 multiplied by the number of nonpublic school students within the district identified by the district on or before November 5 for security services, equipment, or technology to ensure safe and secure school environment for nonpublic school students. Provided further that \$2,000,000 shall be transferred to the Office of the Secretary of Higher Education and shall be allocated to the institution of higher education determined by the Secretary to be most in need of security enhancements in order to protect the safety of students and faculty.

The amount hereinabove appropriated for Adult Education Programs shall be distributed at a rate of \$1,500 per pupil for students enrolled on a full-time equivalent basis (as determined by the Commissioner of Education) in an approved adult high school, a postsecondary career and technical education program at a county vocational-technical school, or a non-credit career and technical education program that has been transferred to a county college from a county vocational school district pursuant to a formal resolution prior to the effective date of this appropriations act. The per pupil amount shall be reduced proportionally if the amount appropriated is insufficient to provide full funding for all eligible enrolled students.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that an "SDA district" sells district surplus property, the proceeds from such sale shall be applied as follows, subject to the approval of the Director of the Division of Budget and Accounting: the Commissioner of Education, in his discretion, may direct that the proceeds be used by the SDA district upon a showing of financial need for a capital maintenance project or for a school facilities project if such project is consistent with the district's Long-Range Facilities Plan (LRFP) and the project cost does not exceed \$500,000. If the project cost exceeds \$500,000, the commissioner may direct all or a portion of the pro-



ceeds to the SDA for use in projects identified in that district's LRFP. In the case of capital maintenance projects, the SDA may forward the specified aid amount directly to the district for completion of the projects. If the commissioner is not satisfied that there is a sufficient showing of financial need for a capital maintenance project or for a school facilities project or if the commissioner is not satisfied that the proposed project is consistent with the district's LRFP, the proceeds shall be returned to the SDA for use by the SDA for school facilities projects in that SDA district which are consistent with the SDA district's LRFP. For the purposes of this provision, "surplus property" means property which is not being replaced by other property under a grant agreement with the SDA.

Notwithstanding the provisions of any law or regulation to the contrary, each district shall receive no less of a total State aid amount payable for the 2015-2016 school year than the sum of the district's total State aid amount payable for the 2014-2015 school year for the following aid categories: Equalization Aid, Educational Adequacy Aid, Security Aid, Adjustment Aid, School Choice, Special Education Categorical Aid, Transportation Aid, Under Adequacy Aid, Supplemental Enrollment Growth Aid, PARCC Readiness, and Per Pupil Growth Aid, taking into consideration the June 2015 payment made in July 2015.

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2015-2016 allocation of the amounts hereinabove appropriated for Equalization Aid, Educational Adequacy Aid, Adjustment Aid, Preschool Education Aid, School Choice Aid, Security Aid, Special Education Categorical Aid, Supplemental Enrollment Growth Aid, Transportation Aid, Under Adequacy Aid, PARCC Readiness, and Per Pupil Growth Aid, shall be as set forth in the February 2015 State Aid notice issued by the Commissioner of Education, as amended subject to the provisions herein.

Notwithstanding the provisions of any law or regulation to the contrary, "non-SDA" districts that received their State support for approved project costs through the New Jersey Schools Development Authority shall be assessed an amount equal to the 2013-2014 assessment. District allocations shall be withheld from 2015-2016 formula aid payments and the assessment cannot exceed the total of those payments.

Notwithstanding the provisions of any law or regulation to the contrary, the preschool per pupil aid amounts set forth in subsection d. of section 12 of P.L.2007, c.260 (C.18A:7F-54) shall be adjusted by the geographic cost adjustment developed by the Commissioner of Education pursuant to P.L.2007, c.260.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Preschool Education Aid shall be used for such amounts as are necessary: 1) in the case of a district that received Early Launch to Learning Initiative aid in the 2007-2008 school year, an amount equal to the district's 2007-2008 allocation of Early Launch to Learning Initiative aid; 2) in the case of a school district that received a 2008-2009 allocation of Preschool Education Aid based on its 2007-2008 Early Childhood Program Aid allocation,

an aid amount equal to the district's 2014-2015 per pupil allocation of Preschool Education Aid multiplied by the district's projected preschool enrollment; and 3) in the case of any other district with an allocation of Preschool Education Aid in the 2014-2015 school year calculated using the provisions of section 12 of P.L.2007, c.260 (C.18A:7F-54), an amount calculated in accordance with those provisions based upon 2015-2016 projected enrollments multiplied by the per pupil allocations as set forth in the February 2015 State Aid notice issued by the Commissioner of Education.

Notwithstanding the provisions of section 20 of P.L.2007, c.260 (C.18A:7F-62) to the contrary, a district allocation of the amount hereinabove appropriated for School Choice Aid shall be determined by multiplying approved enrollment as reported in the Supplemental Choice Enrollment Collection as of January 23, 2015, by the district's Choice Prebudget Year Local Share Per Pupil as indicated on the February 2015 State Aid notice issued by the Commissioner of Education. Approved enrollment shall not exceed the district's maximum funded choice student enrollment as determined by the commissioner. Where choice enrollment reflected on the October 15, 2014 Application for State School Aid is less than the projected choice enrollment reflected on the fiscal year 2015 State Aid Notice, such districts' 2016 School Choice Aid allocations shall be adjusted to reflect actual pre-budget year enrollment as of October 15, 2014.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Charter School Aid shall be used for such amounts as are necessary: 1) in the case of a charter school with higher enrollment in the 2015-2016 school year than in the 2007-2008 school year, to provide that in the 2015-2016 school year, the charter school receives no less total support from the State and the resident district than the sum of the total 2007-2008 payments from the resident district and the 2007-2008 payments of Charter School Aid and Charter Schools - Council on Local Mandates Aid and to ensure that such total payments provide a 2015-2016 per pupil amount that is no less than the 2007-2008 per pupil amount based on average daily enrollment; 2) in the case of a charter school with lower enrollment in the 2015-2016 school year than in the 2007-2008 school year, to ensure that such total payments provide a 2015-2016 per pupil amount that is no less than the 2007-2008 per pupil amount based on average daily enrollment; and 3) to provide amounts pursuant to section 12 of P.L.1995, c.426 (C.18A:36A-12).

From the amount hereinabove appropriated for Integration Assistance Aid, there is appropriated \$1,276,000 for the Englewood City School District, to assist with the implementation of integration programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 3 of P.L.1971, c.271 (C.18A:46-31), a portion of the district tuition amounts payable to a county special services school district operating an extended school year program may be transferred to the county special services school district prior to the first of September in the event

the board shall file a written request with the Commissioner of Education stating the need for the funds. The commissioner shall review the board's request and determine whether to grant the request after an assessment of whether the district needs to spend the funds prior to September and after considering the availability of district surplus. The commissioner shall transfer the payment for the portion of the tuition payable for which need has been demonstrated.

Notwithstanding the provisions of section 1 of P.L.1997, c.53 (C.18A:39-11.1) districts shall not be reimbursed for administrative fees paid to Cooperative Transportation Service Agencies.

For any school district receiving amounts from the amount hereinabove appropriated for Transportation Aid, and notwithstanding the provisions of any law or regulation to the contrary, if the school district is located in a county of the third class or a county of the second class with a population of less than 235,000, according to the 1990 federal decennial census, transportation shall be provided to school pupils residing in this school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 30 miles from the residence of the pupil.

Notwithstanding the provisions of section 2 of P.L.1981, c.57 (C.18A:39-1a) or any other law or regulation to the contrary, the maximum amount of nonpublic school transportation costs per pupil provided for in N.J.S.18A:39-1 shall equal \$884.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Family Crisis Transportation Aid shall be paid to districts based on applications approved from the prior year in accordance with the provisions of section 1 of P.L.2013, c.231 (C.18A:38-1.1), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for School Building Aid and School Construction Debt Service Aid, the calculation of each eligible district's allocation shall include the amount based on school bond and lease purchase agreement payments for interest and principal payable during the 2015-2016 school year pursuant to sections 9 and 10 of P.L.2000, c.72 (C.18A:7G-9 and C.18A:7G-10) and the adjustments required for prior years based on the difference between the amounts calculated using actual principal and interest amounts in a prior year and the amounts allocated and paid in that prior year.

Notwithstanding the provisions of any law or regulation to the contrary, an eligible district's allocation of the amounts hereinabove appropriated for School Construction Debt Service Aid and School Building Aid shall be 85% of the district's approved November 14, 2014 application amount.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for School Building Aid, a district's district aid percentage calculated for purposes of the provisions of section 10 of P.L.2000, c.72 (C.18A:7G-10) shall equal the percentage calculated for the 2001-2002 school year.

Notwithstanding the provisions of any law or regulation to the contrary, when calculating a district's allocation of the amount hereinabove appropriated for School Construction Debt Service Aid, the provisions of subsection d. of section 9 of P.L.2000, c.72 (C.18A:7G-9) shall also be applicable for a school facilities project approved by the Commissioner of Education and by the voters in a referendum after the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) and prior to the effective date of P.L.2008, c.39 (C.18A:7G-14.1 et al.).

Notwithstanding the provisions of section 9 of P.L.2000, c.72 (C.18A:7G-9) or any other law or regulation to the contrary, for the purpose of calculating a district's State Debt Service Aid, "M", the maintenance factor, shall equal 1.

In addition to the amount hereinabove appropriated for the School Construction and Renovation Fund account to make payments under the contracts authorized pursuant to section 18 of P.L.2000, c.72 (C.18A:7G-18), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance of \$7,041,000 at the end of the preceding fiscal year in the School Construction and Renovation Fund is appropriated to pay debt service on the school construction bonds issued by the New Jersey Economic Development Authority pursuant to P.L.2000, c.72, as amended, subject to the approval of the Director of the Division of Budget and Accounting.

### ***32 Operation and Support of Educational Institutions***

#### **DIRECT STATE SERVICES**

12-5011 Marie H. Katzenbach School for the Deaf.....	\$14,995,000
<i>(From General Fund.....</i>	<i>\$6,590,000)</i>
<i>(From All Other Funds.....</i>	<i>8,405,000)</i>
13-5011 Behavioral Support Program .....	<u>647,000</u>
<i>(From All Other Funds.....</i>	<i>647,000)</i>
Total Appropriation, State and All Other Funds .....	<u>\$15,642,000</u>
<i>(From General Fund.....</i>	<i>\$6,590,000)</i>
<i>(From All Other Funds .....</i>	<i>9,052,000)</i>
<b>Less:</b>	
<b>All Other Funds.....</b>	<b>\$9,052,000</b>
<b>Total Deductions.....</b>	<b><u>\$9,052,000</u></b>
Total Direct State Services Appropriation, Operation and Support of Educational Institutions .....	<u>\$6,590,000</u>

#### ***Direct State Services:***

##### **Personal Services:**

Salaries and Wages .....	(\$11,800,000)
Materials and Supplies.....	(1,501,000)
Services Other Than Personal.....	(1,245,000)
Maintenance and Fixed Charges.....	(600,000)

## Special Purpose:

12 Transportation Expenses for Students.....(40,000)  
 Additions, Improvements and Equipment .....(456,000)

**Less:**

**All Other Funds.....9,052,000**

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any law or regulation to the contrary, in addition to the amount hereinabove appropriated to the Marie H. Katzenbach School for the Deaf for the current academic year, payments from local boards of education to the school at an annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting are appropriated.

Any income from the rental of vacant space at the Marie H. Katzenbach School for the Deaf is appropriated for the operation and maintenance cost of the facility and for capital costs at the school, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the receipt account of the Marie H. Katzenbach School for the Deaf is appropriated for expenses of operating the school.

The unexpended balance at the end of the preceding fiscal year in the receipt account of the Behavioral Support Program (BSP) is appropriated for the expenses of operating the Marie H. Katzenbach School for the Deaf.

**33 Supplemental Education and Training Programs****DIRECT STATE SERVICES**

20-5062 General Vocational Education..... \$777,000

Total Direct State Services Appropriation, Supplemental

Education and Training Programs ..... \$777,000

**Direct State Services:**

## Personal Services:

Salaries and Wages .....(\$727,000)  
 Materials and Supplies.....(26,000)  
 Services Other Than Personal.....(24,000)

**STATE AID**

20-5062 General Vocational Education..... \$7,860,000

Total State Aid Appropriation, Supplemental Education

and Training Programs ..... \$7,860,000

**State Aid:**

20 Vocational Education.....(\$4,860,000)  
 20 County Vocational School District  
 Partnership Grant Program.....(3,000,000)

Of the amount hereinabove appropriated for General Vocational Education, an amount not to exceed \$367,000 is available for transfer to Direct State Services

for the administration of vocational education programs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the County Vocational School District Partnership Grant Program is appropriated for the same purposes.

The amount hereinabove appropriated for County Vocational School District Partnership Grant Program shall be allocated for grants to county vocational school districts to partner with urban districts, other school districts, county colleges, and other entities to create high-quality career and technical education programs in existing facilities. The Commissioner of Education shall award grants, within the limit of available State appropriations, to selected county vocational school districts to be used to support the development and implementation of a career and technical education program in an existing school or college facility that is not owned or leased by the county vocational school district. The commissioner shall determine the amount of each grant awarded under the program and may award multi-year grants.

### ***34 Educational Support Services***

#### **DIRECT STATE SERVICES**

30-5063 Standards, Assessments and Curriculum .....	\$31,505,000
31-5060 Grants Management.....	679,000
32-5061 Teacher and Leader Effectiveness .....	5,078,000
33-5067 Service to Local Districts .....	5,824,000
34-5068 Innovation.....	1,834,000
35-5069 Early Childhood Education .....	1,837,000
37-5069 School Improvement .....	3,605,000
40-5064 Student Services .....	<u>1,104,000</u>
Total Direct State Services Appropriation, Educational Support Services.....	
	<u>\$51,466,000</u>

#### ***Direct State Services:***

##### **Personal Services:**

Salaries and Wages .....	(\$20,272,000)
Materials and Supplies.....	(203,000)
Services Other Than Personal.....	(2,030,000)
Maintenance and Fixed Charges.....	(21,000)

##### **Special Purpose:**

30 Statewide Assessment Program .....	(28,550,000)
30 General Education Development .....	(226,000)
40 New Jersey Commission on Holocaust Education.....	(159,000)
40 Military Interstate Children's Compact Commission .....	(5,000)

Receipts from the State Board of Examiners' fees in excess of those anticipated, and the unexpended program balances at the end of the preceding fiscal year, are

appropriated for the operation of the Professional Development and Licensure programs.

#### GRANTS-IN-AID

30-5063 Standards, Assessments and Curriculum.....	\$2,055,000
34-5068 Innovation.....	2,000,000
40-5064 Student Services .....	<u>1,000,000</u>
Total Grants-in-Aid Appropriation, Educational Support Services.....	<u>\$5,055,000</u>

#### **Grants-in-Aid:**

30 Liberty Science Center - Educational Services .....	(\$1,350,000)
30 Governor's Literacy Initiative.....	(270,000)
30 Advanced Placement Exam Fee Waiver .....	(435,000)
34 Education Reform Implementation Grant Program ..	(2,000,000)
40 Grants for After School and Summer Activities for At-Risk Children .....	(1,000,000)

The amount hereinabove appropriated for the Liberty Science Center - Educational Services shall be used to provide educational services to districts with high concentrations of at-risk students in the science education component of the core curriculum content standards as established by law.

The amount hereinabove appropriated for the Governor's Literacy Initiative shall be used for a grant for the Learning Through Listening program at the New Jersey Unit of Learning Ally.

The amount hereinabove appropriated for Advanced Placement Exam Fee Waiver shall supplement the portion of the Advanced Placement Exam Fee that is not currently funded by the Federal Advanced Placement Test Fee Program, The College Board Test Fee Waiver and School Test Processing Fee Waiver.

The amounts hereinabove appropriated for the Education Reform Implementation Grant Program shall be used by the Commissioner of Education to establish a competitive grant program to award grants to school districts implementing education reform initiatives. No more than \$1,000,000 shall be used to award grants to school districts to provide teaching staff members with professional development opportunities consistent with the provisions of P.L.2012, c.26 (C.18A:6-119 et al.). No more than \$1,000,000 shall be used to award grants to school districts to prepare for the implementation of assessments developed by the Partnership for Assessment of Readiness for College and Careers. No school district shall receive grants totaling more than \$250,000.

#### STATE AID

39-5094 Teachers' Pension and Annuity Assistance.....	<u>\$2,849,311,000</u>
(From Property Tax Relief Fund.....)	<u>\$2,849,311,000</u> )
Total State Aid Appropriation, Educational Support Services .....	<u>\$2,849,311,000</u>

*(From Property Tax Relief Fund ..... \$2,849,311,000)*

**State Aid:**

39	Teachers' Pension and Annuity Fund -	
	Post Retirement Medical (PTRF) .....	(\$891,306,000)
39	Teachers' Pension and Annuity Fund (PTRF) .....	(761,169,000)
39	Social Security Tax (PTRF) .....	(764,295,000)
39	Teachers' Pension and Annuity Fund -	
	Non-contributory Insurance (PTRF) .....	(39,392,000)
39	Post Retirement Medical Other Than TPAF	
	(PTRF) .....	(206,218,000)
39	Affordable Care Act Fees (PTRF) .....	(2,091,000)
39	Debt Service on Pension Obligation Bonds	
	(PTRF) .....	(184,840,000)

Such additional amounts as may be required for Teachers' Pension and Annuity Fund - Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Social Security Tax, there is appropriated such amounts, as determined by the Director of the Division of Budget and Accounting, to make payments on behalf of school districts that do not receive sufficient State formula aid payments under this act, for amounts due and owing to the State including out-of-district placements and such amounts shall be recognized by the school district as State revenue.

In addition to the amounts hereinabove appropriated for Social Security Tax, there are appropriated such amounts as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

Such additional amounts as may be required for the Teachers' Pension and Annuity Fund - Non-contributory Insurance, Post Retirement Medical Other Than TPAF, and Affordable Care Act Fees are appropriated, as the Director of the Division of Budget and Accounting shall determine.

Such additional amounts as may be required for Debt Service on Pension Obligation Bonds are appropriated, as the Director of the Division of Budget and Accounting shall determine.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

### **35 Education Administration and Management**

#### **DIRECT STATE SERVICES**

41-5092	Data, Research Evaluation and Reporting .....	\$826,000
43-5092	Office of Fiscal Accountability and Compliance .....	3,268,000
99-5095	Administration and Support Services .....	<u>12,935,000</u>
	Total Direct State Services Appropriation, Education	
	Administration and Management .....	<u>\$17,029,000</u>



***Direct State Services:*****Personal Services:**

Salaries and Wages .....(\$14,890,000)  
 Materials and Supplies.....(168,000)  
 Services Other Than Personal.....(1,349,000)  
 Maintenance and Fixed Charges.....(57,000)

**Special Purpose:**

43 Internal Auditing.....(500,000)  
 99 State Board of Education Expenses .....(65,000)

Receipts from fees for school district personnel background checks and unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the operation of the criminal history review program.

The unexpended balance at the end of the preceding fiscal year in the Student Registration and Record System account is appropriated for the same purpose.

Costs attributable to EdSmart and EasyIEP, as well as required enhancements to the Statewide longitudinal data system, shall be paid from revenue received from the Special Education Medicaid Initiative (SEMI) program and are appropriated for these purposes to the Student Registration and Record System account upon recommendation from the Commissioner of Education, subject to the approval of the Director of the Division of Budget and Accounting.

In the event that revenues received from the Special Education Medicaid Initiative (SEMI) program are insufficient to satisfy costs attributable to EdSmart and EasyIEP, as well as required enhancements to the Statewide longitudinal data system, there are appropriated to the Student Registration and Record System account such amounts as may be required as the Director of the Division of Budget and Accounting shall determine.

Department of Education, Total State Appropriation ..... \$12,850,532,000

Of the amounts hereinabove appropriated from the General Fund for the Department of Education, or otherwise available from federal resources, there are appropriated funds to establish the Office of School Preparedness and Emergency Planning within the Department of Education, to plan, coordinate, and conduct comprehensive school safety and preparedness assessments for schools and districts Statewide, in collaboration with law enforcement, the Office of Homeland Security and Preparedness, and the Governor's School Security Task Force, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Department of Education, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

In the event that sufficient funds are not appropriated to fully fund any State Aid item, the Commissioner of Education shall apportion such appropriation among

the districts in proportion to the State Aid each district would have been apportioned had the full amount of State Aid been appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund revenues into the Property Tax Relief Fund, provided that unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting may transfer from one State Aid appropriations account for the Department of Education in the General Fund to another appropriations account in the same department in the Property Tax Relief Fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts and to effect the intent of legislation enacted subsequent to the enactment of the appropriations act, provided that sufficient funds are available in the appropriations for that department.

Notwithstanding the provisions of section 8 of P.L.1996, c.138 (C.18A:7F-8), the June school aid payments are subject to the approval of the State Treasurer.

From the amounts hereinabove appropriated, such amounts as are required to satisfy delayed June 2015 school aid payments are appropriated and the State Treasurer is hereby authorized to make such payment in July 2015, as adjusted for any amounts due and owing to the State as of June 30, 2015.

Notwithstanding the provisions of any law or regulation to the contrary, payments from amounts hereinabove appropriated for State Aid may be made directly to the district bank account for the repayment of principal and interest and other costs, when authorized under the terms of a promissory note entered into under the provisions of section 1 of P.L.2003, c.97 (C.18A:22-44.2).

Notwithstanding the provisions of any law or regulation to the contrary, any school district receiving a final judgment or order against the State to assume the fiscal responsibility for the residential placement of a special education student shall have the amount of the judgment or order deducted from the State Aid to be allocated to that district.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may reduce the total State Aid amount payable for the 2015-2016 school year for a district in which an independent audit of the 2014-2015 school year conducted pursuant to N.J.S.18A:23-1 identifies any deviation from the Uniform Minimum Chart of Accounts after the recalculation of the district's actual Total Administrative Costs pursuant to N.J.A.C.6A:23A-8.3.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may withhold State Aid payments to a school district that has not submitted in final form the data elements requested for inclusion in a Statewide data warehouse within 60 days of the department's initial request or its request for additional information, whichever is later.

In the event that sufficient balances are not available in the "School District Deficit Relief Account" for amounts recommended by the Commissioner of Education to the State Treasurer for advance State Aid payments in accordance with P.L.2006, c.15 (C.18A:7A-54 et seq.), the Director of the Division of Budget and Accounting is authorized to transfer such amounts as required from available balances in State Aid accounts.

Notwithstanding the provisions of "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.) and section 24 of P.L.1996, c.138 (C.18A:7F-24), or any law or regulation to the contrary, the amount of the Department of Education State Aid appropriations made available to the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Juvenile Justice Commission pursuant to P.L.1979, c.207 (C.18A:7B-1 et al.) to defray the costs of educating eligible children in approved facilities under contract with the applicable department shall be made at annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, tuition for pupils under contract for services at the Marie H. Katzenbach School for the Deaf, the Commission for the Blind and Visually Impaired, or in a regional day school operated by or under contract with the Department of Human Services or the Department of Children and Families shall be withheld from State Aid and paid to the respective department.

Notwithstanding the provisions of "The State Facilities Education Act of 1979," (SFEA) P.L.1979, c.207 (C.18A:7B-1 et al.) or any law or regulation to the contrary, funding forwarded to the Juvenile Justice Commission pursuant to subsection c. of section 6 of P.L.1979, c.207 (C.18A:7B-2) may be used to support the costs of SFEA students enrolled in a vocational education program or an adult education assessment program.

Notwithstanding the provisions of any law or regulation to the contrary, the school districts receiving Equalization Aid, Special Education Categorical Aid, or Security Categorical Aid shall provide per pupil payments to charter schools for regular education Equalization Aid and general fund levy pursuant to section 12 of P.L.1995, c.426 (C.18A:36A-12) calculated using the greater of: (1) the per pupil amount calculated using weighted enrollment pursuant to section 8 of P.L.2007, c.260 (C.18A:7F-50), local levy, Equalization Aid from the fiscal year 2014 year, and the district's adequacy budget from the 2014 fiscal year; or (2) the per pupil amount calculated using weighted enrollment pursuant to section 8 of P.L.2007, c.260 (C.18A:7F-50), local levy, Equalization Aid from the fiscal year 2016 year, and the district's adequacy budget from the 2014 fiscal year.

The Director of the Division of Budget and Accounting may transfer from one appropriations account for the Department of Education in the Property Tax Relief Fund to another account in the same department and fund such funds as are necessary to effect the intent of the provisions of the appropriations act govern-

ing the allocation of State Aid to local school districts, provided that sufficient funds are available in the appropriations for that department.

Subject to the availability of federal funds, the Commissioner of Education shall enter into a contract with a nonprofit entity, having the largest library of audio textbooks, for the provision of products and services to public schools to assist students who are unable to use standard text due to a learning disability, visual impairment, or a physical disability. The products and services to be provided may include, but need not be limited to, accessible, human-narrated audiobooks that are available through both mainstream and specialized devices, software capable of recording and reporting data for instructional purposes, and professional development opportunities for instructional and support staff. Upon the certification of the Director of the Division of Budget and Accounting of the availability of federal funds for the performance of the terms of such contract for the 2015-2016 school year, there is appropriated an amount of federal funds not to exceed \$1,500,000 subject to the approval of the director.

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***Summary of Department of Education Appropriations***  
(For Display Purposes Only)

***Appropriations by Category:***

Direct State Services.....	\$81,135,000
Grants-in-Aid.....	5,085,000
State Aid.....	12,764,312,000

***Appropriations by Fund:***

General Fund .....	\$248,744,000
Property Tax Relief Fund .....	12,601,788,000

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**42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**

***40 Community Development and Environmental Management***

***42 Natural Resource Management***

**DIRECT STATE SERVICES**

11-4870 Forest Resource Management .....	\$8,775,000
12-4875 Parks Management .....	14,312,000
13-4880 Hunters' and Anglers' License Fund.....	15,315,000
14-4885 Shellfish and Marine Fisheries Management.....	1,130,000
20-4880 Wildlife Management .....	364,000
21-4895 Natural Resources Engineering .....	1,272,000
24-4876 Palisades Interstate Park Commission .....	<u>2,907,000</u>
Total Direct State Services Appropriation, Natural Resource Management .....	<u>\$44,075,000</u>

***Direct State Services:***

Personal Services:

Salaries and Wages .....	(\$20,392,000)
Employee Benefits .....	(4,089,000)
Materials and Supplies.....	(4,999,000)
Services Other Than Personal.....	(3,534,000)
Maintenance and Fixed Charges.....	(1,782,000)

## Special Purpose:

11 Fire Fighting Costs.....	(2,259,000)
12 Green Acres/Open Space Administration .....	(5,384,000)
20 Endangered Species Tax Check-Off Donations.....	(364,000)
21 Dam Safety .....	(1,272,000)

Receipts in excess of the amount anticipated from fees and permit receipts from the use of State park and marina facilities, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for Parks Management, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Green Acres/Open Space Administration account is transferred from the Garden State Green Acres Preservation Trust Fund, the 2007 Green Acres Fund, and the 2009 Green Acres Fund to the General Fund, together with an amount not to exceed \$403,000, and is appropriated to the Department of Environmental Protection for Green Acres/Open Space Administration, subject to the approval of the Director of the Division of Budget and Accounting. Further, there are appropriated from the Garden State Green Acres Preservation Trust Fund such amounts as may be required for the Department's administrative costs related to programs for buyout of flood-prone properties funded by the federal "Disaster Relief Appropriations Act, 2013," provided that reimbursements to the Department of such costs from federal funding agencies shall be reimbursed to the Garden State Green Acres Preservation Trust Fund.

There is appropriated to the Delaware and Raritan Canal Commission such amounts as may be collected from permit review fees pursuant to P.L.2007, c.142, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Recreational Land Development and Conservation - Constitutional Dedication account, such amounts of the appropriation as are to be determined by the Commissioner of Environmental Protection shall be allocated for costs associated with the administration of the program pursuant to the amendments effective July 1, 2015 to Article VIII, Section II, paragraph 6 of the State Constitution, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Recreational Land Development and Conservation - Constitutional Dedication administrative

account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from police court, stands, concessions, and self-sustaining activities operated or supervised by the Palisades Interstate Park Commission, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the same purpose.

Of the amount hereinabove appropriated for the Hunters' and Anglers' License Fund, the first \$11,983,000 is appropriated from that fund and any amount remaining therein and the unexpended balance at the end of the preceding fiscal year of the receipts in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated for the same purpose. If receipts to that fund are less than anticipated, the appropriation from the fund shall be reduced proportionately.

Pursuant to section 2 of P.L.1993, c.303 (C.23:3-1f), there are appropriated such amounts as may be necessary to offset revenue losses associated with the issuance of free waterfowl stamps and hunting and fishing licenses to active members of the New Jersey National Guard and disabled veterans. The amount to be appropriated shall be certified by the Division of Fish and Wildlife and is subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Endangered Species Tax Check-Off Donations account is payable from receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account at the end of the preceding fiscal year, together with receipts in excess of the amount anticipated, are appropriated for the same purpose. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

There is appropriated to the Department of Environmental Protection \$200,000 from the "Drug Enforcement and Demand Reduction Fund" for the cost of implementing and administering the Hooked on Fishing-Not on Drugs Program established pursuant to P.L.2012, c.46, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Shellfish and Marine Fisheries Management, an amount not to exceed \$1,100,000 is appropriated from balances in the Nuclear Emergency Response account for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$4,442,000 is appropriated from the capital construction appropriation for Shore Protection Fund Projects for costs attributable to planning, operation, and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated, subject to the approval of the Director of the Division of Budgeting and Accounting, from the Shore Protection Fund such additional amounts as are required to fund the Department's administrative costs related to the De-

partment's oversight of flood control, coastal replenishment, and other projects funded by the federal "Disaster Relief Appropriations Act, 2013"; provided, however, that any reimbursements received by the State from the federal "Disaster Relief Appropriations Act, 2013" that reimburse the State for such departmental administrative costs shall be deposited in the Shore Protection Fund.

An amount not to exceed \$440,000 is appropriated from the capital construction appropriation for Shore Protection Fund Projects for the operation and maintenance of the Bayshore Flood Control facility.

There is appropriated to the Department of Environmental Protection from penalties collected under the "Safe Dam Act," P.L.1981, c.249 (C.58:4-8.1 et al.) and R.S.58:4-1 et seq., such amounts as may be necessary to remove dams that may be abandoned, have disputed ownership, or are not in compliance with current inspection requirements or repair. The unexpended balance at the end of the preceding fiscal year of such receipts are appropriated to the Department of Environmental Protection for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$1,158,000 is appropriated from the capital construction appropriation for HR-6 Flood Control for costs attributable to the operation and administration of the State Flood Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

In accordance with the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, an amount not to exceed \$68,000 is appropriated from the 2003 Dam, Lake, Stream and Flood Control Project Fund-Flood Control account for administrative costs attributable to flood control and an amount not to exceed \$255,000 is appropriated from the 2003 Dam, Lake and Stream Project Revolving Loan Fund-Dam Safety account for administrative costs attributable to dam safety, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Forest Resource Management, there is appropriated \$800,000 from the New Jersey Motor Vehicle Commission.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$19,972,000 for Parks Management.

#### **GRANTS-IN-AID**

12-4875 Parks Management .....	<u>\$2,125,000</u>
Total Grants-in-Aid Appropriation, Natural Resource	
Management .....	<u>\$2,125,000</u>

#### ***Grants-in-Aid:***

12 Public Facility Programming .....(\$2,125,000)

Loan repayments received from dam rehabilitation projects pursuant to P.L.1999, c.347, and any unexpended balance at the end of the preceding fiscal year are

appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

#### **CAPITAL CONSTRUCTION**

21-4895 Natural Resources Engineering .....	\$31,500,000
29-4875 Environmental Management and Preservation - CBT	
Dedication.....	<u>13,931,000</u>
Total Capital Construction Appropriation, Natural	
Resource Management .....	<u>\$45,431,000</u>

#### ***Capital Projects:***

##### **Bureau of Parks:**

29 Recreational Land Development and	
Conservation - Constitutional	
Dedication .....	(\$13,931,000)

##### **Natural Resources Engineering:**

21 Shore Protection Fund Projects .....	(25,000,000)
21 HR-6 Flood Control .....	(6,500,000)

The amounts hereinabove appropriated for Recreational Land Development and Conservation - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for the Recreational Land Development and Conservation - Constitutional Dedication account, an amount not to exceed \$525,000 is appropriated to the Palisades Interstate Park Commission for costs associated with the capital improvement of recreational land, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer fee directed to be credited to the Shore Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1).

An amount not to exceed \$500,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

#### ***43 Science and Technical Programs***

##### **DIRECT STATE SERVICES**

05-4840 Water Supply .....	\$8,211,000
07-4850 Water Monitoring and Resource Management.....	10,366,000
15-4890 Land Use Regulation .....	12,572,000
18-4810 Office of Science Support.....	250,000
29-4850 Environmental Management and Preservation - CBT	
Dedication.....	<u>5,642,000</u>



## Total Direct State Services Appropriation, Science and

Technical Programs ..... \$37,041,000***Direct State Services:***

## Personal Services:

Salaries and Wages .....(\$7,766,000)  
 Materials and Supplies.....(20,000)  
 Services Other Than Personal.....(2,582,000)  
 Maintenance and Fixed Charges.....(78,000)

## Special Purpose:

05 Administrative Costs Water Supply  
     Bond Act of 1981 - Management.....(2,531,000)  
 05 Administrative Costs Water Supply  
     Bond Act of 1981 - Watershed and  
     Aquifer .....(1,853,000)  
 05 Water/Wastewater Operators Licenses .....(43,000)  
 05 Safe Drinking Water Fund.....(2,556,000)  
 07 Water Resources Monitoring and Planning .....(10,366,000)  
 15 Tidelands Peak Demands.....(3,354,000)  
 18 Hazardous Waste Research.....(250,000)  
 29 Water Resources Monitoring and  
     Planning - Constitutional Dedication .....(5,642,000)

Notwithstanding the provisions of any law or regulation to the contrary, an amount, as determined by the Director of the Division of Budget and Accounting, is appropriated from the Clean Energy Fund to support the Office of Sustainability and Green Energy in the Department of Environmental Protection subject to the following condition: The Board of Public Utilities and the Office of Sustainability and Green Energy shall enter into a memorandum of understanding providing for the terms and conditions for the expenditure of the funds, including but not limited to the uses of the funds and program coordination between the two agencies.

The amount hereinabove appropriated for the Safe Drinking Water Fund account is appropriated from receipts received pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), together with an amount not to exceed \$269,000, for administration of the Safe Drinking Water program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), or any law or regulation to the contrary, the amount hereinabove appropriated for the Hazardous Waste Research account is appropriated from the available balance in the New Jersey Spill Compensation Fund for research on the prevention and the effects of discharges of hazardous substances on the environment and organisms, on methods of pollution prevention and recycling of hazardous substances, and on the development of improved

cleanup, removal and disposal operations, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Office of Science Support, an amount not to exceed \$2,620,000 is appropriated from the Hazardous Discharge Site Cleanup Fund for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated for Water Allocation fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Supply program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amounts anticipated for Well Permits, Well Drillers, Pump Installers Licenses, and the unexpended balances at the end of the preceding year of such receipts, are appropriated to the Department of Environmental Protection for the Water Supply program and for the Private Well Testing program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees from the Water and Wastewater Operators Licensing program, and the unexpended balances at the end of the preceding year of such receipts, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Administrative Costs Water Supply Bond Act of 1981 - Management and Watershed and Aquifer accounts are appropriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount not to exceed \$22,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Water Resources Monitoring and Planning - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account is appropriated to be used in a manner consistent with the requirements of the constitutional dedication.

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated in the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account shall be made available to support nonpoint source pollution and watershed management programs, consistent with the constitutional dedication, within the Department of Environmental Protection in the amounts of \$1,645,000 for New Jersey Geological Survey, \$542,000 for Watershed Management, \$500,000 for Forest Resource Management, and an amount

not to exceed \$790,000 for the Department of Agriculture to support nonpoint source pollution control programs, at a level of \$540,000, and the Conservation Assistance Program, at an amount not to exceed \$250,000, on or before September 1, 2015, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) and the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), the Commissioner of Environmental Protection may utilize from the funds hereinabove appropriated from those sources such amounts as the commissioner may determine as necessary to broaden the department's research efforts to address emerging environmental issues.

In addition to the federal funds amount hereinabove appropriated for the Water Supply program classification, such additional amounts that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated for the same purpose.

Receipts in excess of the individual amounts anticipated for "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), Freshwater Wetlands, Stream Encroachment, Waterfront Development, and Wetlands fees, and the unexpended balance at the end of the preceding year of such receipts, are appropriated for administrative costs associated with Land Use Regulation, subject to the approval of the Director of the Division of Budget and Accounting.

#### **GRANTS-IN-AID**

The unexpended balance at the end of the preceding fiscal year in the Stormwater Management Grants account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Watershed Restoration Projects account is appropriated for the same purpose.

Of the amount hereinabove appropriated for the Stormwater Management Grants and Watershed Restoration Projects programs, such amounts as are necessary or required may be transferred to the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Lake Hopatcong Commission such amounts as may be collected from a boat registration surcharge, or other fee as may be authorized pursuant to separate legislation, for the purposes of continuing operations of the commission.

#### ***44 Site Remediation and Waste Management***

##### **DIRECT STATE SERVICES**

19-4815 Publicly-Funded Site Remediation.....	\$9,606,000
23-4910 Solid and Hazardous Waste Management .....	5,437,000
27-4815 Remediation Management and Response.....	<u>33,378,000</u>

Total Direct State Services Appropriation, Site	
Remediation and Waste Management .....	<u>\$48,421,000</u>

***Direct State Services:*****Personal Services:**

Salaries and Wages .....	(\$15,333,000)
Materials and Supplies.....	(146,000)
Services Other Than Personal.....	(3,542,000)
Maintenance and Fixed Charges.....	(437,000)

**Special Purpose:**

19 Cleanup Projects Administrative Costs.....	(9,606,000)
23 Office of Dredging and Sediment Technology .....	(454,000)
27 Hazardous Discharge Site Cleanup Fund -	
Responsible Party .....	(18,903,000)

In addition to site specific charges, the amounts hereinabove for the Remediation Management and Response program classification, excluding the Hazardous Discharge Site Cleanup Fund - Responsible Party and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed \$9,362,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund - Responsible Party account is appropriated from responsible party cost recoveries deposited into the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed \$14,476,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove, there is appropriated to the Hazardous Discharge Site Cleanup Fund - Responsible Party account such additional amounts, as necessary, received from cost recoveries and from the Licensed Site Remediation Professionals fees and deposited into the Hazardous Discharge Site Cleanup Fund, for the cleanup of hazardous waste sites and the costs associated with the "Site Remediation Reform Act," P.L.2009, c.60 (C.58:10C-1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated from the Hazardous Discharge Site Cleanup Fund and from the New Jersey Spill Compensation Fund, such amounts as are necessary are appropriated for costs associated with the Administration and Support Services program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Solid Waste Utility Regulation, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Solid and Hazardous Waste Management program

classification and "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.) agencies for costs incurred to oversee the State's recycling efforts and other solid waste program activities.

The amount hereinabove appropriated for the Office of Dredging and Sediment Technology is appropriated from the 1996 Dredging and Containment Facility Fund, created pursuant to section 18 of P.L.1996, c.70, the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," together with an amount not to exceed \$355,000 for the administration of the Dredging and Sediment Technology program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Publicly-Funded Site Remediation program classification and the Remediation Management and Response program classification, such additional amounts that may be received from the federal government for the Superfund Grants program are hereby appropriated for the same purpose.

Receipts from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any other law to the contrary, monies appropriated to the Department of Environmental Protection from the Clean Communities Program Fund shall be provided by the department to the New Jersey Clean Communities Council pursuant to a contract between the department and the New Jersey Clean Communities Council to implement the requirements of the Clean Communities Program pursuant to subsection d. of section 6 of P.L.2002, c.128 (C.13:1E-218).

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Hazardous Discharge Site Cleanup Fund an amount of \$6,000,000 for the direct and indirect costs of legal and consulting services associated with litigation related to the Passaic River cleanup, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year in the Private Underground Storage Tank Administrative Costs - Constitutional Dedication account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the unexpended balances at the end of the preceding fiscal year in the Cleanup Projects Administrative Costs - Constitutional Dedication account are appropriated to the Hazardous Substance Discharge Remediation - Constitutional Dedication account, subject to the approval of the Director of the Division of Budget and Accounting.

#### **CAPITAL CONSTRUCTION**

29-4815 Environmental Management and Preservation - CBT

Dedication..... \$27,083,000

Total Capital Construction Appropriation, Site  
Remediation and Waste Management ..... \$27,083,000

***Capital Projects:***

**Site Remediation:**

- 29 Hazardous Substance Discharge Remediation -  
Constitutional Dedication ..... (\$5,642,000)
- 29 Private Underground Storage Tank Remediation -  
Constitutional Dedication ..... (10,156,000)
- 29 Hazardous Substance Discharge Remediation  
Loans & Grants - Constitutional Dedication ..... (11,285,000)

The amounts hereinabove appropriated for Hazardous Substance Discharge Remediation - Constitutional Dedication and Hazardous Substance Discharge Remediation Loans and Grants - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for Hazardous Substance Discharge Remediation - Constitutional Dedication, such amounts as necessary, as determined by the Director of the Division of Budget and Accounting, are appropriated for site remediation costs associated with State-owned properties and State-owned underground storage tanks.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution and hereinabove appropriated, shall be appropriated to the New Jersey Economic Development Authority's Hazardous Discharge Site Remediation Fund and the Department of the Treasury's Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for Private Underground Storage Tank Remediation - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Except as otherwise provided in this act and notwithstanding the provisions of any other law or regulation to the contrary, the first \$50,000,000 in natural resource, cost recoveries and other associated damages recovered by the State, along with such additional amounts as may be determined by the Director of the Division of Budget and Accounting, in consultation with the Attorney General, to be necessary to pay for the costs of legal services related to such recoveries, shall be deposited into the Hazardous Discharge Site Cleanup Fund established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34), and are appropriated for: direct and indirect costs of remediation, restoration, and clean up; costs for consulting, expert, and legal services incurred in pursuing claims for damages; and grants to

local governments and nonprofit organizations to further implement restoration activities of the Office of Natural Resource Restoration. Recoveries in excess of the amounts appropriated pursuant to this paragraph, consistent with the terms and conditions of applicable settlement agreements or court rulings, shall be deposited in the General Fund as general State revenue.

#### **45 Environmental Regulation**

##### **DIRECT STATE SERVICES**

01-4820 Radiation Protection.....	\$5,944,000
02-4892 Air Pollution Control.....	14,774,000
08-4891 Water Pollution Control .....	7,780,000
09-4860 Public Wastewater Facilities .....	<u>2,625,000</u>
Total Direct State Services Appropriation, Environmental Regulation .....	<u>\$31,123,000</u>

##### **Direct State Services:**

###### **Personal Services:**

Salaries and Wages .....	(\$17,324,000)
Materials and Supplies.....	(149,000)
Services Other Than Personal.....	(4,549,000)
Maintenance and Fixed Charges.....	(177,000)

###### **Special Purpose:**

01 Nuclear Emergency Response .....	(2,611,000)
01 Quality Assurance - Lab Certification Programs .....	(1,546,000)
02 Pollution Prevention .....	(1,016,000)
02 Toxic Catastrophe Prevention.....	(969,000)
02 Worker and Community Right to Know Act .....	(763,000)
02 Oil Spill Prevention .....	(2,019,000)

There is appropriated from the "Commercial Vehicle Enforcement Fund," established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), such amounts as may be necessary to fund the costs of the regulation of the Diesel Exhaust Emissions program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Nuclear Regulatory Commission - Agreement State account, such amounts as may be necessary to fund the costs of the Radiation Protection program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). Receipts in excess of the amount anticipated, not to exceed \$1,070,000, are appropriated. The unexpended balance at the end of the preceding fiscal year in the Nuclear Emergency Response account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Pollution Prevention account is payable from receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed \$100,000, for administration of the Pollution Prevention program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the "Worker and Community Right to Know Act" account is payable out of the "Worker and Community Right to Know Fund," and the receipts in excess of the amount anticipated, not to exceed \$465,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Oil Spill Prevention account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated, not to exceed \$944,000, from the New Jersey Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and section 1 of P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

Any funds received by the New Jersey Environmental Infrastructure Trust from any State agency to offset the trust's annual operating expenses are appropriated for the same purpose.

In addition to the federal funds amount for the Public Wastewater Facilities program classification, such additional amounts that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

Notwithstanding the provisions of subsection b. of section 1 of P.L.2005, c.202 (C.58:11B-10.2) or any law or regulation to the contrary, in addition to the amount anticipated to the General Fund from the New Jersey Environmental Infrastructure Financing Program Administrative Fee, there is appropriated \$2,600,000 to the Department of Environmental Protection for associated administrative and operating expenses, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from Air Permitting Minor Source fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection for expansion of the Air Pollution Control program, subject to the approval of the Director of the Division of Budget and Accounting.

#### ***46 Environmental Planning and Administration***

##### **DIRECT STATE SERVICES**

26-4805 Regulatory and Governmental Affairs.....	\$1,767,000
99-4800 Administration and Support Services .....	<u>19,447,000</u>



## Total Direct State Services Appropriation, Environmental

Planning and Administration..... \$21,214,000***Direct State Services:***

## Personal Services:

Salaries and Wages .....(\$15,175,000)  
 Materials and Supplies.....(113,000)  
 Services Other Than Personal.....(667,000)  
 Maintenance and Fixed Charges.....(159,000)

## Special Purpose:

99 New Jersey Environmental Management System.....(5,100,000)

The unexpended balance at the end of the preceding fiscal year in the Office of the Records Custodian - Open Public Records Act account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

**STATE AID**99-4800 Administration and Support Services..... \$6,160,000

## Total State Aid Appropriation, Environmental

Planning and Administration..... \$6,160,000***State Aid:***

99 Mosquito Control, Research, Administration  
and Operations.....(\$1,346,000)  
 99 Administration and Operations of the Highlands  
Council.....(2,315,000)  
 99 Administration, Planning and Development  
Activities of the Pinelands Commission.....(2,499,000)

Receipts from permit fees imposed by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are hereby appropriated to the Pinelands Commission.

The unexpended balance at the end of the preceding fiscal year in the Mosquito Control, Research, Administration and Operations account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

***47 Compliance and Enforcement*****DIRECT STATE SERVICES**

02-4855 Air Pollution Control..... \$4,512,000  
 04-4835 Pesticide Control ..... 2,179,000  
 08-4855 Water Pollution Control ..... 6,149,000  
 15-4855 Land Use Regulation ..... 2,777,000  
 23-4855 Solid and Hazardous Waste Management..... 5,782,000  
 Total Direct State Services Appropriation, Compliance  
and Enforcement ..... \$21,399,000

**Direct State Services:****Personal Services:**

Salaries and Wages .....	(\$16,261,000)
Materials and Supplies.....	(197,000)
Services Other Than Personal.....	(3,124,000)
Maintenance and Fixed Charges.....	(704,000)

**Special Purpose:**

15 Tidelands Peak Demands .....	(1,113,000)
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Receipts in excess of the amount anticipated for Pesticide fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts deposited into the "Coastal Protection Trust Fund" pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.) shall be allocated in the following priority order and are appropriated in the amount of \$485,000 for the cleanup or maintenance of beaches or shores, the amount of \$90,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.), the amount of \$65,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, and the amount of \$10,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of \$650,000, but not to exceed \$1,000,000, will be distributed proportionately among the programs listed above in accordance with P.L.1993, c.168 (C.39:3-27.47 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection, pursuant to R.S.12:5-6, all penalties, fines, recoveries of costs, and interest deposited to the "Cooperative Coastal Monitoring, Restoration and Enforcement Fund," established pursuant to subsection h. of section 18 of P.L.1973, c.185 (C.13:19-18), for the costs of coastal restoration projects, providing aircraft overflights for coastal monitoring and surveillance, and enforcement activities conducted by the department, subject to the approval of the Director of the Division of Budget and Accounting.

**STATE AID**

08-4855 Water Pollution Control.....	<u>\$2,700,000</u>
(From Property Tax Relief Fund.....)	\$2,700,000)

Total State Aid Appropriation, Compliance and  
 Enforcement ..... \$2,700,000  
*(From Property Tax Relief Fund ..... \$2,700,000)*

**State Aid:**

08 County Environmental Health Act (PTRF).....(\$2,700,000)

Department of Environmental Protection, Total State  
 Appropriation ..... \$286,772,000

In the event that revenues are received in excess of the amount of revenues anticipated from Solid Waste Utility Regulation, Water Allocation, New Jersey Pollutant Discharge Elimination System/Stormwater Permits, Coastal Area Facility Review Act, Freshwater Wetlands, Stream Encroachment, Waterfront Development, Wetlands, Well Permits/Well Drillers/Pump Installers Licenses, Water and Wastewater Operators Licensing program, Air Permitting Minor Source, and Pesticide fees, if the amounts of such unanticipated revenues exceed \$8,217,000, the amounts of such unanticipated revenues in excess of \$8,217,000 and any reappropriated balances are appropriated for information technology enhancements in the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation Loans and Grants - Constitutional Dedication account, an amount not to exceed \$1,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective July 1, 2015, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Underground Storage Tank Inspection Program account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Tidelands Peak Demands accounts are payable from receipts from the sales, grants, leases, licensing, and rentals of State riparian lands. If receipts are less than anticipated, the appropriation shall be reduced proportionately. In addition, there is appropriated an amount not to exceed \$3,873,000 from the same source for other administrative costs, including legal services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, with regard to the fee-related appropriations provided hereinabove, the Commissioner of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the department's purview.

Notwithstanding the provisions of the "Environmental Fee Accountability Act of 1991," P.L.1991, c.426 (C.52:27B-20.1 et seq.) and P.L.1991, c.427 (C.13:1D-

9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise herein dedicated, shall be deposited into the General Fund without regard to their specific dedication.

Notwithstanding the provisions of any law or regulation to the contrary, of the federal fund amounts hereinabove appropriated for the programs included in the Performance Partnership Grant Agreement with the United States Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the grant agreement and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts appropriated for site remediation, the Department of Environmental Protection may enter into a contract with the United States Environmental Protection Agency (EPA) to provide the State's statutory matching share for EPA-led Superfund remedial actions pursuant to the State Superfund contract.

Receipts in excess of \$4,600,000 anticipated for Air Pollution, Clean Water Enforcement, Land Use, Solid Waste, and Hazardous Waste fines, not to exceed \$1,500,000, and the unexpended balance at the end of the preceding fiscal year are appropriated for the expansion of compliance, enforcement, and permitting efforts in the department, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from New Jersey Pollutant Discharge Elimination System/Stormwater Permits, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Pollution Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts hereinabove appropriated for water resource evaluation studies and monitoring, the Department of Environmental Protection may enter into contracts with the United States Geological Survey to provide the State's match to joint funding agreements for water resource evaluation studies and monitoring analyses.

There is reappropriated to the Department of Environmental Protection an amount not to exceed \$5,000,000 from the "Shore Protection Fund" established pursuant to the "Shore Protection Bond Act of 1983," P.L.1983, c.356, for the cost, as defined by that act, of State Projects, including State Projects to restore coastal protection systems and removal of sand from State waterways resulting from Superstorm Sandy, subject to the approval of the Director of the Division of Budget and Accounting.

There is hereby appropriated for the same purpose the unexpended balance of the \$10,000,000 of funds that were appropriated to the Department of Environmental Protection from the "1996 Dredging and Containment Facility Fund," estab-

lished pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, to provide funding to the Department of Transportation for financing the cost of dredging navigation channels not located in the port region, as provided for in section 7 of P.L.1996, c.70, pursuant to a memorandum of understanding between the Department of Environmental Protection and the Department of Transportation, setting forth, among other things, a list of the channels to be dredged.

There are reappropriated to the Department of Environmental Protection unexpended balances in the "1996 Dredging and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, appropriated pursuant to P.L.2000, c.171, for the cost of Projects, as defined in P.L.1996, c.70, including the removal of wet debris, resulting from Superstorm Sandy, in various State navigation channels not located in the port region, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts hereinabove appropriated for environmental restoration and mitigation, the Department of Environmental Protection may enter into agreements with the United States Army Corps of Engineers to provide the State's matching share to any federally authorized restoration or mitigation projects.

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***Summary of Department of Environmental Protection Appropriations***  
(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services .....	\$203,273,000
Grants-in-Aid .....	2,125,000
State Aid .....	8,860,000
Capital Construction .....	72,514,000

*Appropriations by Fund:*

General Fund.....	\$284,072,000
Property Tax Relief Fund.....	2,700,000

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**46 DEPARTMENT OF HEALTH**

***20 Physical and Mental Health***

***21 Health Services***

**DIRECT STATE SERVICES**

01-4215 Vital Statistics .....	\$1,323,000
02-4220 Family Health Services .....	6,023,000

03-4230 Public Health Protection Services .....	13,288,000
08-4280 Laboratory Services.....	13,665,000
12-4245 AIDS Services .....	<u>1,338,000</u>
Total Direct State Services Appropriation, Health Services .....	<u>\$35,637,000</u>

**Direct State Services:****Personal Services:**

Salaries and Wages .....	(\$15,436,000)
Materials and Supplies.....	(2,229,000)
Services Other Than Personal.....	(4,576,000)
Maintenance and Fixed Charges.....	(1,330,000)

**Special Purpose:**

02 WIC Farmers Market Program.....	(87,000)
02 Breast Cancer Public Awareness Campaign .....	(90,000)
02 Identification System for Children's Health and Disabilities.....	(300,000)
02 Governor's Council for Medical Research and Treatment of Autism.....	(500,000)
02 Public Awareness Campaign for Black Infant Mortality.....	(500,000)
02 Cancer Screening - Early Detection and Education Program .....	(3,500,000)
03 Cancer Registry.....	(400,000)
03 Cancer Investigation and Education.....	(500,000)
03 Emergency Medical Services for Children .....	(50,000)
03 Animal Welfare.....	(150,000)
03 New Jersey State Commission on Cancer Research	(1,000,000)
03 Statewide Trauma Registry .....	(750,000)
03 Worker and Community Right to Know .....	(1,714,000)
03 New Jersey Compassionate Use Medical Marijuana Act.....	(1,607,000)
08 West Nile Virus - Laboratory.....	(640,000)
Additions, Improvements and Equipment .....	(278,000)

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$500,000 from the Autism Medical Research and Treatment Fund for the operations of New Jersey's Autism Registry.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$500,000 from the Autism Medical Research and Treatment Fund for the operations of the Governor's Council for Medical Research and Treatment of Autism.

Receipts deposited into the Autism Medical Research and Treatment Fund are appropriated for the Governor's Council for Medical Research and Treatment of Autism, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection c. of section 6 of P.L.1983, c.6 (C.52:9U-6), subsection c. of section 5 of P.L.2003, c.200 (C.52:9EE-5), subsection c. of section 5 of P.L.1999, c.201 (C.52:9E-5) and section 4 of P.L.1999, c.105 (C.30:6D-59) or any other law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey State Commission on Brain Injury Research, New Jersey Commission on Spinal Cord Research, and the Governor's Council for Medical Research and Treatment of Autism are subject to the following condition: an amount from each appropriation, subject to the approval of the Director of the Division of Budget and Accounting, may be used to pay the salary and other benefits of one person who shall serve as Executive Director for all four entities, with the services of such person allocated to the four entities as shall be determined by the four entities.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the Autism Medical Research and Treatment Fund such amounts as are necessary to support the award of grants for a Special Health Needs Medical Homes pilot program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$250,000 from the Autism Medical Research and Treatment Fund for the Autism New Jersey Helpline.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the New Jersey Brain Injury Research Fund such amounts as are necessary to support the award of grants for research on the treatment of brain injuries, both traumatic and non-traumatic, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the New Jersey Spinal Cord Research Fund such amounts as are necessary to support the award of grants for research on the treatment of spinal cord injuries, both traumatic and non-traumatic, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$150,000 from the "Emergency Medical Technician Training Fund" to fund the Emergency Medical Services for Children Program.

Amounts deposited into the "New Jersey Breast Cancer Research Fund" from the gross income tax check-offs pursuant to the provisions of P.L.1995, c.26 (C.54A:9-25.7 et al.) are appropriated to the New Jersey State Commission on Cancer Research for breast cancer research projects, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right to Know account is payable from the "Worker and Community Right to Know Fund."

The unexpended balance at the end of the preceding fiscal year in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the "Pilot Clinic Fund" such amounts as are necessary to pay the reasonable and necessary expenses of the "Animal Population Control Fund," subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$4,722,000, are appropriated for the Medical Emergency Disaster Preparedness for Bioterrorism program and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the "Emergency Medical Technician Training Fund" \$79,000 for Emergency Medical Services and \$125,000 for the First Response EMT Cardiac Training Program.

In the event that amounts available in the "Emergency Medical Technician Training Fund" are insufficient to support reimbursement levels of \$750 for initial EMT training, while at the same time continuing to ensure funding for continuing EMT education at current levels, there are appropriated such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary to maintain these increased levels for initial and continuing EMT training and education.

In addition to the purposes set forth in section 2 of P.L.1993, c.277 (C.26:4-100.13), funds in the Hepatitis Inoculation Fund are appropriated and may be used for hepatitis prevention activities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, \$1,000,000 from the Cancer Research Fund established pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1) is transferred to the General Fund.

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health for diagnostic laboratory services provided to any other agency or department, provided that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories, pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks, pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), are appropriated.

Receipts from licenses, permits, fines, penalties, and fees collected by the Department of Health in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.



Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the "Emergency Medical Technician Training Fund" \$150,000 to support the web-based certification platform for all certified NJ Emergency Medical Services Personnel.

The unexpended balances at the end of the preceding fiscal year in the Statewide Trauma Registry account are appropriated to implement a statewide registry of hospitalization for traumatic injury, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts appropriated hereinabove for Statewide Trauma Registry shall be used to maintain the Statewide registry of hospitalizations for traumatic injury.

#### **GRANTS-IN-AID**

02-4220 Family Health Services .....	\$134,238,000
<i>(From General Fund.....</i>	<i>\$133,709,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>529,000)</i>
03-4230 Public Health Protection Services .....	44,881,000
12-4245 AIDS Services .....	<u>21,651,000</u>
Total Grants-in-Aid Appropriation, Health Services .....	<u>\$200,770,000</u>
<i>(From General Fund.....</i>	<i>\$200,241,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>529,000)</i>

#### **Grants-in-Aid:**

02 Maternal, Child and Chronic Health Services.....	(\$28,505,000)
02 Statewide Birth Defects Registry (CRF).....	(529,000)
02 Poison Control Center.....	(587,000)
02 Improving Veterans Access to Health Care .....	(8,000,000)
02 Adler Aphasia Center.....	(100,000)
02 Early Childhood Intervention Program .....	(94,517,000)
02 Surveillance, Epidemiology, and End Results Expansion Program - CINJ.....	(2,000,000)
03 Implementation of Comprehensive Cancer Control Program .....	(1,200,000)
03 Cancer Institute of New Jersey .....	(28,000,000)
03 South Jersey Cancer Program - Camden.....	(15,400,000)
03 Worker and Community Right to Know .....	(281,000)
12 AIDS Grants .....	(21,651,000)

Of the amount hereinabove appropriated for Maternal, Child and Chronic Health Services, an amount may be transferred to Direct State Services in the Department of Health to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the federal Medicaid (Title XIX) program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Early Childhood Intervention Program shall be conditioned on the Early Childhood Intervention Program's family cost sharing program involving a progressive charge for each hour of direct services provided to the child and/or the child's family in accordance with the child's Individualized Family Service Plan, based upon household size and gross income as set forth in the most recent published edition of the New Jersey Early Intervention System Family Cost Participation Handbook.

In addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, such additional amounts as may be necessary are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Early Childhood Intervention Program shall be conditioned on adherence to the requirements of the "Individuals with Disabilities Education Improvement Act of 2004," Pub.L. 108-446 (20 U.S.C. s.1400 et seq.), as amended, and part 303 of Title 34, Code of Federal Regulations, as set forth in the State Plan filed by the Early Childhood Intervention Program with the U.S. Department of Education, Office of Special Education Programs.

Of the amount hereinabove appropriated for the Surveillance, Epidemiology and End Results Expansion Program-CINJ account, an amount may be transferred to Direct State Services in the Department of Health to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Upon a determination by the Commissioner of Health, made in consultation with the State Treasurer, that additional State funding is necessary to reimburse centers for services to uninsured clients, the Director of the Division of Budget and Accounting shall authorize the appropriation of such sums as the commissioner determines are necessary for grants to federally qualified health centers.

Notwithstanding the provisions of section 9 of P.L.2003, c.200 (C.52:9EE-9), there is appropriated from the New Jersey Brain Injury Research Fund the amount of \$140,000 which shall be transferred to the Department of Human Services and allocated to the Brain Injury Alliance of New Jersey for specialized community based services.

There is appropriated \$570,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Fetal Alcohol Syndrome Program.

From the amount hereinabove appropriated for the Cancer Institute of New Jersey, \$250,000 is appropriated to the Ovarian Cancer Research Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Cancer Institute of New Jersey (CINJ) shall be conditioned upon the following provision: no funds shall be expended except to support CINJ's infrastructure necessary to support cancer research, prevention, and treatment.

The unexpended balance at the end of the preceding fiscal year in the South Jersey Cancer Program - Camden account are appropriated to the program for cancer-related capital equipment, design, engineering, and construction expenses.

There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund, established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1), such amounts as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program, established pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

No funds hereinabove appropriated to the Department of Health shall be used for the Medical Waste Management Program. The Department of Health and the Department of Environmental Protection shall establish a transition plan to ensure provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et al.) are met.

In order to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of appropriation within the AIDS Services program classification in the Department of Health, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Of the amount hereinabove appropriated for AIDS Grants, savings realized from reduced transportation costs may be transferred to the AIDS Drug Distribution Program account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," the amounts hereinabove appropriated for the AIDS Drug Distribution Program (ADDP) shall not be spent unless the ADDP is designated as the authorized representative for the purposes of coordinating benefits with the Medicare Part D program, including enrollment and appeals of coverage determinations. ADDP is authorized to represent program beneficiaries in the pursuit of such coverage. ADDP representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; and facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If any beneficiary declines enrollment in any Medicare Part D plan, that beneficiary shall be barred from all benefits of the ADDP Program.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the AIDS Drug Distribution Program

(ADDP) is conditioned upon the Department of Health coordinating the benefits of ADDP with the prescription drug benefits of the Medicare Part D program established pursuant to the federal “Medicare Prescription Drug, Improvement, and Modernization Act of 2003” as the primary payer. The ADDP benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs, as determined by the Commissioner of Health, associated with enrollment in Medicare Part D for ADDP beneficiaries, and for Medicare Part D premium costs for ADDP beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the AIDS Drug Distribution Program (ADDP) account shall be available as payment as an ADDP benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under the Medicare Part D program established pursuant to the federal “Medicare Prescription Drug, Improvement, and Modernization Act of 2003.”

Commencing with the start of the fiscal year, and consistent with the requirements of the federal “Medicare Prescription Drug, Improvement, and Modernization Act of 2003” (MMA), no funds hereinabove appropriated from the AIDS Drug Distribution Program (ADDP) account shall be expended for any individual enrolled in the ADDP program unless the individual provides all data necessary to enroll the individual in the Medicare Part D program established pursuant to the MMA, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the AIDS Drug Distribution Program shall be expended for drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including but not limited to drugs used for baldness and weight loss.

The amount hereinabove appropriated for Improving Veterans Access to Health care shall be used to support the costs of continued operations by the Vets4Warriors Program and any remaining amounts may be allocated by the Commissioner of Health on a competitive basis to fund initiatives to improve veterans access to health care.

#### **STATE AID**

Notwithstanding the provisions of any law or regulation to the contrary, none of the monies appropriated to the Department of Health are appropriated to public health priority programs under P.L.1966, c.36 (C.26:2F-1 et seq.) as amended.

#### ***22 Health Planning and Evaluation***

##### **DIRECT STATE SERVICES**

06-4260 Health Care Facility Regulation and Oversight.....	\$4,598,000
07-4270 Health Care Systems Analysis.....	<u>1,456,000</u>

## Total Direct State Services Appropriation, Health

Planning and Evaluation..... \$6,054,000**Direct State Services:**

## Personal Services:

Salaries and Wages .....(\$3,948,000)  
 Materials and Supplies.....(73,000)  
 Services Other Than Personal.....(441,000)  
 Maintenance and Fixed Charges.....(176,000)

## Special Purpose:

06 Nursing Home Background Checks/Nursing Aide  
     Certification Program .....(979,000)  
 06 Implement Patient Safety Act .....(400,000)  
 Additions, Improvements and Equipment .....(37,000)

There are appropriated such sums as are required to the "Health Care Facilities Improvement Fund" to provide available resources in an emergency situation at a health care facility, as defined by the Commissioner of Health, or for closure of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from fees charged for processing Certificate of Need applications and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

**GRANTS-IN-AID**07-4270 Health Care Systems Analysis..... \$163,504,000

Total Grants-in-Aid Appropriation, Health Planning and

Evaluation ..... \$163,504,000**Grants-in-Aid:**

07 Health Care Subsidy Fund Payments.....(\$17,018,000)  
 07 Hospital Asset Transformation Program.....(19,841,000)

## 07 Hospital Delivery System Reform

Incentive Payments - DSRIP .....(62,645,000)

## 07 Cooper University Hospital Emergency

Medical Services .....(2,500,000)

07 Emergency Medical Services, City of Newark .....(2,500,000)

07 Graduate Medical Education.....(59,000,000)

Notwithstanding the provisions of any law or regulation to the contrary, any revenues collected from the tax on cosmetic medical procedures pursuant to P.L.2004, c.53 (C.54:32E-1) shall be deposited into the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) for the support of payments to federally qualified health centers.

Notwithstanding the provisions of any law or regulation to the contrary, as a condition of the receipt of any monies hereunder by an acute care hospital that is requesting an advance of charity care/NJ FamilyCare or payments from the "Health Care Facilities Improvement Fund" or any payments over and above this act, the hospital shall comply with a request by the Commissioner of Health for a review of its finances and operations to ensure that access to health care is maintained and public funds are utilized for their intended purposes. The cost of such review shall be borne by the acute care hospital and shall comply with any financial and operational performance requirements imposed by the commissioner as deemed necessary as a result of the review.

Notwithstanding the provisions of section 3 of P.L.2004, c.113 (C.26:2H-18.59i) or any law or regulation to the contrary, the appropriation for Health Care Subsidy Fund Payments is subject to the following condition: the distribution of Charity Care funding shall be calculated using source data for the most recent census data as used in State fiscal year 2015 in the following manner: (a) source data used shall be from calendar years (CY) 2013 for documented charity care claims data and hospital-specific gross revenue for charity care patients and shall include all adjustments and void claims related to calendar years 2013 and any prior year submitted claims, as submitted by each acute care hospital or determined by the Department of Health (DOH); (b) source data used for CY 2013 documented charity care for each hospital's total gross revenue for all patients shall be from the CY 2013 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DOH advance submission request dated February 14, 2014, as submitted by each acute care hospital by March 20, 2014, and source data used for Medicare Cost Report data shall be from CY 2012; (c) in the event that an eligible hospital failed to submit by March 20, 2014, its total gross revenue for all patients from the CY 2013 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data according to the DOH advance submission request dated February 14, 2014, source data from CY 2012 shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (d) the hospital-specific reimbursed documented charity care shall be permitted to decline to 0%, rather than be limited to no less than 43%; (e) for each eligible hospital a proportionate decrease shall be applied to its calculated subsidy based on its percentage of total subsidy such that the total calculated subsidy for all hospitals shall equal \$502,000,000; (f) for each eligible hospital the difference shall be calculated between its SFY 2015 subsidy allocation as announced on July 2, 2014 and its calculated SFY 2016 subsidy; (g) notwithstanding the provision above each eligible hospital's calculated SFY 2016 subsidy shall be limited to no more than a 5% increase over its SFY 2015 subsidy allocation; (h) notwithstanding the provisions above, an eligible hospital shall not receive a subsidy of less than 2% of CY 2013 documented charity care; (i) if necessary, a proportionate increase or decrease shall be ap-

plied to the calculated SFY 2016 subsidy for each eligible hospital based on its percentage of the total calculated SFY 2016 subsidy for all hospitals such that the total calculated SFY 2016 charity care subsidy allocation for all hospitals shall equal \$502,000,000, except that the proration applied to the subsidy for any eligible hospital shall be modified as necessary to comply with subparagraphs g. and h. above; and (j) the resulting value will constitute each eligible hospital's SFY 2016 charity care subsidy allocation.

Notwithstanding the provisions of any law or regulation to the contrary, any funds remaining as the result of a closure of a hospital eligible to receive Disproportionate Share Hospital (DSH) funds shall be redistributed at the discretion of the Commissioner of Health. Factors the commissioner will consider shall include, but not be limited to, maintenance of continued timely access to essential health services for persons eligible to participate in charity care, and continued operation in the same or adjoining municipality as the closed hospital of an acute care hospital, eligible to receive DSH funds, and serving substantially the same eligible population. Notice of such redistribution shall be provided to the Joint Budget Oversight Committee within five business days of each redistribution.

The amounts hereinabove appropriated for Health Care Subsidy Fund Payments are conditioned upon the following provision: the Department of Health shall review, examine and/or audit any and all financial information maintained by an acute care hospital to ensure appropriate use of public funds.

The amounts hereinabove appropriated for charity care or other funding to a health care facility is conditioned upon the following requirement: such health care facility shall participate in planning meetings supervised by the Department of Health for the planning of the provision of hospital, medical, or health programs and services, and shall, to the extent permitted by State and federal law, share patient-level data as needed to facilitate such purposes.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the Health Care Subsidy Fund for charity care payments are subject to the following condition: In a manner determined by the Commissioner of Health and subject to the approval of the Director of the Division of Budget and Accounting, eligible hospitals shall receive (1) their charity care subsidy payments beginning in July 2015, and (2) their January 2016 payments in December 2015.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Graduate Medical Education (GME) are conditioned upon the following: except as otherwise provided and subject to such modifications as may be required by the Centers for Medicare and Medicaid Services in order to achieve any required federal approval and full Federal Financial Participation, a hospital's GME distribution shall be calculated based on the following: The subsidy payment shall be split into a Direct Medical Education (DME) allocation, which is calculated by multiplying the total subsidy amount by the ratio of 2013 total median Medicaid Managed Care DME costs-

to-2013 total median Medicaid Managed Care GME costs; and an Indirect Medical Education (IME) allocation, which is calculated by multiplying the total subsidy amount by the ratio of 2013 total Medicaid Managed Care IME costs-to-total 2013 Medicaid Managed Care GME costs. Each hospital's percentage of total 2013 Medicaid Managed Care DME costs shall be multiplied by the DME allocation to calculate its DME payment. Each hospital's percentage of total 2013 Medicaid Managed Care IME costs shall be multiplied by the IME allocation to calculate its IME payment. The sum of a hospital's DME and IME payments equal its subsidy payment. The total amount of these payments shall not exceed \$127,272,727 and shall be paid in twelve monthly payments. In the event that a hospital reported less than twelve months of 2013 Medicaid costs, the number of reported months of data regarding days, costs, or payments shall be annualized. In the event that a hospital did not report its Medicaid Managed Care days on the cost report utilized in this calculation, the Department of Health (DOH) shall ascertain Medicaid Managed Care encounter days for Medicaid and NJ Family Care clients as reported by insurers to the State for the following reporting period: services dates between January 1, 2013 and December 31, 2013; payment dates between January 1, 2013 and December 31, 2014; and a run-date not later than January 31, 2015. Medicaid Managed Care DME cost is defined as the approved intern and residency program costs using the 2013 Medicaid cost report total residency costs, reported on Worksheet B Pt I Column 21 line 21 plus Worksheet B Pt I Column 22 Line 22 divided by 2013 resident full time equivalent employees [FTE], reported on Worksheet S-3 Part 1 Column 9 line 12 to develop an average cost per FTE for each hospital used to calculate the overall median cost per FTE. The median cost per FTE is multiplied by the 2013 resident FTEs reported on Worksheet S-3 Part 1 Column 9 line 12 to develop approved total residency program costs. The approved residency costs are multiplied by the quotient of Medicaid Managed Care days, reported on Worksheet S-3 Column 5 Line 2, divided by the quantity of total days, on Worksheet S-3 Column 8 Line 14, less nursery days, on Worksheet S-3 Column 8 Line 13. Medicaid Managed Care IME cost is defined as the Medicare IME factor multiplied by Medicaid Managed Care encounter payments for Medicaid and NJ FamilyCare clients as reported by insurers to the State for the following reporting period: services dates between January 1, 2013 and December 31, 2013; payment dates between January 1, 2013 and December 31, 2014; and a run-date of not later than January 31, 2015. The IME factor is calculated using the Medicare IME formula as follows:  $1.35 * [(1 + x)0.405 - 1]$ , in which "x" is the quotient of submitted IME resident full-time equivalencies reported on Worksheet S-3 Part 1 Column 9 line 12 divided by the quantity of total available beds less nursery beds reported Worksheet S-3 Part 1 Column 1 Line 12. In the event that a hospital believes that there are mathematical errors in the calculations, or data not matching the actual source documents used to calculate the subsidy as defined above, hospitals shall be permitted to file calculation appeals



within 15 working days of receipt of the subsidy allocation letter. If upon review it is determined by the DOH that the error has occurred and would constitute at least a five percent change in the hospital's allocation amount, a revised industry-wide allocation shall be issued.

There are appropriated such additional sums as are required to pay all amounts due from the State pursuant to any contract entered into between the State Treasurer and the New Jersey Health Care Facilities Financing Authority pursuant to section 6 of P.L.2000, c.98 (C.26:2I-7.1) in connection with the Hospital Asset Transformation Program.

In addition to the amount hereinabove appropriated for Health Care Systems Analysis, an amount not to exceed \$1,000,000 is appropriated from amounts assessed and collected by the Department of Banking and Insurance pursuant to section 9 of P.L.2007, c.330 (C.17:1D-2), for the purpose of funding costs associated with the development and maintenance of the New Jersey Health Information Network, subject to a plan prepared by the Department of Health and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Hospital Delivery System Reform Incentive Payments Program of \$166.6 million are subject to the following condition: a hospital's payment shall be calculated and distributed as set forth in the final approved version of New Jersey's Delivery System Reform Incentive Payments (DSRIP) funding and mechanics protocol approved on March 27, 2014, by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), in connection with the New Jersey Comprehensive Medicaid 1115 Waiver, consistent with the Special Terms and Conditions of the approved Waiver.

The amount hereinabove appropriated for the Hospital Delivery System Reform Incentive Payments (DSRIP) program is subject to the following condition: the Department of Health shall promptly file with the Presiding Officers of the Legislature copies of any reports or other determinations regarding DSRIP eligibility or plan performance, including but not limited to whether or not a hospital has satisfied any eligibility benchmarks required for receipt of DSRIP funding, which are made by the State or received from CMS.

## **25 Health Administration**

### **DIRECT STATE SERVICES**

99-4210 Administration and Support Services .....	\$4,460,000
Total Direct State Services Appropriation, Health	
Administration.....	\$4,460,000

#### ***Direct State Services:***

##### **Personal Services:**

Salaries and Wages .....	(\$2,685,000)
Materials and Supplies.....	(49,000)

Services Other Than Personal ..... (226,000)

Special Purpose:

99 Office of Minority and Multicultural Health..... (1,500,000)

Department of Health, Total State Appropriation..... \$410,425,000

Notwithstanding the provisions of P.L.2005, c.237 or any other law or regulation to the contrary, \$32,300,000 from the surcharge on each general hospital and each specialty heart hospital is appropriated to fund federally qualified health centers. Any unexpended balance at the end of the preceding fiscal year in the Health Care Subsidy Fund received through the hospital and other health care initiatives account during the preceding fiscal year is appropriated for payments to federally qualified health centers.

Receipts from licenses, permits, fines, penalties, and fees collected by the Department of Health, in excess of those anticipated, are appropriated, subject to a plan prepared by the department and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57) or any law or regulation to the contrary, the first \$1,200,000 in per adjusted admission charge assessment revenues, attributable to \$10 per adjusted admission charge assessments made by the Department of Health, shall be anticipated as revenue in the General Fund available for health-related purposes. Furthermore, the remaining revenue attributable to this fee shall be available to carry out the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57), as determined by the Commissioner of Health, and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer shall transfer to the Health Care Subsidy Fund, established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58), only those additional revenues generated from third party liability recoveries, excluding NJ FamilyCare, by the State arising from a review by the Director of the Division of Budget and Accounting of hospital payments reimbursed from the Health Care Subsidy Fund with service dates that are after the date of enactment of P.L.1996, c.29.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Health, not mandated by federal law, first shall be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees, fines, penalties and assessments owed to the Department of Health shall be offset against payments due and owing from other appropriated funds.

In addition to the amount hereinabove appropriated, receipts from the federal Medicaid (Title XIX) program for health services-related programs throughout the

Department of Health are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

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**Summary of Department of Health Appropriations**  
(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services .....	\$46,151,000
Grants-in-Aid .....	364,274,000

*Appropriations by Fund:*

General Fund.....	\$409,896,000
Casino Revenue Fund .....	529,000

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**54 DEPARTMENT OF HUMAN SERVICES**

**20 Physical and Mental Health**

**23 Mental Health and Addiction Services**

**DIRECT STATE SERVICES**

10-7710 Patient Care and Health Services.....	\$234,679,000
99-7710 Administration and Support Services .....	<u>60,334,000</u>
Total Direct State Services Appropriation, Mental Health and Addiction Services.....	<u>\$295,013,000</u>

**Direct State Services:**

Personal Services:

Salaries and Wages .....	(\$262,551,000)
Materials and Supplies.....	(15,430,000)
Services Other Than Personal.....	(10,284,000)
Maintenance and Fixed Charges.....	(4,677,000)

Special Purpose:

10 Interim Assistance.....	(809,000)
Additions, Improvements and Equipment .....	(1,262,000)

The amount hereinabove appropriated for the Division of Mental Health and Addiction Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations are first charged to the federal disproportionate share hospital (DSH) reimbursements anticipated as Medicaid uncompensated care. As such, DSH revenues earned by the State related to services provided by county psychiatric hospitals which are supported through this State Aid appropriation, shall be considered as the first source supporting the State Aid appropriation.

Receipts recovered from advances made under the Interim Assistance program in the mental health institutions are appropriated for the same purpose.

The unexpended balances at the end of the preceding fiscal year in the Interim Assistance program accounts in the mental health institutions are appropriated for the same purpose.

**7700 Division of Mental Health and Addiction Services**

**DIRECT STATE SERVICES**

99-7700 Administration and Support Services .....	<u>\$17,394,000</u>
Total Direct State Services Appropriation, Division of Mental Health and Addiction Services .....	<u>\$17,394,000</u>

**Direct State Services:**

Personal Services:

Salaries and Wages .....	(\$14,926,000)
Materials and Supplies.....	(91,000)
Services Other Than Personal.....	(1,875,000)
Maintenance and Fixed Charges.....	(186,000)
Additions, Improvements and Equipment .....	(316,000)

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such amounts as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et seq.).

There is appropriated from the "Drug Enforcement and Demand Reduction Fund" \$350,000 to carry out the provisions of P.L.1995, c.318 (C.26:2B-36 et seq.) to establish an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

**GRANTS-IN-AID**

08-7700 Community Services .....	\$388,668,000
09-7700 Addiction Services.....	<u>36,826,000</u>
Total Grants-in-Aid Appropriation, Division of Mental Health and Addiction Services .....	<u>\$425,494,000</u>

**Grants-in-Aid:**

08 Olmstead Support Services .....	(\$104,262,000)
08 Community Care.....	(266,461,000)
08 Univ. Behavioral Healthcare Centers - Newark (Rutgers, the State University).....	(6,165,000)
08 Univ. Behavioral Healthcare Centers - Piscataway (Rutgers, the State University) .....	(11,780,000)
09 Substance Use Disorder Treatment for DCP&P/Work-First Mothers.....	(1,421,000)
09 Community Based Substance Use Disorder Treatment and Prevention - State Share .....	(26,695,000)
09 Medication Assisted Treatment Initiative .....	(7,167,000)
09 Compulsive Gambling .....	(650,000)

## 09 Mutual Agreement Parolee Rehabilitation

Project for Substance Use Disorders .....(893,000)

An amount not to exceed \$2,490,000 may be transferred from the Olmstead Support Services account to the Health Care Subsidy Fund Payments account in the Department of Health, to increase the Mental Health Subsidy Fund portion of this account in order to maintain an amount not to exceed the fiscal 2008 per bed allocation for Short-Term Care Facility (STCF) beds, for new STCF beds which opened after January 1, 2008, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Substance Use Disorder Treatment for DCP&P/WorkFirst Mothers, Community Based Substance Use Disorder Treatment and Prevention - State Share, Medication Assisted Treatment Initiative, and Mutual Agreement Parolee Rehabilitation Project for Substance Use Disorders are subject to the following condition: all providers of addiction services under these programs shall be required, not later than January 1, 2015, to enroll as NJ FamilyCare providers and to bill the State NJ FamilyCare program for all appropriate services provided to eligible beneficiaries who are covered under the Medicaid State Plan.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, the amounts hereinabove appropriated may be transferred from the Substance Use Disorder Treatment for DCP&P/WorkFirst Mothers, Community Based Substance Use Disorder Treatment and Prevention - State Share, Medication Assisted Treatment Initiative, and Mutual Agreement Parolee Rehabilitation Project for Substance Use Disorders accounts in the Division of Mental Health and Addiction Services to the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balance at the end of the preceding fiscal year of appropriations made to the Department of Human Services by section 20 of P.L.1989, c.51 for State-licensed or approved drug use disorder prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$1,000,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for drug use disorder services.

In addition to the amount hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, there is appropriated \$1,500,000 from the "Drug Enforcement and Demand Reduction Fund" for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$500,000 to the Department of Human Services from the “Drug Enforcement and Demand Reduction Fund” for the Sub-Acute Residential Detoxification Program.

Notwithstanding the provisions of any law or regulation to the contrary, monies in the “Alcohol Treatment Programs Fund” established pursuant to section 2 of P.L.2001, c.48 (C.26:2B-9.2), not to exceed \$12,500,000, are appropriated, as determined by the Assistant Commissioner or designee of the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting, for grants to providers of addiction services for capital construction projects selected and approved by the Assistant Commissioner of the Division of Mental Health and Addiction Services provided that: (1) such grants are made only after the Division of Property Management and Construction (DPMC) has reviewed and approved the proposed capital projects for validity of estimated costs and scope of the project; (2) the capital projects selected by the Assistant Commissioner of the Division of Mental Health and Addiction Services shall be based upon the need to retain existing capacity, complete the construction of previously funded projects which are currently under contract and necessary for the delivery of addiction services, or to relocate existing facilities to new sites; (3) the capital projects may consist of new construction and/or renovation to maintain and increase capacity at existing sites or at new sites; (4) the grant agreement entered into between the Assistant Commissioner of the Division of Mental Health and Addiction Services and the Grantee, or the governmental entity, as the case may be, described below, shall follow all applicable grant procedures which shall include, in addition to all other provisions, requirements for oversight by DPMC; (5) receipt of grant monies pursuant to this appropriation shall not obligate or require the Division of Mental Health and Addiction Services to provide any additional funding to the provider of addiction services to operate their existing facilities or the facility being funded through the construction grant; and (6) instead of the grant being made to the eligible provider for the approved capital project, the grant may be made to a governmental entity to undertake the approved capital project on behalf of the provider of addiction services.

Notwithstanding the provisions of any other law or regulation to the contrary, monies in the “Alcohol Treatment Programs Fund” established pursuant to section 2 of P.L.2001, c.48 (C.26:2B-9.2), and the amounts hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, are hereby appropriated, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of engaging the Division of Property Management and Construction (DPMC) to retain architects and consultants as deemed necessary by DPMC to review the proposed plans for capital construction projects for facilities providing addiction treatment services submitted by providers of addiction treatment services to the Division of Mental

Health and Addiction Services to enable DPMC to determine the best facility layout at the lowest possible cost, to monitor the capital projects during design and construction, to provide assistance to the grantee with respect to the undertaking of the capital projects, and to advise the Assistant Commissioner or designee of the Department of Human Services as may be required.

Of the amounts hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, an amount not to exceed \$7,902,000 may be transferred to the Division of Children's System of Care in the Department of Children and Families to support substance use disorder treatment programs as specified in the Memorandum of Agreement between the Department of Human Services and the Department of Children and Families, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Compulsive Gambling, an amount not to exceed \$200,000 is appropriated from the annual assessment against permit holders to the Department of Human Services for prevention, education, and treatment programs for compulsive gambling pursuant to the provisions of section 34 of P.L.2001, c.199 (C.5:5-159), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Compulsive Gambling, an amount equal to one-half of forfeited winnings collected by the Division of Gaming Enforcement, not to exceed \$50,000 annually, shall be deposited into the State General Fund for appropriation to the Department of Human Services to provide funds for compulsive gambling treatment and prevention programs, pursuant to section 2 of P.L.2001, c.39 (C.5:12-71.3), subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and assure timely payment to service providers, funds may be transferred within the Grants-In-Aid accounts within the Division of Mental Health and Addiction Services, in a cumulative amount not to exceed \$4,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1998, c.149 or any law or regulation to the contrary, \$400,000 is appropriated from the Body Armor Replacement Fund to the Division of Mental Health and Addiction Services for the purposes of the "Law Enforcement Officer Crisis Intervention Services" Hotline and the reporting and operations of the Cop 2 Cop program.

There is appropriated \$1,000,000 from the "Drug Enforcement and Demand Reduction Fund" to the Department of Human Services for a grant to Partnership for a Drug-Free New Jersey.

There is appropriated \$420,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Local Alcoholism Authorities-Expansion program.

Notwithstanding the provisions of P.L.1983, c.531 (C.26:2B-32 et seq.) or any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Alcohol Education, Rehabilitation and Enforcement Fund is appropriated and shall be distributed to counties for the treatment of alcohol and drug use disorders and for education purposes, subject to the approval of the Director of the Division of Budget and Accounting.

#### STATE AID

08-7700 Community Services .....	<u>\$113,733,000</u>
(From Property Tax Relief Fund) .....	<u>\$113,733,000</u>
Total State Aid Appropriation, Division of Mental Health and Addiction Services.....	<u>\$113,733,000</u>
(From Property Tax Relief Fund) .....	<u>\$113,733,000</u>

#### State Aid:

08 Support of Patients in County Psychiatric  
Hospitals (PTRF).....(\$113,733,000)

The unexpended balance at the end of the preceding fiscal year in the Support of Patients in County Psychiatric Hospitals account is appropriated for the same purpose.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, the State share of payments from the Support of Patients in County Psychiatric Hospitals account to the several county psychiatric facilities on behalf of the reasonable cost of maintenance of patients deemed to be county indigents shall be at the rate of 125% of the rate established by the Commissioner of Human Services for the period July 1 to December 31 and at the rate of 45% of the rate established by the Commissioner of Human Services for the period January 1 to June 30 such that the total amount to be paid by the State on behalf of county indigent patients for the calendar year shall not exceed 85% of the total reasonable per capita cost; and further provided that the rate at which the State will reimburse the county psychiatric hospitals shall not exceed 100% of the per capita rate at which each county pays to the State for the reasonable cost of maintenance and clothing of each patient residing in a State psychiatric facility, excluding the depreciation, interest and carry-forward adjustment components of this rate, and including the depreciation, interest, and carry-forward adjustment components of each individual county psychiatric hospital's rate established for the period January 1 to December 31 by the Commissioner of Human Services. The initial determination of whether a county hospital rate exceeds the per capita rate that counties pay to the State on behalf of applicable patients residing in a State psychiatric facility will be based on a comparison of estimated cost used to set reimbursement rates for the upcoming calendar year. A second comparison of the actual per diem costs of the county psychiatric hospital and State psychiatric hospitals will be completed after actual cost reports for the period are available including an inflationary adjustment for the six-month difference in



fiscal reporting periods between State and county hospitals. The county hospital carry-forward adjustment to be included in rates paid by the State will exclude costs found to exceed 100% of the actual cost rate of the State psychiatric facilities.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provision: payments to county psychiatric hospitals will only be made after receipt of their claims by the Division of Mental Health and Addiction Services. County psychiatric hospitals shall submit such claims no less frequently than quarterly and within 15 days of the close of each quarter.

With the exception of all past, present, and future revenues representing federal financial participation received by the State from the United States that is based on payments to hospitals that serve a disproportionate share of low-income patients, which shall be retained by the State, the sharing of revenues received to defray the State Aid appropriation for the costs of maintaining patients in State and county psychiatric hospitals shall be based on the same percent as costs are shared between the State and counties.

The amount hereinabove appropriated for State Aid reimbursement payments for maintenance of patients in county psychiatric facilities shall be limited to inpatient services only, except that such reimbursement shall be paid to a county for outpatient and partial hospitalization services as defined by the Department of Human Services, if outpatient and/or partial hospitalization services had been previously provided at the county psychiatric facility prior to January 1, 1998. These outpatient and partial hospitalization payments shall not exceed the amount of State Aid funds paid to reimburse outpatient and partial hospitalization services provided during calendar year 1997. In addition, any revision or expansion to the number of inpatient beds or inpatient services provided at such hospitals which will have a material impact on the amount of State Aid payments made for such services, must first be approved by the Department of Human Services before such change is implemented.

The amount hereinabove appropriated for the Division of Mental Health and Addiction Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations are first charged to the federal Disproportionate Share Hospital (DSH) reimbursements anticipated as Medicaid uncompensated care. Accordingly, DSH revenues earned by the State related to services provided by county psychiatric hospitals which are supported through this State Aid appropriation shall be considered as the first source supporting the State Aid appropriation.

In addition to the amounts hereinabove appropriated for the Support of Patients in County Psychiatric Hospitals, in the event that the Assistant Commissioner of the Division of Mental Health and Addiction Services determines that, in order to provide the least restrictive setting appropriate, a patient should be admitted

to a county psychiatric hospital in a county other than the one in which the patient is domiciled rather than to a State psychiatric hospital, there are hereby appropriated such additional amounts as may be required, as determined by the Assistant Commissioner to reimburse a county for the extra costs, if any, which were incurred in connection with the care of such patient in a county psychiatric hospital which exceeded the cost of care which would have been incurred had the patient been placed in a State psychiatric hospital, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provisions: County psychiatric hospitals shall: (1) enroll and continue to maintain enrollment as providers in the State's NJ FamilyCare program; (2) complete or pursue in good faith the completion of eligibility applications for patients who could be NJ FamilyCare eligible; (3) bill the NJ FamilyCare program for all applicable services; and (4) neither admit nor discharge patients based upon NJ FamilyCare eligibility.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the county psychiatric hospitals providing and certifying all information that is required by the State, in the form specified by the Division of Mental Health and Addiction Services, to prepare a complete, accurate, and timely claim to federal authorities for Medicaid Disproportionate Share Hospital (DSH) claim revenues.

Notwithstanding the provisions of R.S.30:4-78, or any other law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provisions: for rates effective January 1, 2013, and any prior year rate adjustments that may be required beginning January 1, 2013, the approval of the State House Commission shall not be required for the setting of such rates and the Commissioner of Human Services shall set the per capita cost rates to be paid by the State to the several counties on behalf of the reasonable cost of maintenance of State and county patients in any county psychiatric facility, including outpatient psychiatric services, the per capita rates which each county shall pay to the Treasurer for the reasonable cost of maintenance and clothing of each patient residing in a State psychiatric facility having a legal settlement in such county ("County Patients"), the rates to be paid for the reasonable cost of maintenance and clothing of the convict and criminal mentally ill in any State psychiatric facility and the cost of maintenance of County Patients residing in State developmental centers or receiving other residential functional services for the developmentally disabled. Such rates will be fixed no later than October 1 of each calendar year. Notice of such rates shall be provided by the Commissioner of Human Services to the clerk of the respective boards of chosen freeholders.

In the event that the Division of Mental Health and Addiction Services is notified that a county psychiatric hospital will cease operations for the current fiscal

year, or any portion thereof, in order to assure continuity of care for patients who otherwise would have been served by the county hospital, as well as to preserve patient and public safety, the Division shall have the authority to transfer funds from the Support of Patients in County Psychiatric Hospitals account to Direct State Services and Grants-In-Aid accounts in the Division of Mental Health and Addiction Services, for the fiscal year, subject to a plan approved by the Director of the Division of Budget and Accounting.

#### **24 Special Health Services**

##### **7540 Division of Medical Assistance and Health Services**

##### **DIRECT STATE SERVICES**

21-7540 Health Services Administration and Management .....	<u>\$30,854,000</u>
Total Direct State Services Appropriation, Division of Medical Assistance and Health Services .....	<u>\$30,854,000</u>

##### **Direct State Services:**

##### **Personal Services:**

Salaries and Wages .....	(\$12,257,000)
Materials and Supplies.....	(109,000)
Services Other Than Personal.....	(2,936,000)
Maintenance and Fixed Charges.....	(63,000)

##### **Special Purpose:**

21 Payments to Fiscal Agents .....	(15,001,000)
21 Professional Standards Review Organization - Utilization Review.....	(309,000)
21 Drug Utilization Review Board - Administrative Costs .....	(10,000)

Additions, Improvements and Equipment .....	(169,000)
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The amounts hereinabove appropriated for Personal Services are conditioned upon the Department of Human Services working collaboratively with the various county corrections agencies to promote the proper enrollment in the NJ FamilyCare program of all eligible inmates requiring medical services. The department shall provide guidance to the county corrections agencies on this subject and, upon request, shall provide such additional assistance as may be necessary to support the counties in ensuring that all eligible Medicaid reimbursements are properly claimed consistent with federal law.

Such funds as are necessary from the Health Care Subsidy Fund are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share hospitals for uncompensated care costs as defined in P.L.1991, c.187 (C.26:2H-18.24 et seq.), and for subsidized children's health insurance in the NJ FamilyCare Program established in P.L.2005, c.156 (C.30:4J-8 et al.) to maximize federal Title XXI funding, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, all past, present, and future revenues representing federal financial participation received by the State from the United States and that are based on payments made by the State to hospitals that serve a disproportionate share of low-income patients shall be deposited into the General Fund and may be expended only upon appropriation by law.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited into the General Fund as anticipated revenue.

Notwithstanding the provisions of any law or regulation to the contrary, all revenues received from health maintenance organizations shall be deposited into the General Fund.

The unexpended balances at the end of the preceding fiscal year, in the Payments to Fiscal Agents account are appropriated for the same purpose.

#### **GRANTS-IN-AID**

22-7540 General Medical Services .....	<u>\$3,024,603,000</u>
Total Grants-in-Aid Appropriation, Division of Medical Assistance and Health Services .....	<u>\$3,024,603,000</u>

#### ***Grants-in-Aid:***

22 Payments for Medical Assistance Recipients - Adult Mental Health Residential .....	(\$28,941,000)
22 Managed Care Initiative .....	(2,082,518,000)
22 ACA Health Insurance Providers Fee .....	(60,351,000)
22 ACA Presumptive Eligibility .....	(19,723,000)
22 Payments for Medical Assistance Recipients - Inpatient Hospital .....	(177,106,000)
22 Payments for Medical Assistance Recipients - Prescription Drugs .....	(187,739,000)
22 Payments for Medical Assistance Recipients - Outpatient Hospital .....	(73,204,000)
22 Payments for Medical Assistance Recipients - Physician Services .....	(23,519,000)
22 Payments for Medical Assistance Recipients - Medicare Premiums .....	(169,667,000)
22 Payments for Medical Assistance Recipients - Clinic Services .....	(88,409,000)
22 Payments for Medical Assistance Recipients - Transportation Services .....	(52,997,000)
22 Payments for Medical Assistance Recipients - Other Services .....	(18,616,000)
22 Eligibility Determination Services .....	(20,013,000)
22 Health Benefit Coordination Services .....	(21,800,000)

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from Payments for Medical Assistance Recipients - Adult Mental Health Residential and Payments for Medical Assistance Recipients - Other Services accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Payments for Medical Assistance Recipients - Personal Care and Payments for Medical Assistance Recipients - Other Services accounts in the Division of Disability Services in the Department of Human Services. Amounts may also be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Aging Services in the Department of Human Services. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), or in 42 U.S.C. s. 1396a(a)(25)(A), including, but not limited to, a pharmacy benefit manager, writing health, casualty, workers' compensation, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Division of Medical Assistance and Health Services to permit and assist the matching no less frequently than on a monthly basis of the NJ FamilyCare, Charity Care, and Work First New Jersey General Public Assistance eligibility files and/or adjudicated claims files against that third party's eligibility file, including indication of coverage derived from the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and/or adjudicated claims file for the purpose of coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

Notwithstanding the provisions of subparagraph (8) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3) and subparagraphs (3), (4), and (5) of subsection g of section 6 of P.L.1968, c.413 (C.30:4D-6), or any other law or regulation to the contrary, the amounts hereinabove appropriated in the General Medical Services program classification are subject to the following conditions: in order to encourage home and community services as an alternative to nursing home placement, consistent with the federally approved Section 1115 Medicaid demonstration waiver and any approved amendments thereto, the Commissioner of Human Services is authorized to adjust financial eligibility and other requirements and services for medically needy eligibility groups and the Managed Long Term Services and Supports population, subject to the approval of the Director of the Division of Budget and Accounting and subject to any other required federal approval.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the General Medical Services program classification are subject to the following condition: effective January 1, 2015, the Commissioner of Human Services is authorized to provide any or all types and levels of services that are provided through the Medicaid State Plan's Alternative Benefit Plan to any or all of the types of qualified applicants described in subparagraphs (1), (2), (4), (6), (7), (9), (10), (11), (12), (13), (16(a)), (17), (18), and (19) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3), subject to the approval of the Director of the Division of Budget and Accounting and subject to any required federal approval.

Of the amount hereinabove appropriated within the General Medical Services program classification, the Division of Medical Assistance and Health Services, subject to federal approval, shall implement policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current NJ FamilyCare rules to avoid payment for that care. The Division shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources that is not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Notwithstanding the provisions of any law or regulation to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: when any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

In addition to the amounts hereinabove appropriated for payments to providers on behalf of medical assistance recipients, such additional amounts as may be required are appropriated from the General Fund to cover costs consequent to the establishment of presumptive eligibility for children, pregnant women, single adults and childless couples, and parents and caretaker relatives in the NJ FamilyCare program as defined in P.L.2005, c.156 (C.30:4J-8 et al.).

Notwithstanding the provisions of any law or regulation to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: the Commissioner of Human Services shall have the authority to convert individuals enrolled in a State-funded program who are also eligible for a federally matchable program, to the federally matchable program without the need for regulations.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Medical Assistance Grants-In-Aid accounts from initiatives may be transferred to the Health Services Administration and Management accounts to fund costs incurred in realiz-

ing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to federal approval, of the amounts appropriated in the General Medical Services program classification, the Commissioner of Human Services is authorized to develop and introduce optional service plan innovations to enhance client choice for users of NJ FamilyCare optional services, while containing expenditures.

The appropriations within the General Medical Services program classification shall be conditioned upon the following: the Division of Medical Assistance and Health Services (DMAHS), in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

For the purposes of account balance maintenance, all object accounts appropriated in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification.

The amounts hereinabove appropriated for the General Medical Services program classification are conditioned upon the Commissioner of Human Services making changes to such programs to make them consistent with the federal Deficit Reduction Act of 2005.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the current fiscal year are appropriated for payments to providers in the same program classification from which the recovery originated.

The amount hereinabove appropriated for the Division of Medical Assistance and Health Services first shall be charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.) or any law or regulation to the contrary, no funds are appropriated to the Medical Assistance for the Aged program, which has been eliminated.

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205, of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Adult Mental Health Residential, personal care assistant services shall be limited to no more than 25 hours per week, per recipient.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to Managed Care Initiative are subject to the following conditions: as of January 1, 2014 or on such date established by the

federal government for the Health Insurance Marketplace pursuant to the Patient Protection and Affordable Care Act, the following groups of current enrollees shall be transitioned to the federal Health Insurance Exchange for continued health care coverage: a) adults or couples without dependent children who were enrolled in the New Jersey Health ACCESS program on October 31, 2001; b) all parents or caretakers who: (i) have gross family income that does not exceed 200% of the poverty level; (ii) have no health insurance, as determined by the Commissioner of Human Services; (iii) are ineligible for NJ FamilyCare, or (iv) are adult aliens lawfully admitted for permanent residence, but who have lived in the United States for less than five full years after such lawful admittance, and are enrolled in NJ FamilyCare; and c) Essential Persons (Spouses) whose coverage is funded solely by the State.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Managed Care Initiative account are subject to the following condition: only the following individuals shall be excluded from mandatory enrollment in the Medicaid/NJ FamilyCare managed care program: (1) individuals who are institutionalized in an inpatient psychiatric institution, or an inpatient psychiatric program for children under the age of 21 or in a residential facility including facilities characterized by the federal government as ICFs/MR, except that individuals who are eligible through the Division of Child Protection and Permanency (DCP&P) and are placed in a DCP&P non-Joint Committee on Accreditation of Healthcare Organizations (JCAHO) accredited children's residential care facility and individuals in a mental health or substance abuse residential treatment facility shall not be excluded from enrollment pursuant to this paragraph; (2) individuals in out-of-State placements; (3) special low-income Medicare beneficiaries (SLMBs); and (4) individuals in the Program of All-Inclusive Care for the Elderly (PACE) program and (5) Medically Needy segment of the NJ FamilyCare.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Managed Care Initiative account are subject to the following condition: Effective July 1, 2011, the following services, which were previously covered by NJ FamilyCare fee-for-service, shall be covered and provided instead through a managed care delivery system for all clients served by and/or enrolled in that system: 1) home health agency services; 2) medical day care, including both adult day health services and pediatric medical day care; 3) prescription drugs; and 4) rehabilitation services, including occupational, physical, and speech therapies. The above condition shall be effective for personal care assistant services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Managed Care Initiative account are subject to the following condition: Non-contracted hospitals providing emergency services to NJ FamilyCare members enrolled in the managed care program shall accept as payment in full 90% of the amounts that the non-contracted hos-



pital would receive from NJ FamilyCare for the emergency services and/or any related hospitalization if the beneficiary were enrolled in NJ FamilyCare fee-for-service.

Of the revenues received as a result of sanctions to health maintenance organizations participating in NJ FamilyCare managed care, an amount not to exceed \$500,000 is appropriated to the Managed Care Initiative or NJ KidCare A - Administration account to improve access to medical services and quality care through such activities as outreach, education, and awareness, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Managed Care Initiative are subject to the following condition: the Director of the Division of Medical Assistance and Health Services may restrict the number of provider agreements with managed care entities, if such restriction does not substantially impair access to services.

In addition to the amounts hereinabove appropriated for Managed Care Initiative there are appropriated such amounts as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in Payments for Medical Assistance Recipients - Inpatient Hospital and Payments for Medical Assistance Recipients - Outpatient Hospital are subject to the following condition: for an out-of-State hospital participating in the NJ FamilyCare program, other than an out-of-State hospital for which payment is based on a binding settlement agreement between the State and such hospital, payment for claims with date of discharge on or after July 1, 2012, shall be equal to the lowest of the following three amounts: (i) the amount charged by the billing hospital for the rendered services; (ii) the rate of payment for out-of-State hospitals as described at N.J.A.C.10:52-4.5(a) through (d); or (iii) the average Statewide rate of payment for New Jersey hospitals as described at N.J.A.C.10:52-4.3 (outpatient services) or the rate of payment as described at N.J.A.C.10:52-14.10 through N.J.A.C.10:52-14.16 (inpatient services) utilizing the Statewide base rate as the hospital's final rate and an average hospital inpatient cost-to-charge ratio.

Notwithstanding the provisions of any law or regulation to the contrary, effective commencing at the beginning of the current fiscal year and subject to federal approval, of the amounts hereinabove appropriated to Payments for Medical Assistance Recipients - Inpatient Hospital, inpatient medical services provided through the Division of Medical Assistance and Health Services shall be conditioned upon the following provision: No funds shall be expended for hospital services during which a preventable hospital error occurred or for hospital services provided for the necessary inpatient treatment arising from a preventable hospital error, as shall be defined by the Commissioner of Human Services.

Of the amount hereinabove appropriated to Payments for Medical Assistance Recipients - Inpatient Hospital, the Division of Medical Assistance and Health Services is authorized to competitively bid and contract for performance of federally mandated inpatient hospital utilization reviews, and the funds necessary for the contracted utilization review of these hospital services are made available from the Payments for Medical Assistance Recipients - Inpatient Hospital account, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts as may be necessary are appropriated from enhanced audit recoveries obtained by the Division of Medical Assistance and Health Services to fund the costs of enhanced audit recovery efforts of the division within the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of NJ FamilyCare fraud, waste and abuse, are appropriated to General Medical Services in the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205 where applicable, the amount hereinabove appropriated for fee-for-service prescription drugs in the Payments for Medical Assistance Recipients - Prescription Drugs account are subject to the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one (1) percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on the (i) the lowest of the EAC, FUL, or SUL plus a dispensing fee of \$3.73 to \$3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated to the Payments for Medical Assistance Recipients - Prescription Drugs account, the capitated dispensing fee payments to providers of pharmaceutical services for residents of nursing facilities shall be adjusted to reflect the reduced prescription volume disbursed by NJ FamilyCare as a primary payer since the implementation of the Medicare Part D program; provided that subject to the execution of a signed agreement by all affected long-term care pharmacies and the Division of Medical Assistance and Health Services and the payment by all affected long-term care pharmacies pursuant to such agreement, the capitated dispensing fee payments to providers of pharmaceutical services for residents of nursing facilities shall be modified and paid at the per diem equivalent of the retail pharmacy rate for the average number of prescriptions filled when NJ FamilyCare is the primary payer.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Payments for Medical Assistance Recipients - Prescription Drugs and NJ FamilyCare accounts shall be conditioned upon the following provision: each prescription order for protein nutritional supplements and specialized infant formulas dispensed shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for Payments for Medical Assistance Recipients - Prescription Drugs account are available to any pharmacy that does not agree to allow NJ FamilyCare to bill on its behalf any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), by participating in a billing agreement executed between the State and the pharmacy.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated to Payments for Medical Assistance Recipients - Prescription Drugs, no payment shall be expended for drugs used for the treatment of erectile dysfunction, select cough/cold medications as defined by the Commissioner of Human Services, or cosmetic drugs, including, but not limited to: drugs used for baldness, weight loss, and purely cosmetic skin conditions.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205, approved nutritional supplements which are hereinabove appropriated in the Payments for Medical Assistance Recipients - Prescription Drugs program shall be consistent with reimbursement for legend and non-legend drugs.

Notwithstanding the provisions of any law or regulation to the contrary, the hereinabove appropriation for Payments for Medical Assistance Recipients - Prescription Drugs shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Prescription Drugs, the Commissioners of Human Services and Health shall establish a system to utilize unopened and unexpired prescription drugs previously dispensed but not administered to individuals residing in nursing facilities.

Rebates from pharmaceutical manufacturing companies during the current fiscal year for prescription expenditures made to providers on behalf of NJ FamilyCare clients are appropriated for the Payments for Medical Assistance Recipients - Prescription Drugs account.

Notwithstanding the provisions of any law or regulation to the contrary, amounts appropriated to Payments for Medical Assistance Recipients - Outpatient Hospital for outpatient hospital reimbursement for all billable psychiatric services provided as an outpatient hospital service to all eligible individuals regardless of age, shall be paid at the lower of charges or the prospective hourly rates as defined in chapter 52 of Title 10 of the New Jersey Administrative Code, with the following exceptions and conditions which are effective for dates of service on or after January 1, 2009 with dates of payment on or after July 1, 2013: (1) individual outpatient hospital psychiatric therapy for individuals age 21 and older, excluding partial hospitalization, shall be billed on a unit basis of 30 minutes, with a daily billing limit of two units per recipient per day and a 30 minute unit rate of \$50.00; (2) outpatient hospital initial evaluative psychiatric testing for individuals age 21 and older, excluding partial hospitalization, shall be billed on a unit basis of 30 minutes with a daily billing limit of four units per recipient per day and a 30 minute unit rate of \$62.50; (3) outpatient hospital psychiatric medication monitoring and medication management for individuals age 21 and older, excluding partial hospitalization, shall be billed on a unit basis of 15 minutes with a daily billing limit of two units per recipient per day and a 15 minute unit rate of \$42.00. Costs related to outpatient hospital psychiatric services shall be excluded from outpatient hospital cost settlements.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Outpatient Hospital shall be conditioned upon the following provision: certifications shall not be granted for new or relocating offsite hospital-based entities in accordance with N.J.A.C.10:52-1.3 with the exception of providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Outpatient Hospital, an amount not to exceed \$1,900,000 is allocated for limited prenatal medical care for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205 where applicable, the appro-

priation in the Payments for Medical Assistance Recipients - Physician Services account shall be conditioned upon the following provisions: (a) reimbursement for the cost of physician-administered drugs shall be consistent with reimbursement for legend and non-legend drugs; and (b) reimbursement for physician-administered drugs shall be limited to those drugs supplied by manufacturers who have entered into the federal Medicaid Drug Rebate Agreement and are subject to drug rebate rules and regulations consistent with this agreement. The Division of Medical Assistance and Health Services shall collect and submit utilization and coding information to the Secretary of the United States Department of Health and Human Services for all single source drugs administered by physicians.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts expended from Payments for Medical Assistance Recipients - Other Services shall be conditioned upon the following: reimbursement for adult incontinence briefs and oxygen concentrators shall be set at 70% of reasonable and customary charges.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation in the Payments for Medical Assistance Recipients - Clinic Services, Payments for Medical Assistance Recipients - Physician Services, and Payments for Medical Assistance Recipients - Other Services shall be conditioned upon the following provision: no funds shall be expended for partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services to any provider who was not a NJ FamilyCare approved provider of partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services, respectively, prior to July 1, 2006 with the exception of new providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of subsection (a) of N.J.A.C.10:60-5.7 and subsection (e) of N.J.A.C.10:60-11.2 to the contrary, the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services is conditioned upon the Commissioner of Human Services increasing the hourly nursing rates for Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing (EPSDT/PDN) services by \$10 per hour above the fiscal year 2008 rate.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services, an amount not to exceed \$1,900,000 is allocated for limited prenatal medical care provided by clinics, or in the case of radiology and clinical laboratory services ordered by a clinic, for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

Notwithstanding the provisions of any law or regulation to the contrary, effective July 1, 2009, no payments for partial care services in mental health clinics, as hereinabove appropriated in Payments for Medical Assistance Recipients - Clin-

ic Services shall be provided unless the services are prior authorized by professional staff designated by the Department of Human Services.

The amount hereinabove appropriated for Payments for Medical Assistance Recipients - Other Services may be used to pay financial rewards to individuals or entities who report instances of health care-related fraud and/or abuse involving the programs administered by the Division of Medical Assistance and Health Services (DMAHS), the Pharmaceutical Assistance to the Aged and Disabled (PAAD) or Work First New Jersey General Public Assistance programs. Rewards may be paid only when the reports result in a recovery by DMAHS, and only if other conditions established by DMAHS are met, and shall be limited to 10% of the recovery or \$1,000, whichever is less. Notwithstanding the provisions of any law or regulation to the contrary, but subject to any necessary federal approval and/or change in federal law, receipt of such rewards shall not affect an applicant's individual financial eligibility for the programs administered by DMAHS, or for PAAD or Work First New Jersey General Public Assistance programs.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Eligibility Determination Services and Health Benefit Coordination Services are subject to the following condition: the Commissioner of Human Services is authorized to implement a pilot program, effective on or after January 1, 2015, to remove the NJ FamilyCare eligibility determination and redetermination process from one or more county welfare agencies, as determined by the Commissioner of Human Services, subject to any required federal approval.

Of the amount hereinabove appropriated in the Managed Care Initiative account, there shall be transferred to various accounts, including Direct State Services and State Aid accounts, such amounts, not to exceed \$6,000,000, as are necessary to pay for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, State funding for the New Jersey Health ACCESS program shall cease, and all enrollment shall be terminated as of July 1, 2001, or at such later date as shall be established by the Commissioner of Human Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to Managed Care Initiative are subject to the following conditions: (a) as of July 1, 2011, all parents or caretakers whose applications to enroll in the NJ FamilyCare program were received on or after March 1, 2010: (i) whose family gross income does not exceed 200% of the federal poverty level; (ii) who have no health insurance, as determined by the Commissioner of Human Services; and (iii) who are ineligible for Medicaid shall not be eligible for enrollment in the NJ FamilyCare program and there shall be no future enrollments of such persons in the NJ FamilyCare program; and (b) as of July 1, 2011, any adult alien lawfully admitted for permanent resi-

dence, but who has lived in the United States for less than five full years after such lawful admittance and whose enrollment in the NJ FamilyCare program was terminated on or before July 1, 2010 shall not be eligible to be enrolled in the NJ FamilyCare program; provided, however, that this termination of enrollment and benefits shall not apply to such persons who are either (i) pregnant or (ii) under the age of 19.

Notwithstanding the provisions of subsection d. of section 5 of P.L.2005, c.156 (C.30:4J-12) or any law or regulation to the contrary, the amounts hereinabove appropriated for NJ FamilyCare are subject to the following condition: the Department of Human Services may determine eligibility for the NJ FamilyCare program by verifying income through any means authorized by the Children's Health Insurance Program Reauthorization Act of 2009, Pub.L.111-3, including through electronic matching of data files provided that any consents, if required, under State or federal law for such matching are obtained.

The unexpended balance at the end of the preceding fiscal year in the Managed Care Initiative account is appropriated for the same purpose.

Premiums received from families enrolled in the NJ FamilyCare program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.) are appropriated for NJ FamilyCare payments.

### **26 Division of Aging Services**

#### **DIRECT STATE SERVICES**

20-7530 Medical Services for the Aged .....	\$3,939,000
24-7530 Pharmaceutical Assistance to the Aged and Disabled .....	6,062,000
55-7530 Programs for the Aged .....	1,434,000
<i>(From General Fund.....</i>	<i>\$563,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>871,000)</i>
57-7530 Office of the Public Guardian.....	<u>634,000</u>
Total Direct State Services Appropriation, Division of	
Aging Services .....	<u>\$12,069,000</u>
<i>(From General Fund.....</i>	<i>\$11,198,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>871,000)</i>

#### **Direct State Services:**

##### **Personal Services:**

Salaries and Wages .....	(\$7,715,000)
Salaries and Wages (CRF) .....	(796,000)
Materials and Supplies.....	(163,000)
Materials and Supplies (CRF) .....	(14,000)
Services Other Than Personal.....	(2,540,000)
Services Other Than Personal (CRF).....	(47,000)
Maintenance and Fixed Charges.....	(437,000)
Maintenance and Fixed Charges (CRF).....	(2,000)
Special Purpose:	

55 Federal Programs for the Aged ..... (143,000)  
 55 NJ Elder Index ..... (200,000)  
 Additions, Improvements and Equipment (CRF) ..... (12,000)  
 When any action by a county welfare agency, whether alone or in combination with the Department of Human Services, results in a recovery of improperly granted medical assistance, the Department of Human Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.  
 Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is subject to the following condition: any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), or in 42 U.S.C. s.1396a(a)(25)(A), including, but not limited to, a pharmacy benefit manager writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Human Services to permit and assist the matching of the Department of Human Services' program eligibility and/or adjudication claims files against that third party's eligibility and/or adjudicated claims files for the purpose of the coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.  
 Receipts from the Office of the Public Guardian for Elderly Adults are appropriated to the Office of the Public Guardian.

#### GRANTS-IN-AID

20-7530 Medical Services for the Aged ..... \$1,115,980,000  
     *(From General Fund..... \$1,115,860,000)*  
     *(From Casino Revenue Fund..... 120,000)*  
 24-7530 Pharmaceutical Assistance to the Aged and Disabled ..... 78,153,000  
     *(From General Fund..... 69,528,000)*  
     *(From Casino Revenue Fund..... 8,625,000)*  
 55-7530 Programs for the Aged..... 48,272,000  
     *(From General Fund..... 33,524,000)*  
     *(From Casino Revenue Fund..... 14,748,000)*  
     Total Grants-in-Aid Appropriation, Division of Aging  
         Services ..... \$1,242,405,000  
         *(From General Fund..... \$1,218,912,000)*  
         *(From Casino Revenue Fund..... 1,218,912,000)*

#### **Grants-in-Aid:**

20 Payments for Medical Assistance Recipients -  
     Nursing Homes.....(\$738,050,000)  
 20 Managed Long Term Services and Supports ..... (353,520,000)  
 20 Medical Day Care Services..... (103,000)  
 20 PACE ..... (24,187,000)



20	Hearing Aid Assistance for the Aged and Disabled (CRF).....	(120,000)
24	Pharmaceutical Assistance to the Aged - Claims.....	(2,250,000)
24	Pharmaceutical Assistance to the Aged and Disabled - Claims .....	(60,239,000)
24	Pharmaceutical Assistance to the Aged and Disabled - Claims (CRF).....	(8,625,000)
24	Senior Gold Prescription Discount Program .....	(7,039,000)
55	Holocaust Survivor Assistance Program, Samost Jewish Family and Children's Service of Southern NJ .....	(400,000)
55	Community Based Senior Programs .....	(33,124,000)
55	Community Based Senior Programs (CRF).....	(14,748,000)

Notwithstanding the provisions of any law or regulation to the contrary, as a condition of receipt of any NJ FamilyCare payments a nursing home shall provide to the Commissioner of Human Services information on the facility's finances comparable to the information provided by hospitals to the Department of Health pursuant to N.J.A.C.8:31B-3.1 et seq. and N.J.A.C.8:31B-4.1 et seq., as requested by the commissioner, and the commissioner shall periodically assess the financial status of the industry.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Medical Services for the Aged program classification in the Division of Aging Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred between the various items of appropriation within the Medical Services for the Aged and Programs for the Aged program classifications to ensure the continuity of long-term care support services for beneficiaries receiving services within the Medical Services for the Aged program classification in the Division of Aging Services in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the preceding fiscal year are appropriated for payments to providers in the same program classification from which the recovery originated.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in the Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Subject to federal approval, the appropriations for those programs within the Medical Services for the Aged program classification are conditioned upon the Department of Human Services implementing policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current NJ FamilyCare rules to avoid payment for that care. The Division of Medical Assistance and Health Services and the Division of Aging Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Such amounts as may be necessary are hereinabove appropriated from enhanced audit recoveries obtained by the Department of Human Services to fund the costs of enhanced audit recovery efforts of the department within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes are available for the payment of obligations applicable to prior fiscal years.

Such amounts as may be necessary are hereinabove appropriated from the General Fund for the payment of increased nursing home rates to reflect the costs incurred due to the payment of a nursing home provider assessment, pursuant to the "Nursing Home Quality of Care Improvement Fund Act," P.L.2003, c.105 (C.26:2H-92 et seq.), and P.L.2004, c.41, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of chapter 85 of Title 8 of the New Jersey Administrative Code or any other law or regulation to the contrary and subject to any required federal approval, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes are subject to the following conditions: (1) Class I, Class II, and Class III nursing facilities being paid on a fee-for-service basis, shall be reimbursed at the rate received on June 30, 2015 plus a per diem adjustment that shall be calculated based upon an additional \$5,250,000 in State and \$5,250,000 in federal appropriations. Further, no Class I, II, and III nursing facilities being paid on a fee-for-service basis shall receive any additional per diem rate adjustment, with the exception of the provider tax add-on payments; (2) nursing facilities that are being paid by a Managed Care Organization (MCO) for custodial care through a provider contract that includes

a negotiated rate shall receive that negotiated rate; (3) any Class I (private) and Class III (special care) that is being paid by an MCO for custodial care through a provider contract but has not yet negotiated a rate shall receive the equivalent fee-for-service per diem reimbursement rate as it received as of June 30, 2015 plus a per diem adjustment that shall be calculated based upon an additional \$5,250,000 in State and \$5,250,000 in federal appropriations and any Class II (county) nursing facility that is being paid by an MCO but has not yet negotiated a rate shall receive the equivalent fee-for-service per diem reimbursement rate received on June 30, 2015, had it been a Class I nursing facility, plus a per diem adjustment that shall be calculated based upon an additional \$5,250,000 in State and \$5,250,000 in federal appropriations; (4) monies designated pursuant to subsection c. of section 6 of P.L.2003, c.105 (C.26:2H-97) for distribution to nursing facilities, less the portion of those funds to be paid as pass-through payments in accordance with paragraph (1) of subsection d. of section 6 of P.L.2003, c.105 (C.26:2H-97), shall be combined with amounts hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes for the purpose of calculating NJ FamilyCare reimbursements for nursing facilities; and (5) for the purposes of this paragraph, a nursing facility's per diem reimbursement rate or negotiated rate shall not include, if the nursing facility is eligible for reimbursement, the difference between the full calculated provider tax add-on and the quality-of-care portion of the provider tax add-on, which difference shall be payable as an allowable cost pursuant to subsection d. of section 6 of P.L.2003, c.105 (C.26:2H-97). Provided, further, that on or before September 15, 2015, the Department shall calculate and disseminate to the MCOs the amount of the add-on payable during the year starting October 1, 2015 as an allowable cost, as well as the list of nursing facilities that will receive this add-on, and the MCOs shall adjust the rates paid to nursing facilities accordingly; the add-ons calculated for FY 2015 shall be applied from July 1, 2015, through September 30, 2015 and the first add-on shall be applied to fee-for-service per diem reimbursement rates effective October 1, 2015.

In order to permit flexibility in implementing ElderCare Initiatives hereinabove appropriated as part of Community Based Senior Programs, and Managed Long Term Services and Supports within the Medical Services for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any other law or regulation to the contrary, of the amounts hereinabove appropriated for Managed Long Term Services and Supports, assisted living facilities, comprehensive personal care homes and assisted living programs shall receive a per diem rate, respectively, of no less than \$73.13, \$63.13, and \$53.13 as reimbursement for each NJ FamilyCare beneficiary under their care.

Notwithstanding the provisions of any law or regulation to the contrary, no payment for NJ FamilyCare Adult or Pediatric Medical Day Care services, as hereinabove appropriated in the Medical Day Care Services account, shall be provided unless the services are prior authorized by professional staff designated by the Department of Human Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned upon the following provision: the fee-for-service per diem reimbursement rate for adult Medical Day Care providers shall be set at \$78.50.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: physical therapy, occupational therapy and speech therapy shall no longer serve as a permissible criteria for eligibility in the adult Medical Day Care Program.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: effective August 15, 2010, no payments for NJ FamilyCare adult medical day care services shall be provided on behalf of any beneficiary who received prior authorization for these services based exclusively on the need for medication administration.

Notwithstanding the provisions of chapter 87 of Title 8 of the New Jersey Administrative Code or any other law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be subject to the following condition: the daily reimbursement for fee-for-service pediatric medical day care shall remain at the rate established in the preceding fiscal year.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification and the Senior Gold Prescription Discount Program account shall be expended for fee-for-service prescription drug claims with no Medicare Part D coverage except under the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one (1) percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on (i) the lowest of the EAC, FUL, or SUL plus a dispensing fee of \$3.73 to \$3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calcula-

tion of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers, of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), and Community Based Senior Programs are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for, or receipt of, PAAD or Senior Gold Prescription Discount Program benefits shall be void, and no PAAD and Senior Gold Prescription Discount Program payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) or any law or regulation to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5 for generic drugs and \$7 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Human Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), or the Senior Gold Prescription Discount Program (Senior Gold), pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in subsections (a) through (c) of section 1927 of the federal Social Security Act, 42 U.S.C. s.1396r-8.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Ser-

vices, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program and the Senior Gold Prescription Discount Program shall continue during the current fiscal year, provided that the manufacturer's rebates for PAAD claims paid as secondary to Medicare Part D and for the Senior Gold Prescription Discount Program shall apply only to the amount paid by the State under the PAAD and Senior Gold Prescription Discount Program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program and the Senior Gold Prescription Discount Program.

In addition to the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled and the Senior Gold Prescription Discount programs, there are appropriated from the General Fund and available federal matching funds such additional amounts as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program are conditioned upon the Department of Human Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs are conditioned upon the Department of Human Services coordinating the benefits of the PAAD programs with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Human Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and Senior Gold Prescription Discount programs, and for Medicare Part D premium costs for PAAD beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged or Pharmaceutical

Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal “Medicare Prescription Drug, Improvement, and Modernization Act of 2003” and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program recipients, no funds hereinabove appropriated to the PAAD program or Senior Gold Prescription Discount Program accounts shall be expended for any individual unless the individual enrolled in the PAAD program or Senior Gold Prescription Discount Program provides all data necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs, and Senior Gold Prescription Discount Program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug when paid by PAAD or the Senior Gold Prescription Discount Program as the primary payer until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended to cover medications not on the formulary of a PAAD program or Senior Gold Prescription Discount Program beneficiary’s Medicare Part D plan. This exclusion shall not apply to those drugs covered by the PAAD program and Senior Gold Prescription Discount Program which are specifically excluded by the federal Medicare Prescription Drug Program. In addition, this exclusion shall not impact the beneficiary’s rights, guaranteed by the Medicare Prescription Drug Improvement, and Modernization Act of 2003 (MMA), to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic

drugs, including, but not limited to: drugs used for baldness, weight loss, and skin conditions.

From the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged - Claims and Senior Gold Prescription Discount Program, an amount not to exceed \$2,850,000 may be transferred to various accounts as required, including Direct State Services accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of NJ FamilyCare fraud, waste, and abuse, are appropriated to Medical Services for the Aged in the Division of Aging Services.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize drug coverage under Medicare Part D, the appropriation for the Senior Gold Prescription Discount Program is conditioned on the Senior Gold Prescription Discount Program being designated the authorized representative for the purpose of coordinating benefits with the Medicare drug program, including appeals of coverage determinations. The Senior Gold Prescription Discount Program is authorized to represent program beneficiaries in the pursuit of such coverage. Senior Gold Prescription Discount Program representation shall include, but not be limited to, the following actions: pursuit of appeals, grievances, and coverage determinations.

In order to permit flexibility in implementing the ElderCare Advisory Commission Initiatives, hereinabove appropriated as part of Community Based Senior Programs within the Programs for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes are subject to the following condition: nursing facilities shall not receive payments for bed hold or therapeutic leave days for NJ FamilyCare beneficiaries; provided that nursing facilities shall continue to reserve beds for NJ FamilyCare beneficiaries who are hospitalized or on therapeutic leave as required by N.J.A.C.8:85-1.14.

Of the amounts appropriated for Payments for Medical Assistance Recipients - Nursing Homes, \$1,000,000 shall be allocated to funding additional beds for patients suffering from Huntington's Disease, pursuant to the issuance of a certificate of need call by the Department of Health for such additional beds.

In addition to the amounts hereinabove appropriated for Pharmaceutical Assistance to the Aged and Disabled and Hearing Aid Assistance for the Aged and Disabled programs, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional amounts as may be required for the



payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.), during the current fiscal year are appropriated for payments to providers in the same program classification from which the recovery originated.

For the purposes of account balance maintenance, all object accounts in the Medical Services for the Aged program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services, but ensure that no overspending will occur in the program classification.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund, Medical Services for the Aged, or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year's annual appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), and Community Based Senior Programs are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) or any law or regulation to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5 for generic drugs and \$7 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Human Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended, when PAAD is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in subsections (a) through (c) of section 1927 of the federal Social Security Act, 42 U.S.C. s.1396r-8.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program shall continue during the current fiscal year, provided that the manufacturers' rebates for PAAD claims paid as secondary to Medicare Part D shall apply only to the amount paid by the State under the PAAD program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program are conditioned upon the Department of Human Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail-order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is conditioned upon the Department of Human Services coordinating the benefits of the PAAD program with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD program recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Human Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and the Senior Gold Prescription Discount Program, and for Medicare Part D premium costs for PAAD program beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal “Medicare Prescription Drug, Improvement, and Modernization Act of 2003” and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Disabled (PAAD) program recipients, no funds hereinabove appropriated from the PAAD account shall be expended for any individual enrolled in the PAAD program unless the individual provides all data that may be necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug paid by PAAD as a primary payer until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended to cover medications not on the formulary of a PAAD program beneficiary’s Medicare Part D plan. This exclusion shall not apply to those drugs covered by PAAD which are specifically excluded by the federal Medicare Prescription Drug Program. In addition, this exclusion shall not impact the beneficiary’s rights, guaranteed by the “Medicare Prescription Drug, Improvement, and Modernization Act of 2003” (MMA), to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs including but not limited to: drugs used for baldness, weight loss, and skin conditions.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended for fee-for-service prescription drug claims with no Medicare Part D coverage except under the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug’s Wholesale Acquisition Cost less a volume discount of 1%; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on the (i) the lowest of the EAC, FUL or SUL

plus a dispensing fee of \$3.73 to \$3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers, of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Community Based Senior Programs (CRF) account, \$175,000 shall be charged to the Casino Simulcasting Fund.

#### **STATE AID**

55-7530 Programs for the Aged.....	<u>\$7,152,000</u>
(From General Fund.....)	\$4,654,000)
(From Property Tax Relief Fund.....)	2,498,000)
Total State Aid Appropriation, Division of Aging Services .....	<u>\$7,152,000</u>
(From General Fund.....)	\$4,654,000)
(From Property Tax Relief Fund.....)	2,498,000)
<b>State Aid:</b>	
55 County Offices on Aging (PTRF) .....	(\$2,498,000)
55 Older Americans Act - State Share .....	(4,654,000)

#### **27 Disability Services**

##### **7545 Division of Disability Services**

#### **DIRECT STATE SERVICES**

27-7545 Disability Services.....	<u>\$1,315,000</u>
Total Direct State Services Appropriation, Division of Disability Services.....	<u>\$1,315,000</u>

#### **Direct State Services:**

##### **Personal Services:**

Salaries and Wages .....	(\$1,029,000)
Materials and Supplies.....	(4,000)
Services Other Than Personal.....	(273,000)
Maintenance and Fixed Charges.....	(9,000)

#### **GRANTS-IN-AID**

27-7545 Disability Services.....	<u>\$14,028,000</u>
(From General Fund.....)	\$10,294,000)
(From Casino Revenue Fund.....)	3,734,000)

Total Grants-in-Aid Appropriation, Division of	
Disability Services.....	<u>\$14,028,000</u>
(From General Fund.....	\$10,294,000)
(From Casino Revenue Fund.....	3,734,000)

**Grants-in-Aid:**

27 Personal Assistance Services Program.....	(\$7,383,000)
27 Personal Assistance Services Program (CRF) .....	(3,734,000)
27 Community Supports to Allow Discharge from Nursing Homes.....	(175,000)
27 Payments for Medical Assistance Recipients - Personal Care.....	(982,000)
27 Transportation/Vocational Services for the Disabled.....	(1,754,000)

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from Payments for Medical Assistance Recipients - Adult Mental Health Residential and Payments for Medical Assistance Recipients - Other Services accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Payments for Medical Assistance Recipients - Personal Care, the Payments for Medical Assistance Recipients - Waiver Initiatives, and the Payments for Medical Assistance Recipients - Other Services accounts in the Division of Disability Services in the Department of Human Services. Amounts may also be transferred to and from various items of appropriations within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Aging Services in the Department of Human Services. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. s.447.205, of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Personal Care, personal care assistant services shall be authorized prior to the beginning of services by the Director of the Division of Disability Services. The hourly rate for fee-for-service personal care services shall be \$18.00.

Notwithstanding the provisions of section 1 of P.L.2009, c.181 (C.30:4D-7j), or any other law or regulation to the contrary, funds appropriated for Payments for Medical Assistance Recipients - Personal Care are subject to the following condition: providers of Medicaid funded Personal Care Assistance services shall no longer be required to file cost reports with the Division of Disability Services.

**30 Educational, Cultural, and Intellectual Development****32 Operation and Support of Educational Institutions****DIRECT STATE SERVICES**

05-7610 Residential Care and Habilitation Services .....	\$300,660,000
(From General Fund.....)	\$106,407,000)
(From Federal Funds.....)	194,253,000)
99-7610 Administration and Support Services .....	<u>54,123,000</u>
(From General Fund.....)	20,169,000)
(From Federal Funds.....)	33,954,000)
Total Appropriation, State and Federal Funds .....	<u>\$354,783,000</u>
(From General Fund.....)	\$126,576,000)
(From Federal Funds.....)	228,207,000)
<b>Less:</b>	
<b>Federal Funds.....</b>	<b>\$228,207,000</b>
<b>Total Income Deductions .....</b>	<b><u>\$228,207,000</u></b>
Total Direct State Services Appropriation, Operation and	
Support of Educational Institutions .....	<u>\$126,576,000</u>

**Direct State Services:****Personal Services:**

Salaries and Wages .....	(\$310,629,000)
Materials and Supplies.....	(26,019,000)
Services Other Than Personal.....	(9,074,000)
Maintenance and Fixed Charges.....	(8,101,000)
Additions, Improvements and Equipment .....	(960,000)

**Less:**

<b>Federal Funds.....</b>	<b>228,207,000</b>
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The State appropriation for the State's developmental centers is based on ICF/MR revenues of \$252,823,000, provided that if the ICF/MR revenues exceed \$252,823,000, an amount equal to the excess ICF/MR revenues may be deducted from the State appropriation for the developmental centers, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other amounts provided in Inter-Departmental accounts for Employee Benefits, as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the developmental centers and are available for matching federal funds.

**7601 Community Programs****DIRECT STATE SERVICES**

08-7601 Community Services .....	\$52,249,000
(From General Fund.....)	\$31,266,000)

*(From Federal Funds..... 20,983,000)*  
 99-7601 Administration and Support Services ..... 24,210,000  
*(From General Fund..... 10,709,000)*  
*(From Federal Funds..... 13,501,000)*  
 Total Appropriation, State and Federal Funds ..... \$76,459,000  
*(From General Fund..... \$41,975,000)*  
*(From Federal Funds..... 34,484,000)*

**Less:**

**Federal Funds.....\$34,484,000**  
**Total Income Deductions ..... \$34,484,000**  
 Total Direct State Services Appropriation, Community  
 Programs ..... \$41,975,000

**Direct State Services:**

## Personal Services:

Salaries and Wages .....(\$70,818,000)  
 Materials and Supplies.....(1,703,000)  
 Services Other Than Personal.....(840,000)  
 Maintenance and Fixed Charges.....(1,511,000)

## Special Purpose:

99 Developmental Disabilities Council .....(306,000)  
 Additions, Improvements and Equipment .....(1,281,000)

**Less:**

**Federal Funds..... 34,484,000**

**GRANTS-IN-AID**

01-7601 Purchased Residential Care ..... \$934,333,000  
*(From General Fund..... \$344,878,000)*  
*(From Casino Revenue Fund..... 144,864,000)*  
*(From Federal Funds..... 384,921,000)*  
*(From All Other Funds ..... 59,670,000)*  
 02-7601 Social Supervision and Consultation..... 41,990,000  
*(From General Fund..... 32,382,000)*  
*(From Casino Revenue Fund..... 2,208,000)*  
*(From Federal Funds..... 7,400,000)*  
 03-7601 Adult Activities ..... 350,783,000  
*(From General Fund..... 220,189,000)*  
*(From Casino Revenue Fund..... 7,374,000)*  
*(From Federal Funds..... 123,220,000)*  
 Total Appropriation, State and Federal Funds ..... \$1,327,106,000  
*(From General Fund..... \$597,449,000)*  
*(From Casino Revenue Fund..... 154,446,000)*  
*(From Federal Funds..... 515,541,000)*

(From All Other Funds ..... 59,670,000)

**Less:**

**Federal Funds.....\$515,541,000**

**All Other Funds.....59,670,000**

**Total Income Deductions ..... \$575,211,000**

Total Grants-in-Aid Appropriation, Community Programs ..... \$751,895,000

(From General Fund..... \$597,449,000)

(From Casino Revenue Fund ..... 154,446,000)

**Grants-in-Aid:**

01 Community Services Waiting List Placements .... (\$10,000,000)

01 Private Residential Facilities..... (10,163,000)

01 Private Institutional Care ..... (49,263,000)

01 Private Institutional Care (CRF) ..... (1,311,000)

01 Skill Development Homes ..... (14,408,000)

01 Skill Development Homes (CRF) ..... (1,269,000)

01 Group Homes ..... (636,247,000)

01 Group Homes (CRF)..... (142,284,000)

01 Olmstead Residential Services..... (19,680,000)

01 Emergency Placements ..... (49,708,000)

02 Office for Prevention of Developmental Disabilities.. (573,000)

02 Addressing the Needs of the Autism Community.... (4,000,000)

02 Essex ARC - Expanded Respite Care Services for  
Families with Autistic Children..... (75,000)

02 Autism Respite Care ..... (1,000,000)

02 Developmental Disabilities Council ..... (1,183,000)

02 Home Assistance..... (29,268,000)

02 Home Assistance (CRF)..... (1,657,000)

02 Purchase of After School and Camp Services..... (1,339,000)

02 Purchase of After School and Camp Services (CRF).. (551,000)

02 Social Services..... (1,873,000)

02 Case Management..... (471,000)

03 Supports Program..... (39,708,000)

03 Purchase of Adult Activity Services ..... (216,115,000)

03 Purchase of Adult Activity Services (CRF) ..... (7,374,000)

03 Day Program Age Outs..... (4,601,000)

03 Self Directed Services..... (82,985,000)

**Less:**

**Federal Funds.....515,541,000**

**All Other Funds.....59,670,000**

Notwithstanding the provisions of Title 30 of the Revised Statutes or any other law or regulation to the contrary, the Assistant Commissioner of the Division of Developmental Disabilities is authorized to waive statutory, regulatory, or licensing requirements in the use of funds hereinabove appropriated for the operation of



the self-determination program including participants from the Community Services Waiting List Reduction Initiatives - FY1997 through FY2002, subject to the approval of a plan by the Assistant Commissioner of the Division of Developmental Disabilities, which allowed an individual to be removed from the waiting list. This waiver also applies to those persons identified as part of the Community Transition Initiative - FY2001 and FY2002, and the Community Nursing Care Initiative - FY2002, who chose self-determination.

Cost recoveries from consumers with developmental disabilities collected during the current fiscal year, not to exceed \$59,670,000, are appropriated for the continued operation of the Division of Developmental Disabilities community-based residential programs, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts as may be necessary are appropriated from the General Fund for the payment of any provider assessments to State ICF/MR facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan to be submitted by the Commissioner of Human Services. Notwithstanding the provisions of any law or regulation to the contrary, only the federal share of funds anticipated from these assessments shall be available to the Department of Human Services for the purposes set forth in P.L.1998, c.40 (C.30:6D-43 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, \$469,700,000 of federal Community Care Waiver funds is appropriated for community-based programs in the Division of Developmental Disabilities. The appropriation of federal Community Care Waiver funds above this amount is conditional upon the approval of a plan submitted by the Department of Human Services that must be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and assure timely payment to service providers, funds may be transferred within the Grants-In-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts required to return persons with developmental disabilities presently residing in out-of-State institutions to community residences within the State may be transferred from the Private Institutional Care account to other Casino Revenue Fund Grants-In-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

**33 Supplemental Education and Training Programs**  
**7560 Commission for the Blind and Visually Impaired**  
**DIRECT STATE SERVICES**

11-7560	Services for the Blind and Visually Impaired.....	\$8,253,000
99-7560	Administration and Support Services.....	<u>2,763,000</u>

Total Direct State Services Appropriation, Commission  
for the Blind and Visually Impaired..... \$11,016,000

***Direct State Services:***

**Personal Services:**

Salaries and Wages ..... (\$8,706,000)  
Materials and Supplies..... (126,000)  
Services Other Than Personal..... (785,000)  
Maintenance and Fixed Charges..... (456,000)

**Special Purpose:**

11 Technology for the Visually Impaired ..... (765,000)  
Additions, Improvements and Equipment ..... (178,000)

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any law or regulation to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as “educationally handicapped”; provided, however, each local board of education shall pay that portion of cost which the number of children classified “educationally handicapped” bears to the total number of such children served; provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services, and further, the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State Aid payments to the local boards of education.

The unexpended balances at the end of the preceding fiscal year in the Technology for the Visually Impaired account are appropriated for the Commission for the Blind and Visually Impaired, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from funds recovered from audits or other collection activities, an amount sufficient to pay vendors’ fees to compensate the recoveries and the administration of the State’s vending machine program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of \$130,000 are appropriated for the purpose of expanding vision screening services and other prevention services, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year of such receipts is appropriated.

**GRANTS-IN-AID**

11-7560 Services for the Blind and Visually Impaired..... \$3,552,000  
Total Grants-in-Aid Appropriation, Commission  
for the Blind and Visually Impaired..... \$3,552,000

***Grants-in-Aid:***

11 State Match for Federal Grants ..... (\$617,000)  
11 Educational Services for Children ..... (1,670,000)  
11 Services to Rehabilitation Clients ..... (1,265,000)

**50 Economic Planning, Development, and Security****53 Economic Assistance and Security****7550 Division of Family Development****DIRECT STATE SERVICES**

15-7550 Income Maintenance Management.....	<u>\$170,834,000</u>
(From General Fund.....)	\$29,851,000)
(From Federal Funds.....)	140,983,000)
Total Appropriation, State and Federal Funds .....	<u>\$170,834,000</u>
(From General Fund.....)	\$29,851,000)
(From Federal Funds.....)	140,983,000)

**Less:**

Federal Funds.....	<b>\$140,983,000</b>
Total Income Deductions.....	<b><u>\$140,983,000</u></b>
Total Direct State Services Appropriation, Division of Family Development .....	<u>\$29,851,000</u>

## Direct State Services:

## Personal Services:

Salaries and Wages .....	(\$27,122,000)
Materials and Supplies.....	(297,000)
Services Other Than Personal.....	(40,519,000)
Maintenance and Fixed Charges.....	(343,000)

## Special Purpose:

15 Electronic Benefit Transfer/Distribution System .....	(6,515,000)
15 Work First New Jersey - Technology Investment....	(95,958,000)
Additions, Improvements and Equipment .....	(80,000)

**Less:**

Federal Funds.....	<b>140,983,000</b>
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In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

**GRANTS-IN-AID**

15-7550 Income Maintenance Management.....	<u>\$478,229,000</u>
(From General Fund.....)	\$171,997,000)
(From Federal Funds.....)	271,232,000)
(From All Other Funds .....	35,000,000)

Total Appropriation, State and Federal Funds .....	<u>\$478,229,000</u>
(From General Fund.....)	<u>\$171,997,000</u>
(From Federal Funds.....)	<u>271,232,000</u>
(From All Other Funds .....	<u>35,000,000</u>
<b>Less:</b>	
<b>Federal Funds.....</b>	<b>\$271,232,000</b>
<b>All Other Funds.....</b>	<b>35,000,000</b>
<b>Total Income Deductions .....</b>	<b><u>\$306,232,000</u></b>
Total Grants-in-Aid Appropriation, Division of	
Family Development .....	<u>\$171,997,000</u>
<b>Grants-in-Aid:</b>	
15 Restricted Grants.....	(\$790,000)
15 Work First New Jersey - Training Related	
Expenses.....	(17,977,000)
15 Work First New Jersey Support Services.....	(72,676,000)
15 Work First New Jersey - Breaking the Cycle.....	(1,055,000)
15 Work First New Jersey Child Care .....	(325,423,000)
15 Kinship Care Initiatives .....	(5,555,000)
15 Wage Supplement Program.....	(2,300,000)
15 Kinship Care Guardianship and Subsidy .....	(2,000,000)
15 Supplemental Nutrition Assistance Program -	
Education.....	(7,000,000)
15 Social Services for the Homeless .....	(17,050,000)
15 SSI Attorney Fees .....	(2,914,000)
15 Substance Use Disorder Initiatives .....	(23,489,000)

**Less:**

<b>Federal Funds.....</b>	<b>271,232,000</b>
<b>All Other Funds.....</b>	<b>35,000,000</b>

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated for Work First New Jersey, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family

Development, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Work First New Jersey Child Care, an amount not to exceed \$35,000,000 is appropriated from the Workforce Development Partnership Fund established pursuant to section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for before-school, after-school, and summer "wrap around" child care shall be expended except in accordance with the following condition: Effective September 1, 2010, families with incomes between 101% and 250% of the federal poverty level who reside in districts who received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year shall be subject to a copayment for "wrap around" child care, based upon a schedule approved by the Department of Human Services and published in the New Jersey Register, and effective September 1, 2010, families who reside in districts who received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year must meet the eligibility requirements under the New Jersey Cares for Kids child care program (N.J.A.C.10:15-5.1 et seq.) in order to receive free or subsidized "wrap around" child care.

#### STATE AID

15-7550 Income Maintenance Management.....	<u>\$813,478,000</u>
(From General Fund.....	\$261,209,000)
(From Property Tax Relief Fund.....	51,903,000)
(From Federal Funds.....	493,466,000)
(From All Other Funds .....	6,900,000)
Total Appropriation, State and Federal Funds .....	<u>\$813,478,000</u>
(From General Fund.....	\$261,209,000)
(From Property Tax Relief Fund.....	51,903,000)
(From Federal Funds.....	493,466,000)
(From All Other Funds .....	6,900,000)
<b>Less:</b>	
<b>Federal Funds.....</b>	<b>\$493,466,000</b>
<b>All Other Funds.....</b>	<b>6,900,000</b>
<b>Total Income Deductions.....</b>	<b><u>\$500,366,000</u></b>
Total State Aid Appropriation, Division of	
Family Development .....	<u>\$313,112,000</u>
(From General Fund.....	\$261,209,000)
(From Property Tax Relief Fund.....	51,903,000)
<b>State Aid:</b>	
15 County Administration Funding .....	(\$326,084,000)

New Jersey State Library

15	Work First New Jersey - Client Benefits .....	(90,312,000)
15	Earned Income Tax Credit Program.....	(18,393,000)
15	General Assistance Emergency Assistance Program .....	(56,431,000)
15	Payments for Cost of General Assistance .....	(44,500,000)
15	Work First New Jersey - Emergency Assistance .	(100,442,000)
15	Payments for Supplemental Security Income .....	(78,659,000)
15	State Supplemental Security Income Administrative Fee to SSA.....	(25,354,000)
15	General Assistance County Administration .....	(20,000,000)
15	General Assistance County Administration (PTRF).....	(27,678,000)
15	Supplemental Nutrition Assistance Program Administration - State (PTRF) .....	(24,225,000)
15	Fair Labor Standards Act - Minimum Wage Requirements (TANF).....	(1,400,000)

**Less:**

**Federal Funds.....493,466,000**

**All Other Funds.....6,900,000**

The net State share of reimbursements and the net balances remaining after full payment of amounts due the federal government of all funds recovered under P.L.1997, c.38 (C.44:10-55 et seq.) and P.L.1950, c.166 (C.30:4B-1 et seq.), at the end of the preceding fiscal year are appropriated for the Work First New Jersey Program.

Receipts from State administered municipalities during the preceding fiscal year are appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Income Maintenance Management are available for payment of obligations applicable to prior fiscal years.

The amounts hereinabove appropriated for Income Maintenance Management are conditioned upon the following provision: any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility and ensure the timely payment of benefits to welfare recipients, amounts may be transferred between the various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting is authorized to withhold State

Aid payments to municipalities to satisfy any obligations due and owing from audits of that municipality's General Assistance program.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and in the Payments for Cost of General Assistance and General Assistance Emergency Assistance Program accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated an amount equal to the difference between actual revenue loss reflected in the Earned Income Tax Credit program and the amount anticipated as the revenue loss from the Earned Income Tax Credit to meet federal Maintenance of Effort requirements to allow the Department of Human Services to comply with the Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Work First New Jersey - Client Benefits and General Assistance Emergency Assistance Payments, an amount not to exceed \$6,900,000 is appropriated from the Universal Service Fund for utility payments for Work First New Jersey recipients, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Cost of General Assistance and General Assistance Emergency Assistance Program are subject to the following condition: no funds shall be expended to provide benefits to recipients enrolled in college. For purposes of this provision, "college" is defined as that term is defined at N.J.A.C.9A:1-1.2.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, to the extent that federal child support incentive earnings are available, such additional amounts are appropriated from federal child support incentive earnings to pay on behalf of individuals on whom is imposed a \$25 annual child support user fee, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of R.S.46:30B-74 or any other law or regulation to the contrary, balances in the Unclaimed Child Support Trust fund are appropri-

ated to the Department of Human Services, Division of Family Development to offset unpaid receivables for the child support program.

**55 Social Services Programs**  
**7580 Division of the Deaf and Hard of Hearing**  
**DIRECT STATE SERVICES**

23-7580 Services for the Deaf ..... \$1,042,000  
 Total Direct State Services Appropriation, Division of  
 the Deaf and Hard of Hearing..... \$1,042,000

**Direct State Services:**

Personal Services:

Salaries and Wages ..... (\$662,000)  
 Services Other Than Personal..... (40,000)  
 Maintenance and Fixed Charges..... (1,000)

Special Purpose:

23 Services to Deaf Clients..... (284,000)  
 23 Communication Access Services ..... (55,000)

**70 Government Direction, Management, and Control**  
**76 Management and Administration**  
**7500 Division of Management and Budget**  
**DIRECT STATE SERVICES**

96-7500 Institutional Security Services ..... \$7,073,000  
 99-7500 Administration and Support Services ..... 33,607,000  
 Total Direct State Services Appropriation, Division of  
 Management and Budget..... \$40,680,000

**Direct State Services:**

Personal Services:

Salaries and Wages ..... (\$28,203,000)  
 Materials and Supplies..... (349,000)  
 Services Other Than Personal..... (6,446,000)  
 Maintenance and Fixed Charges..... (719,000)

Special Purpose:

99 Health Care Billing System..... (62,000)  
 99 Transfer to State Police for Fingerprinting/Background  
 Checks of Job Applicants ..... (4,257,000)

Additions, Improvements and Equipment ..... (644,000)

Revenues received from fees derived from the licensing of all community mental health programs as specified in N.J.A.C.10:190-1.1 et seq. are appropriated to the Division of Management and Budget to offset the costs of performing the required reviews.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs



allowances for patients/residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed \$750,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

#### **GRANTS-IN-AID**

99-7500 Administration and Support Services .....	<u>\$8,809,000</u>
Total Grants-in-Aid Appropriation, Division of Management and Budget.....	<u>\$8,809,000</u>

***Grants-in-Aid:***

99 Unit Dose Contracting Services.....	(\$4,824,000)
99 Consulting Pharmacy Services.....	(3,985,000)

Department of Human Services, Total State Appropriation .. \$6,684,565,000

Of the amount hereinabove appropriated for the Department of Human Services, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Balances on hand at the end of the preceding fiscal year of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Human Services shall be conditioned upon the following provision: any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Human Services, not mandated by federal law, first shall be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from payments collected from clients receiving services from the Department of Human Services and collected from their chargeable relatives, are appropriated to offset administrative and contract expenses related to the charging, collecting, and accounting of payments from clients receiving services from the department and from their chargeable relatives pursuant to R.S.30:1-12, subject to the approval of the Director of the Division of Budget and Accounting.

Payment to vendors for their efforts in maximizing federal revenues is appropriated and shall be paid from the federal revenues received, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Unexpended State balances may be transferred among Department of Human Services accounts in order to comply with the State Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting. Notice of such transfers that would result in appropriations or expenditures exceeding the State's Maintenance of Effort requirement obligation shall be subject to the approval of the Joint Budget Oversight Committee. In addition, unobligated balances remaining from funds allocated to the Department of Labor and Workforce Development for Work First New Jersey as of June 1 of each year are to be reverted to the Work First New Jersey - Client Benefits account in order to comply with the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" and as legislatively required by the Work First New Jersey program.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, with respect to the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals, commencing January 1, 2010, the State shall pay to each county an amount equal to 35% of the total per capita costs for the reasonable cost of maintenance and clothing of county patients in State psychiatric facilities.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Human Services is authorized to identify opportunities for increased recoveries to the General Fund and to the department. Such funds collected are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, in accordance with a plan prepared by the department, and approved by the Director of the Division of Budget and Accounting.

To effectuate the orderly consolidation or closure of a developmental center or psychiatric hospital, amounts hereinabove appropriated for the State developmental centers and State psychiatric hospitals may be transferred to accounts throughout the Department of Human Services in accordance with the plan adopted pursuant to section 2 of P.L.1996, c.150 (C.30:1-7.4) to consolidate or close a developmental center or State psychiatric hospital, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year due to opportunities for increased recoveries in the Department of Human Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. These recoveries may be transferred to the Division of Medical Assistance and Health Services to support the Managed Care Initiative, subject to the approval of the Director of the Division of Budget and Accounting.

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**Summary of Department of Human Services Appropriations**  
(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services .....	\$607,785,000
Grants-in-Aid .....	5,642,783,000
State Aid .....	433,997,000

*Appropriations by Fund:*

General Fund.....	\$6,333,887,000
Property Tax Relief Fund.....	168,134,000
Casino Revenue Fund .....	182,544,000

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**62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT****50 Economic Planning, Development, and Security****51 Economic Planning and Development****DIRECT STATE SERVICES**

99-4565 Administration and Support Services ..... \$693,000

Total Direct State Services Appropriation, Economic

Planning and Development ..... \$693,000

**Direct State Services:****Personal Services:**

Salaries and Wages ..... (\$507,000)

Materials and Supplies.....(11,000)

Services Other Than Personal.....(150,000)

Maintenance and Fixed Charges.....(25,000)

Of the amount hereinabove appropriated for the Administration and Support Services program classification, \$538,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

In addition to the amount hereinabove appropriated for the Administration and Support Services program, an amount not to exceed \$550,000 is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Administration and Support Services program, \$31,000 is payable out of the State Disability Benefits Fund and, in addition to the amount hereinabove appropriated for the Administration and Support Services program, there are appropriated from the State Disability Benefits Fund such additional amounts as may be required to administer the program, subject to the approval of the Director of the Division of Budget and Accounting.

Fines and penalties collected pursuant to violations of P.L.1945, c.169 (C.10:5-1 et seq.) are hereby appropriated for program costs.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Administration and Support Services, there is appropriated \$470,000 from the New Jersey Builders Utilization Initiative for Labor Diversity, pursuant to P.L.2009, c.313 (C.52:38-7), for enforcing the provisions of P.L.2009, c.335 (C.52:40-1 et seq.).

The amount necessary to provide administrative costs incurred by the Department of Labor and Workforce Development to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), there is appropriated to the Department of Labor and Workforce Development from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting, such amounts as are necessary to pay for employer rebate awards as approved by the Commissioner of Community Affairs.

### ***53 Economic Assistance and Security***

#### **DIRECT STATE SERVICES**

03-4520 State Disability Insurance Plan.....	\$32,462,000
04-4520 Private Disability Insurance Plan.....	4,986,000
05-4525 Workers' Compensation .....	13,561,000
06-4530 Special Compensation .....	<u>1,924,000</u>
Total Direct State Services Appropriation, Economic Assistance and Security .....	<u>\$52,933,000</u>

#### ***Direct State Services:***

##### **Personal Services:**

Salaries and Wages .....	(\$32,339,000)
Materials and Supplies.....	(269,000)
Services Other Than Personal.....	(5,895,000)
Maintenance and Fixed Charges.....	(3,137,000)

##### **Special Purpose:**

03 State Disability Insurance Plan .....	(300,000)
03 State Disability Benefits Fund - Joint Tax Functions .....	(5,500,000)
03 Family Leave Insurance .....	(5,040,000)
04 Private Disability Insurance Plan .....	(50,000)
05 Workers' Compensation .....	(363,000)
06 Special Compensation.....	(40,000)

An amount not to exceed \$150,000 for the cost of notifying unemployment compensation recipients of the availability of New Jersey Earned Income Tax Credit information, pursuant to section 1 of P.L.2005, c.210 (C.43:21-4.2), is appropri-

ated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to pay interest due on any advances made from the federal unemployment account under Title XII of the Social Security Act (42 U.S.C. s.1321 et seq.) is hereby appropriated from the Unemployment Compensation Interest Repayment Fund established in the Department of Labor and Workforce Development, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, there is appropriated from the Unemployment Compensation Auxiliary Fund, an amount not to exceed \$16,000,000 to support collection activities in the program as well as costs associated with certain State required notifications to Unemployment Insurance claimants and for the support of the workforce development system, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefits Fund.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan and Private Disability Insurance Plan, there are appropriated from the State Disability Benefits Fund such additional amounts as may be required to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for administrative costs associated with the State Disability Insurance Plan, there is appropriated from the State Disability Benefits Fund an amount not to exceed \$10,000,000, such amount to include \$1,000,000 for a reengineering study of the business process, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan, there are appropriated from the Family Temporary Disability Leave Account within the State Disability Benefits Fund such amounts as may be required to pay benefits during periods of family temporary disability leave and the associated administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan and the Private Disability Insurance Plan, there are appropriated from the State Disability Benefits Fund such additional amounts as may be required to administer the State Disability Insurance Plan and the Private Disability Insurance Plan.

In addition to the amounts hereinabove appropriated for the Workers' Compensation program, there are appropriated receipts in excess of the amount anticipated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the Special Compensation program, there are appropriated receipts in excess of the amount anticipated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Special Compensation program shall be payable from the Second Injury Fund and, notwithstanding the \$12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove appropriated for the Special Compensation program, there are appropriated from the Second Injury Fund such additional amounts as may be required for costs of administration and beneficiary payments.

There is appropriated from the balance in the Second Injury Fund an amount not to exceed \$1,000,000 to be deposited to the credit of the Uninsured Employer's Fund for the payment of benefits as determined in accordance with section 11 of P.L.1966, c.126 (C.34:15-120.2). Any amount so transferred shall be included in the next Uninsured Employer's Fund surcharge imposed in accordance with section 10 of P.L.1966, c.126 (C.34:15-120.1) and any amount so transferred shall be returned to the Second Injury Fund without interest and shall be included in net assets of the Second Injury Fund pursuant to paragraph (4) of subsection c. of R.S.34:15-94.

Notwithstanding the provisions of any law or regulation to the contrary, the funds appropriated for Second Injury Fund benefits are available for the payment of obligations applicable to prior fiscal years.

Amounts to administer the Uninsured Employer's Fund are appropriated from the Uninsured Employer's Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of R.S.43:21-16 or any other law or regulation to the contrary, any recoveries from fines and penalties assessed on or before October 21, 2013 in connection with fraudulently obtained unemployment insurance benefits are appropriated and shall be deposited into the Unemployment Compensation Auxiliary Fund.

From the funds made available to the State under section 903(d)(4) of the Social Security Act (42 U.S.C. s.1103 et seq.), as amended, the amount of \$22,000,000 or so much thereof as may be necessary, is appropriated for the continued maintenance and improvement of services to unemployment insurance claimants through the improvement and modernization of the benefit payment system and other technology improvements and to employment service clients through the continued development and maintenance of one-stop offices throughout the State and other investments in technology, processes, and services that will enhance job opportunities for clients.

#### ***54 Manpower and Employment Services***

##### **DIRECT STATE SERVICES**

07-4535 Vocational Rehabilitation Services..... \$2,704,000

09-4545 Employment Services.....	9,981,000
12-4550 Workplace Standards.....	4,366,000
16-4555 Public Sector Labor Relations.....	3,633,000
17-4560 Private Sector Labor Relations.....	<u>491,000</u>
Total Direct State Services Appropriation, Manpower and Employment Services.....	<u>\$21,175,000</u>

***Direct State Services:*****Personal Services:**

Salaries and Wages .....	(\$16,214,000)
Materials and Supplies.....	(30,000)
Services Other Than Personal.....	(455,000)
Maintenance and Fixed Charges.....	(28,000)

**Special Purpose:**

09 Workforce Development Partnership Program .....	(1,909,000)
09 Workforce Development Partnership - Counselors.....	(81,000)
09 Workforce Literacy and Basic Skills Program.....	(2,000,000)
12 Worker and Community Right to Know Act .....	(5,000)
12 Public Works Contractor Registration .....	(450,000)
12 Safety Commission .....	(3,000)

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount hereinabove appropriated for Salaries and Wages for the Vocational Rehabilitation Services program classification shall be conditioned on the following: a) prior to determination of funding levels for the various services funded by any State or federal funds for vocational rehabilitation services, including but not limited to slot values and transportation, the Commissioner of Labor and Workforce Development shall consult with the sheltered workshop provider community to ensure a fair and adequate allocation of funding; and b) the Commissioner shall notify the Joint Budget Oversight Committee not less than 10 days prior to implementation of any change in rates for vocational rehabilitation services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated for the Council on Gender Parity an amount not to exceed \$72,000

from the Unemployment Compensation Auxiliary Fund for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Workforce Development Partnership Program and Workforce Development Partnership - Counselors shall be appropriated from receipts from the Workforce Development Partnership Fund, pursuant to P.L.1992, c.44 (C.34:15D-12 et seq.), together with such additional amounts as may be required to administer the Workforce Development Partnership Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, up to 15% of the amount available from the Workforce Development Partnership Fund for the Supplemental Workforce Development Benefits Program shall be appropriated as necessary to fund additional administrative costs relating to the processing and payment of benefits, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1992, c.44 (C.34:15D-12 et seq.), or any other law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Workforce Development Partnership Fund is appropriated to such fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Workforce Literacy and Basic Skills Program shall be appropriated from receipts received pursuant to P.L.2001, c.152 (C.34:15D-21 et seq.), together with such additional amounts as may be required to administer the Workforce Literacy Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Supplemental Workforce Fund for Basic Skills," P.L.2001, c.152 (C.34:15D-21 et seq.), or any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Supplemental Workforce Fund for Basic Skills is appropriated to such fund, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated for the same program, subject to the approval of the Director of the Division of Budget and Accounting.

Any excess receipts that are appropriated to the Workplace Standards program and that are available may be used by the Department of Labor and Workforce Development as match for any federal programs requiring a State match.

Notwithstanding the provisions of the "Worker and Community Right To Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right To Know Act account is payable from the Worker and Community Right To Know Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.



Receipts in excess of the amount anticipated for the Public Works Contractor Registration program and the unexpended balance at the end of the preceding fiscal year are appropriated for the Public Works Contractor Registration program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Private Sector Labor Relations program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

From the appropriation provided hereinabove in support of office leases, and notwithstanding the provisions of P.L.1992, c.130 (C.52:18A-191.1 et seq.), the State Treasurer, in consultation with the Commissioner of Labor and Workforce Development, is hereby authorized to enter into cost-sharing agreements with any authorized non-State partner that offers programs and activities supported primarily by federal funds from the United States Departments of Labor and Education in the State's one-stop centers for the purpose of co-locating such partner in an office with the Department of Labor and Workforce Development providing rent costs shall be equitably shared in accordance with a cost allocation plan approved by the Commissioner of Labor and Workforce Development. There are appropriated from the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such amounts as may be necessary for payments.

#### **GRANTS-IN-AID**

07-4535 Vocational Rehabilitation Services .....	\$42,648,000
<i>(From General Fund.....</i>	<i>\$40,452,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>2,196,000)</i>
10-4545 Employment and Training Services .....	<u>30,076,000</u>
Total Grants-in-Aid Appropriation, Manpower and	
Employment Services.....	<u>\$72,724,000</u>
<i>(From General Fund.....</i>	<i>\$70,528,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>2,196,000)</i>

#### **Grants-in-Aid:**

07 Vocational Rehabilitation Services .....	(\$36,166,000)
07 Vocational Rehabilitation Services (CRF).....	(2,196,000)
07 Services to Clients (State Share).....	(4,286,000)
10 New Jersey Youth Corps.....	(2,325,000)
10 Work First New Jersey Work Activities.....	(27,751,000)

Notwithstanding the provision of any law or regulation to the contrary, of the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated \$14,000,000 from the Workforce Development Partnership Fund.

Of the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification, an amount not to exceed \$9,114,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for the Work First New Jersey Work Activities and Work First New Jersey-Training Related Expenses accounts, an amount not to exceed \$21,500,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the Employment and Training Services program classification, an amount not to exceed \$50,000 is appropriated from the Unemployment Compensation Auxiliary Fund for costs incurred by the Disadvantaged Youth Employment Opportunities Council, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for New Jersey Youth Corps, \$1,850,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9) and an amount not to exceed 10% from all funds available to the program shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for Work First New Jersey Work Activities and Work First New Jersey-Training Related Expenses, \$8,190,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Work First New Jersey Work Activities, an amount not to exceed 3% shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for New Jersey Youth Corps, there is appropriated an amount not to exceed \$2,200,000 from the Supplemental Workforce Fund for Basic Skills, P.L.2001, c.152 (C.34:15D-21 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the New Jersey Youth Corps program, \$475,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

In addition to the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated an additional \$5,000,000 from the Workforce Development Partnership Fund for Extended Employment (Center based jobs), Extended Employment Transportation, and Long-Term Follow Along Services.

Of the amounts hereinabove appropriated for Vocational Rehabilitation Services, an amount not less than \$24,012,000 shall be allocated for the Division of Vocational Rehabilitation Extended Employment client slots, and shall be paid in twelve equal monthly payments of \$2,001,000, commencing July 2015. These funds shall be contracted in July and the first payment shall be paid to providers in July 2015.

Of the amounts hereinabove appropriated for Vocational Rehabilitation Services, an amount not less than \$6,168,000 shall be allocated for the Extended Employment client slots transferred to the Department of Labor and Workforce Development from the Department of Human Services and shall be paid in twelve equal monthly payments of \$514,000, commencing July 2015. These funds shall be contracted in July and the first payment shall be paid to providers in July 2015.

## **70 Government Direction, Management, and Control**

### **74 General Government Services**

#### **DIRECT STATE SERVICES**

22-4575 General Administration, Classification and Personnel	
Management, Selection Services .....	\$17,147,000
24-4580 Appeals and Regulatory Affairs .....	<u>2,046,000</u>
Total Direct State Services Appropriation, General	
Government Services .....	<u>\$19,193,000</u>

#### **Direct State Services:**

##### **Personal Services:**

Civil Service Commission .....	(\$5,000)
Salaries and Wages .....	(15,673,000)
Materials and Supplies.....	(192,000)
Services Other Than Personal.....	(2,657,000)
Maintenance and Fixed Charges.....	(143,000)

##### **Special Purpose:**

22 Microfilm Service Charges .....	(29,000)
22 Test Validation/Police Testing.....	(434,000)
22 Americans with Disabilities Act .....	(60,000)

Receipts from fees charged to applicants for open competitive or promotional examinations, and the unexpended fee balance at the end of the preceding fiscal year, collected from firefighter and law enforcement examination receipts, are appropriated for the costs of administering these exams, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from fees charged for appeals to the Civil Service Commission are appropriated for the costs of administering the appeals process, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from Training and Development (CLIP) and any unexpended balance at the end of the preceding fiscal year are appropriated for costs related to that pro-

gram, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Labor and Workforce Development,  
Total State Appropriation ..... \$166,718,000

***Summary of Department of Labor and Workforce Development Appropriations***  
(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services..... \$93,994,000  
Grants-in-Aid..... 72,724,000

*Appropriations by Fund:*

General Fund ..... \$164,522,000  
Casino Revenue Fund ..... 2,196,000

**66 DEPARTMENT OF LAW AND PUBLIC SAFETY**

***10 Public Safety and Criminal Justice***

***12 Law Enforcement***

**DIRECT STATE SERVICES**

06-1200 State Police Operations..... \$245,472,000  
09-1020 Criminal Justice ..... 21,217,000  
11-1050 State Medical Examiner..... 438,000  
30-1460 Gaming Enforcement..... 47,036,000  
(From Casino Control Fund ..... \$47,036,000)  
99-1200 Administration and Support Services ..... 31,780,000  
Total Direct State Services Appropriation, Law  
Enforcement ..... \$345,943,000  
(From General Fund..... \$298,907,000)  
(From Casino Control Fund ..... 47,036,000)

***Direct State Services:***

**Personal Services:**

Salaries and Wages ..... (\$174,940,000)  
Salaries and Wages (CCF) ..... (39,371,000)  
Cash In Lieu of Maintenance ..... (25,767,000)  
Cash In Lieu of Maintenance (CCF) ..... (715,000)  
(From General Fund..... \$200,707,000)  
(From Casino Control Fund ..... 40,086,000)  
Materials and Supplies..... (14,474,000)  
Materials and Supplies (CCF)..... (526,000)  
Services Other Than Personal..... (11,132,000)  
Services Other Than Personal (CCF)..... (1,456,000)

Maintenance and Fixed Charges.....	(4,333,000)
Maintenance and Fixed Charges (CCF).....	(2,693,000)
Special Purpose:	
06 Nuclear Emergency Response Program.....	(1,091,000)
06 Drunk Driver Fund Program.....	(350,000)
06 Camden Initiative.....	(1,500,000)
06 Enhanced DNA Testing .....	(450,000)
06 State Police DNA Laboratory Enhancement.....	(1,150,000)
06 Urban Search and Rescue .....	(1,000,000)
06 Rural Section Policing .....	(53,398,000)
09 Division of Criminal Justice - State Match.....	(750,000)
09 Expenses of State Grand Jury .....	(356,000)
09 Medicaid Fraud Investigation - State Match.....	(500,000)
30 Gaming Enforcement (CCF).....	(1,500,000)
99 Emergency Operations Center and Hamilton TechPlex Maintenance .....	(3,773,000)
99 N.C.I.C. 2000 Project.....	(1,575,000)

Additions, Improvements and Equipment .....

Additions, Improvements and Equipment (CCF) .....

Notwithstanding the provisions of any law or regulation to the contrary, receipts in excess of the amount anticipated through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to N.J.S.2C:64-6, are appropriated for law enforcement purposes designated by the Attorney General.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the recovery of costs associated with the implementation of the "Criminal Justice Act of 1970," P.L.1970, c.74 (C.52:17B-97 et seq.), are appropriated for the purpose of offsetting the costs of the Division of Criminal Justice, and the unexpended balance at the end of the preceding fiscal year in the Criminal Justice Cost Recovery account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Victim and Witness Advocacy Fund account, together with receipts pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) is appropriated.

Such additional amounts as may be required to carry out the provisions of the "New Jersey Antitrust Act" P.L.1970, c.73 (C.56:9-1 et seq.) are appropriated from the General Fund, provided, however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to insure compliance with "The Private Detective Act of 1939,"

P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

Notwithstanding the provisions of any other law or regulation to the contrary, none of the monies appropriated to the Division of State Police shall be used to provide police protection to the inhabitants of rural sections pursuant to R.S.53:2-1 in a municipality in which such services were not provided in the previous fiscal year or to expand such services in a municipality beyond the level at which such services were provided in the previous fiscal year.

Of the amounts hereinabove appropriated in the Rural Section Policing account, amounts may be transferred to salary and other operating accounts within the Division of State Police, subject to the approval of the Director of the Division of Budget and Accounting.

All fees and receipts collected, pursuant to paragraph (7) of subsection 1. of N.J.S.2C:39-6, the Retired Officer Handgun Permits program, and the unexpended balance at the end of the preceding fiscal year, are appropriated to offset the costs of administering the application process, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Nuclear Emergency Response Program account is payable from receipts pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance at the end of the preceding fiscal year in the Nuclear Emergency Response Program account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Drunk Driver Fund Program account, together with any receipts in excess of the amount anticipated in the Drunk Driving Fines account in the Department of Transportation, are appropriated to the Drunk Driver Fund Program account in the Department of Law and Public Safety, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Drunk Driver Fund Program, there is appropriated \$612,000 from the New Jersey Motor Vehicle Commission for the Drunk Driver Fund Program.

The amount hereinabove appropriated for the Drunk Driver Fund Program is payable out of the Drunk Driver Enforcement Fund established pursuant to section 1 of P.L.1984, c.4 (C.39:4-50.8) designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 3 of P.L.1985, c.69 (C.53:1-20.7), the unexpended balance at the end of the preceding fiscal year, in the Noncriminal Record Checks account, together with any receipts in excess of the amount anticipated are appropriated for use of the Division of State Police, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for State Police Operations, such amounts as may be required for the purpose of offsetting costs of the provi-

sion of State Police services are appropriated from indirect cost recoveries received from the New Jersey Highway Authorities and other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts pursuant to the New Jersey Emergency Medical Service Helicopter Response Act, under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health to defray the operating costs of the New Jersey Emergency Medical Service Helicopter Response Program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.) and the general aviation program. The unexpended balance at the end of the preceding fiscal year is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of medevac and general aviation helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting. Receipts pursuant to the New Jersey Emergency Medical Service Helicopter Response Act under section c. of section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police to fund the costs of new State Police recruit training classes. The unexpended balance at the end of the preceding fiscal year is appropriated for this purpose subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts and available balances collected pursuant to the New Jersey Emergency Medical Service Helicopter Response Act, subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed \$3,811,000, are appropriated for State Police salaries, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts and available balances pursuant to the New Jersey Emergency Medical Service Helicopter Response Act under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed \$6,431,000 are appropriated for State Police vehicles, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police and the New Jersey Motor Vehicle Commission in the performance of commercial truck safety and emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties and receipts collected, pursuant to the "Security Officer Registration Act," P.L.2004, c.134 (C.45:19A-1 et seq.) and the unexpended balance at the end of the preceding fiscal year, are appropriated to offset the costs of administering this process, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts and available balances from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$12,105,000 for State Police salaries related to statewide security services, are appropriated for those purposes and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such amounts as may be received or receivable from any instrumentality, municipality, or public authority for direct and indirect costs of all services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided, however, that payments from such instrumentalities, municipalities, or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall be deposited into the General Fund.

There is appropriated, an amount up to \$25,000, from the General Fund, to pay for each award or each tip for information that prevents, frustrates, or favorably resolves acts of international or domestic terrorism against New Jersey persons or property, as well as tips related to the identification of illegal guns, drugs and gangs. Rewards may also be paid for information leading to the arrest or conviction of terrorists and/or gang members attempting, committing, conspiring to commit or aiding and abetting in the commission of such acts or to the identification or location of an individual who holds a key leadership position in a terrorist and/or gang organization, subject to the approval of the Attorney General and the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated to the Division of State Police, there shall be credited against such amounts such monies as are received by the Division of State Police pursuant to a Memorandum of Understanding between the Division of State Police and the New Jersey Schools Development Authority for services rendered by the Division of State Police in connection with the school construction program.

In addition to the amount hereinabove appropriated for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional amounts as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

#### GRANTS-IN-AID

06-1200 State Police Operations.....	<u>\$765,000</u>
Total Grants-in-Aid Appropriation, Law Enforcement.....	<u>\$765,000</u>

#### **Grants-in-Aid:**

06 Nuclear Emergency Response Program .....	(\$765,000)
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**STATE AID**

06-1200 State Police Operations .....	<u>\$2,000,000</u>
(From Property Tax Relief Fund.....	<u>\$2,000,000</u> )
Total State Aid Appropriation, Law Enforcement .....	<u>\$2,000,000</u>
(From Property Tax Relief Fund .....	<u>\$2,000,000</u> )

**State Aid:**

06 Essex Crime Prevention (PTRF).....	(\$2,000,000)
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**13 Special Law Enforcement Activities****DIRECT STATE SERVICES**

03-1160 Office of Highway Traffic Safety.....	\$598,000
17-1420 Election Law Enforcement .....	4,345,000
20-1450 Review and Enforcement of Ethical Standards .....	<u>1,044,000</u>
Total Direct State Services Appropriation, Special Law	
Enforcement Activities.....	<u>\$5,987,000</u>

**Direct State Services:****Personal Services:**

Salaries and Wages .....	(\$4,884,000)
Materials and Supplies.....	(66,000)
Services Other Than Personal.....	(429,000)
Maintenance and Fixed Charges.....	(10,000)

**Special Purpose:**

03 Federal Highway Safety.....	(598,000)
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Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1) or any other law or regulation to the contrary, an amount not to exceed \$4,199,000 from receipts from fees and penalties collected by the Division of Alcoholic Beverage Control shall be deposited in the General Fund as State revenue.

From the receipts from uncashed pari-mutuel winning tickets and the regulation, supervision, licensing, and enforcement of all New Jersey Racing Commission activities and functions, such amounts as may be required are appropriated for the purpose of offsetting the costs of the administration and operation of the New Jersey Racing Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from breakage monies and uncashed pari-mutuel winning tickets resulting from off-track and account wagering and any reimbursement assessment against permit holders or successors in interest to permit holders shall be distributed to the New Jersey Racing Commission in accordance with the provisions of the "Off Track and Account Wagering Act," P.L.2001, c.199 (C.5:5-127 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 11 of P.L.1991, c.244 (C.52:13C-23.1) are appropriated for the purpose of offsetting additional operational costs of the New Jersey Election

Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the New Jersey Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Of the receipts from the regulation, supervision, and licensing of all State Athletic Control Board activities and functions, an amount is appropriated for the purpose of offsetting the costs of the administration and operation of the State Athletic Control Board, subject to the approval of the Director of the Division of Budget and Accounting.

### ***18 Juvenile Services***

#### **DIRECT STATE SERVICES**

34-1500 Juvenile Community Programs .....	\$25,934,000
35-1505 Institutional Control and Supervision .....	35,524,000
36-1505 Institutional Care and Treatment .....	20,575,000
40-1500 Juvenile Parole and Transitional Services .....	5,776,000
99-1500 Administration and Support Services .....	<u>16,163,000</u>
Total Direct State Services Appropriation, Juvenile Services...	<u>\$103,972,000</u>

#### ***Direct State Services:***

##### **Personal Services:**

Salaries and Wages .....	(\$81,576,000)
Food In Lieu of Cash.....	(203,000)
Materials and Supplies.....	(6,999,000)
Services Other Than Personal.....	(10,015,000)
Maintenance and Fixed Charges.....	(3,024,000)

##### **Special Purpose:**

34 Juvenile Aftercare Programs .....	(89,000)
34 Juvenile Justice Initiatives .....	(700,000)
99 Johnstone Facility Maintenance.....	(457,000)
99 Juvenile Justice - State Matching Funds .....	(160,000)
99 Custody and Civilian Staff Training .....	(200,000)

Additions, Improvements and Equipment ..... (549,000)

Receipts from the eyeglass program at the New Jersey Training School for Boys and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program.

#### **GRANTS-IN-AID**

34-1500 Juvenile Community Programs .....	<u>\$16,599,000</u>
Total Grants-in-Aid Appropriation, Juvenile Services.....	<u>\$16,599,000</u>

#### ***Grants-in-Aid:***

34	Juvenile Detention Alternative Initiative .....	(\$1,900,000)
34	Alternatives to Juvenile Incarceration Programs .....	(1,624,000)
34	Crisis Intervention Program .....	(4,292,000)
34	State/Community Partnership Grants.....	(8,470,000)
34	Purchase of Services for Juvenile Offenders .....	(313,000)

Of the amounts hereinabove appropriated for the Juvenile Detention Alternative Initiative, such amounts as may be required shall be transferred to various Direct State Service operating accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated in the various Grants-In-Aid accounts, the Juvenile Justice Commission shall assure that Grants-In-Aid recipients demonstrate cultural competency to serve clients within their respective communities and offer training opportunities in cultural competence to staff of community-based organizations the recipients may serve.

### ***19 Central Planning, Direction and Management***

#### **DIRECT STATE SERVICES**

13-1005	Homeland Security and Preparedness .....	\$3,884,000
99-1000	Administration and Support Services .....	<u>10,302,000</u>
Total Direct State Services Appropriation, Central		
	Planning, Direction and Management .....	<u>\$14,186,000</u>

#### ***Direct State Services:***

##### **Personal Services:**

Salaries and Wages .....	(\$8,005,000)
Materials and Supplies.....	(74,000)
Services Other Than Personal.....	(454,000)
Maintenance and Fixed Charges .....	(22,000)

##### **Special Purpose:**

13	Office of Homeland Security and Preparedness .....	(3,884,000)
99	Atlantic City Tourism District .....	(290,000)
99	Office of Law Enforcement Professional Standards .....	(1,436,000)
Additions, Improvements and Equipment .....		(21,000)

Notwithstanding the provisions of any law or regulation to the contrary, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to N.J.S.2C:64-6, are appropriated for law enforcement purposes designated by the Attorney General.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on August 1 and February 1, of the use and disposition by State law enforcement agencies, including the offices of the county prosecutors, of any in-

terest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies. The reports shall provide an itemized accounting of all proceeds expended and shall specify with particularity the nature and purpose of each such expenditure.

Penalties, fines, and other fees collected pursuant to N.J.S.2C:35-20 and deposited into the State Forensic Laboratory Fund, together with the unexpended balance at the end of the preceding fiscal year, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Office of Homeland Security and Preparedness is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Office of Homeland Security and Preparedness, such additional amounts as may be required are appropriated for the purposes of providing State matching funds for federal grants related to homeland security and such amounts may be transferred to other departments and State agencies for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$7,200,000, are appropriated for the Office of Homeland Security and Preparedness and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

#### STATE AID

The unexpended balance at the end of the preceding fiscal year in the Capital for Homeland Security Critical Infrastructure account is appropriated and such amounts may be transferred to other departments and State agencies for any State and/or local homeland security purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government

unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by State funds appropriated in this fiscal year, to the Department of Law and Public Safety, for Homeland Security and Preparedness under program classification, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. Purchases made without public bidding shall be from vendors that shall: (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the Director of the Office of Homeland Security and Preparedness. The equipment, goods or services purchased by a local government unit receiving such State funds by subgrant, shall be referred to in the grant agreement issued by the Office of Homeland Security and Preparedness and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit and the Division of Local Government Services in the Department of Community Affairs.

**70 Government Direction, Management, and Control**

**74 General Government Services**

**DIRECT STATE SERVICES**

12-1010 Legal Services .....	<u>\$71,140,000</u>
Subtotal Direct State Services Appropriation, General	
Government Services .....	<u>\$71,140,000</u>
<b>Less:</b>	
<b>Legal Services .....</b>	<b>\$54,606,000</b>
<b>Total Income Deductions.....</b>	<b><u>\$54,606,000</u></b>
Total Direct State Services Appropriation, General	
Government Services .....	<u>\$16,534,000</u>
<b>Direct State Services:</b>	
Personal Services:	
Salaries and Wages .....	(\$14,407,000)
Materials and Supplies.....	(89,000)
Services Other Than Personal.....	(462,000)
Maintenance and Fixed Charges.....	(134,000)
Special Purpose:	

12 Legal Services .....	(54,606,000)
12 Child Welfare Unit .....	(1,442,000)

**Less:**

**Income Deductions ..... 54,606,000**

In addition to the \$54,605,595 attributable to Reimbursements from Other Sources and the corresponding additional amount associated with employee fringe benefit costs, there are appropriated such amounts as may be received or receivable from any State agency, instrumentality or public authority for direct or indirect costs of legal services furnished thereto and attributable to a change in or the addition of a client agency agreement, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch, or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to that other department, branch, or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State fund are appropriated for the purpose of such transfer.

Notwithstanding the provisions of any law or regulation to the contrary, revenues derived from penalties, cost recoveries, restitution or other recoveries to the State are appropriated to offset unbudgeted, extraordinary costs of legal, investigative, administrative, expert witnesses and other services, incurred by the Division of Law related to litigation and acting on behalf of the State and State agencies and the costs of settlements and judgments as determined by the Division of Law. Such amounts first shall be charged to any revenues derived from recoveries collected by the State and are also appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting.

**80 Special Government Services****82 Protection of Citizens' Rights****DIRECT STATE SERVICES**

14-1310 Consumer Affairs .....	\$7,357,000
15-1318 Operation of State Professional Boards .....	17,633,000
(From General Fund .....	\$17,541,000)
(From Casino Revenue Fund .....	92,000)
16-1350 Protection of Civil Rights .....	4,527,000
19-1440 Victims of Crime Compensation Office .....	<u>4,534,000</u>
Total Direct State Services Appropriation, Protection of Citizens' Rights .....	<u>\$34,051,000</u>
(From General Fund .....	\$33,959,000)
(From Casino Revenue Fund .....	92,000)

**Direct State Services:**

Personal Services:

Salaries and Wages .....	(\$9,502,000)
Salaries and Wages (CRF) .....	(61,000)
Employee Benefits (CRF) .....	(25,000)
<i>(From General Fund .....</i>	<i>\$9,502,000)</i>
<i>(From Casino Revenue Fund .....</i>	<i>86,000)</i>
Materials and Supplies .....	(98,000)
Services Other Than Personal .....	(14,374,000)
Services Other Than Personal (CRF) .....	(6,000)
Maintenance and Fixed Charges .....	(848,000)
Special Purpose:	
14 Consumer Affairs Legalized Games of Chance .....	(1,200,000)
14 Securities Enforcement Fund .....	(893,000)
14 Consumer Affairs Weights and Measures Program ..	(2,612,000)
14 Consumer Affairs Charitable Registrations Program ..	(556,000)
15 Operation of State Professional Boards .....	(4,000)
15 Personal Care Attendants - Background Checks .....	(500,000)
19 Claims - Victims of Crime .....	(3,372,000)

In addition to the amount hereinabove appropriated for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from penalties and the unexpended balance at the end of the preceding fiscal year in the Consumer Fraud Education Fund program account pursuant to P.L.1999, c.129 (C.56:8-14.2 et seq.) are appropriated for the purpose of offsetting the cost of operating the program and for use by the Department of Law and Public Safety to support departmental efforts related to critical training, equipment, facility needs, background checks and investigations required by law, and unanticipated costs related to enforcement needs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from the assessment and recovery of costs, fines, and penalties as well as other receipts received pursuant to the Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated and may be transferred for additional operational costs of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts in excess of the amount anticipated and the unexpended balances at the end of the preceding fiscal year are appropriated to the Controlled Dangerous Substance Registration Program for the purpose of offsetting the costs of the administration and operation of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated pursuant to P.L.1954, c.7 (C.5:8-1 et seq.) from the operations of the Division of Consumer Affairs Legalized Games of Chance program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). Notwithstanding the provisions of any law or regulation to the contrary, an amount not less than that anticipated as General Fund revenue from receipts from fees and penalties collected by the Securities Enforcement Fund shall be transferred to the General Fund as State revenue by April 1. The unexpended balance at the end of the preceding fiscal year is appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program and for use by the Department of Law and Public Safety to support departmental efforts related to suicide and violence prevention, fire safety, anti-gang activities, background checks and investigations required by law, critical equipment or facility needs, and unanticipated public safety or citizen protection needs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to R.S.51:1-1 et seq. from the operations of the Division of Consumer Affairs, Office of Weights and Measures program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated pursuant to P.L.1994, c.16 (C.45:17A-18 et seq.) from the operations of the Division of Consumer Affairs Charitable Registration and Investigation program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for each of the several State professional boards, advisory boards, and committees shall be payable from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities, and the unexpended balances at the end of the preceding fiscal



year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to offset operational costs of the Division.

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a), or any law or regulation to the contrary, any receipts from the assessment of fines, fees, and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.) are appropriated to the Division on Civil Rights for operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

The unexpended balances at the end of the preceding fiscal year in the Office of Victim Witness Assistance pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated for the same purpose.

The amount hereinabove appropriated for Claims - Victims of Crime is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts from assessments pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance at the end of the preceding fiscal year in the Criminal Disposition and Revenue Collection Fund program account, are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection Fund program and payment of claims of victims of crime, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance at the end of the preceding fiscal year are appropriated for payment of claims of victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional Victims of Crime Compensation Office operational costs up to \$1,425,000, and \$98,000 for the Office's Strategic IT Automation Initiative, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Operation of State Professional Boards for the Board of Nursing there is allocated an amount not less than \$250,000 to process the home health aide application backlog.

The amount hereinabove is appropriated from the Casino Revenue Fund for the costs associated with the operation of the New Jersey Board of Nursing.

Department of Law and Public Safety, Total State	
Appropriation .....	<u>\$540,037,000</u>

Receipts from the provision of copies, the processing of credit cards and other materials related to compliance with section 6 of P.L.2001, c.404 (C.47:1A-5), are

appropriated for the purpose of offsetting costs related to the public access of government records.

All registration fees, tuition fees, training fees, and all other fees received for reimbursement for attendance at courses conducted by any division in the Department of Law and Public Safety are appropriated for the purposes of offsetting the operating expenses of the courses, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 2 of P.L.1974, c.46 (C.45:1-3.2) or any law or regulation to the contrary, an amount not to exceed \$35,500,000, subject to the approval of the Attorney General, is hereby appropriated from the unexpended balances of the several State professional boards, advisory boards, and committees located in the Department of Law and Public Safety which are not otherwise required to be expended for the purposes of such professional boards, advisory boards and committees to pay for the costs and expenses of the various divisions within the Department of Law and Public Safety as determined by the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting.

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***Summary of Department of Law and Public Safety Appropriations***  
(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services.....	\$520,673,000
Grants-in-Aid.....	17,364,000
State Aid .....	2,000,000

*Appropriations by Fund:*

General Fund .....	\$490,909,000
Casino Control Fund.....	47,036,000
Casino Revenue Fund.....	92,000
Property Tax Relief Fund .....	2,000,000

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**67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS**

***10 Public Safety and Criminal Justice***

***14 Military Services***

**DIRECT STATE SERVICES**

40-3620 New Jersey National Guard Support Services.....	\$3,807,000
60-3600 Joint Training Center Management and Operations .....	164,000
99-3600 Administration and Support Services .....	<u>3,956,000</u>
Total Direct State Services Appropriation, Military	
Services .....	<u>\$7,927,000</u>

***Direct State Services:***

Personal Services:

Salaries and Wages .....(\$3,645,000)  
 Materials and Supplies.....(532,000)  
 Services Other Than Personal.....(1,151,000)  
 Maintenance and Fixed Charges.....(1,077,000)  
 Special Purpose:  
   40 National Guard - State Active Duty .....(50,000)  
   40 New Jersey National Guard Challenge  
     Youth Program .....(265,000)  
   40 Joint Federal - State Operations and Maintenance  
     Contracts (State Share).....(1,152,000)  
 Additions, Improvements and Equipment .....(55,000)  
 Receipts from the rental and use of armories and the unexpended balance at the  
 end of the preceding fiscal year in the receipt account are appropriated for the  
 operation and maintenance thereof, subject to the approval of the Director of the  
 Division of Budget and Accounting.  
 In addition to the amount hereinabove appropriated for New Jersey National Guard  
 Support Services, funds received for Distance Learning Program use are appro-  
 priated for the same purposes, subject to the approval of the Director of the Di-  
 vision of Budget and Accounting.  
 The unexpended balance at the end of the preceding fiscal year in the National  
 Guard - State Active Duty account is appropriated for the same purpose.  
 The unexpended balance at the end of the preceding fiscal year in the Joint Federal  
 - State Operations and Maintenance Contracts (State Share) account is appropri-  
 ated for the same purpose.  
 Receipts from the sale of solar energy credits and the receipt of energy rebates and  
 the unexpended balance at the end of the preceding fiscal year in the receipt ac-  
 count are appropriated for the operation and maintenance of other energy pro-  
 gram projects.

**80 Special Government Services**

**83 Services to Veterans**

**3610 Veterans' Program Support**

**DIRECT STATE SERVICES**

50-3610 Veterans' Outreach and Assistance ..... \$3,863,000  
 51-3610 Veterans' Haven..... 2,024,000  
 70-3610 Burial Services ..... 1,892,000  
 Total Direct State Services Appropriation, Veterans'  
 Program Support ..... \$7,779,000

**Direct State Services:**

Personal Services:

Salaries and Wages .....(\$5,388,000)  
 Materials and Supplies.....(763,000)  
 Services Other Than Personal.....(419,000)

Maintenance and Fixed Charges..... (150,000)

**Special Purpose:**

50 Payment of Military Leave Benefits ..... (150,000)

50 Veterans' State Benefits Bureau ..... (150,000)

50 Maintenance for Memorials ..... (386,000)

70 Honor Guard Support Services ..... (373,000)

Funds collected by and on behalf of the Korean Veterans' Memorial Fund are hereby appropriated for the purposes of the fund.

Funds received for Veterans' Transitional Housing from the U.S. Department of Veterans Affairs and the individual residents, and the unexpended balance at the end of the preceding fiscal year, in the receipt account are appropriated for the same purpose.

Funds received for plot interment allowances from the U.S. Department of Veterans Affairs, burial fees collected, and the unexpended program balances at the end of the preceding fiscal year are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General William C. Doyle Veterans' Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated to the Department of Military and Veterans' Affairs for the purpose of reforestation or "in lieu of" payments under the P.L.1993, c.106 (C.13:1L-14.1 et seq.) in conjunction with the current or future operation, maintenance and construction of the Brigadier General William C. Doyle Veterans' Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

Notwithstanding the provisions of section 4 of P.L.2001, c.351 (C.52:13H-2.1) or any other law or regulation to the contrary, the amount hereinabove appropriated for Payment of Military Leave Benefits is subject to the following conditions: it shall be the responsibility of the Department of Military and Veterans' Affairs to accept, review, and approve applications by a county, municipal governing body, or board of education for reimbursement of eligible costs incurred as a result of the provisions of P.L.2001, c.351, and to reimburse such costs from the Payment of Military Leave Benefits account.

From the amount hereinabove appropriated for the Support Services for Returning Veterans, such amounts as may be required may be transferred to Veterans Outreach and Assistance-Direct State Services, Veterans' Haven North and South - Direct State Services and Veterans' Transportation Grants-In-Aid, subject to the approval of the Director of the Division of Budget and Accounting.

**GRANTS-IN-AID**

50-3610 Veterans' Outreach and Assistance ..... \$2,349,000

Total Grants-in-Aid Appropriation, Veterans' Program Support.. \$2,349,000

***Grants-in-Aid:***

50	Support Services for Returning Veterans.....	(\$450,000)
50	Veterans' Tuition Grants.....	(4,000)
50	Veterans' Transportation .....	(335,000)
50	Blind Veterans' Allowances .....	(40,000)
50	Paraplegic and Hemiplegic Veterans' Allowance.....	(220,000)
50	Post Traumatic Stress Disorder.....	(1,300,000)

**3630 Menlo Park Veterans' Memorial Home****DIRECT STATE SERVICES**

20-3630	Domiciliary and Treatment Services .....	\$20,424,000
99-3630	Administration and Support Services .....	<u>5,568,000</u>
	Total Direct State Services Appropriation, Menlo Park Veterans' Memorial Home .....	<u>\$25,992,000</u>

**Direct State Services:**

## Personal Services:

	Salaries and Wages .....	(\$21,875,000)
	Materials and Supplies.....	(2,207,000)
	Services Other Than Personal.....	(1,536,000)
	Maintenance and Fixed Charges.....	(260,000)
	Additions, Improvements and Equipment .....	(114,000)

**GRANTS-IN-AID**

20-3630	Domiciliary and Treatment Services .....	<u>\$55,000</u>
	Total Grants-in-Aid Appropriation, Menlo Park Veterans' Memorial Home .....	<u>\$55,000</u>

**Grants-in-Aid:**

20	Prescription Drug Program .....	(\$55,000)
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**3640 Paramus Veterans' Memorial Home****DIRECT STATE SERVICES**

20-3640	Domiciliary and Treatment Services .....	\$20,076,000
99-3640	Administration and Support Services .....	<u>4,573,000</u>
	Total Direct State Services Appropriation, Paramus Veterans' Memorial Home .....	<u>\$24,649,000</u>

**Direct State Services:**

## Personal Services:

	Salaries and Wages .....	(\$21,569,000)
	Materials and Supplies.....	(1,520,000)
	Services Other Than Personal.....	(1,335,000)
	Maintenance and Fixed Charges.....	(184,000)
	Additions, Improvements and Equipment .....	(41,000)

**GRANTS-IN-AID**

20-3640 Domiciliary and Treatment Services .....	<u>\$55,000</u>
Total Grants-in-Aid Appropriation, Paramus Veterans' Memorial Home .....	<u>\$55,000</u>

**Grants-in-Aid:**

20 Prescription Drug Program .....	(\$55,000)
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**3650 Vineland Veterans' Memorial Home****DIRECT STATE SERVICES**

20-3650 Domiciliary and Treatment Services .....	\$22,078,000
99-3650 Administration and Support Services .....	<u>5,515,000</u>
Total Direct State Services Appropriation, Vineland Veterans' Memorial Home .....	<u>\$27,593,000</u>

**Direct State Services:****Personal Services:**

Salaries and Wages .....	(\$23,019,000)
Materials and Supplies .....	(1,669,000)
Services Other Than Personal .....	(2,467,000)
Maintenance and Fixed Charges .....	(314,000)
Additions, Improvements and Equipment .....	(124,000)

**Veterans' Homes**

Balances on hand at the end of the preceding fiscal year for the benefit of residents in the several veterans' homes and such funds as may be received, are appropriated for the use of such residents.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided, however, that the allowance shall not exceed \$50 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed \$100,000, and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Forty percent of the receipts in excess of the amount anticipated derived from resident contributions and the U.S. Department of Veterans Affairs at the end of the preceding fiscal year are appropriated for veterans' program initiatives, subject to the approval of the Director of the Division of Budget and Accounting of an itemized plan for the expenditure of these amounts, as shall be submitted by the Adjutant General.

Fees charged to residents for personal laundry services provided by the veterans' homes are appropriated to supplement the operational and maintenance costs of these laundry services.

Department of Military and Veterans' Affairs,  
Total State Appropriation ..... \$96,454,000

Of the amount hereinabove appropriated for the Department of Military and Veterans' Affairs, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

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***Summary of Department of Military and Veterans' Affairs Appropriations***  
(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services ..... \$93,940,000  
Grants-in-Aid ..... 2,514,000

*Appropriations by Fund:*

General Fund ..... \$96,454,000

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**74 DEPARTMENT OF STATE**

***30 Educational, Cultural, and Intellectual Development***

***36 Higher Educational Services***

**DIRECT STATE SERVICES**

80-2400 Statewide Planning and Coordination for Higher Education.... \$1,382,000  
81-2400 Educational Opportunity Fund Programs ..... 388,000  
Total Direct State Services Appropriation, Higher  
Educational Services ..... \$1,770,000

***Direct State Services:***

**Personal Services:**

Salaries and Wages ..... (\$1,582,000)  
Materials and Supplies ..... (9,000)  
Services Other Than Personal ..... (117,000)  
Maintenance and Fixed Charges ..... (12,000)  
Additions, Improvements and Equipment ..... (50,000)

**GRANTS-IN-AID**

80-2400 Statewide Planning and Coordination for Higher Education.... \$1,800,000  
81-2401 Educational Opportunity Fund Programs ..... 41,387,000  
Total Grants-in-Aid Appropriation, Higher Educational  
Services ..... \$43,187,000

***Grants-in-Aid:***

80	College Bound .....	(\$1,700,000)
80	Governor's School .....	(100,000)
81	Opportunity Program Grants.....	(27,576,000)
81	Supplementary Education Program Grants .....	(13,811,000)

An amount not to exceed 5% of the total hereinabove appropriated for College Bound is available for transfer to Direct State Services for the administrative expenses of this program, subject to the approval of the Director of the Division of Budget and Accounting.

Refunds from prior years to the College Bound Program are appropriated to that account.

Refunds from prior years to the Educational Opportunity Fund Programs accounts are appropriated to those accounts.

**2405 Higher Education Student Assistance Authority  
DIRECT STATE SERVICES**

At any time prior to the issuance and sale of bonds or other obligations by the Higher Education Student Assistance Authority, the State Treasurer is authorized to transfer from any available monies in any fund of the Treasury of the State to the credit of any fund of the authority such amounts as the State Treasurer deems necessary. Any amounts so transferred shall be returned to the same fund of the Treasury of the State by the State Treasurer from the proceeds of the sale of the first issue of authority bonds or other authority obligations.

In furtherance of the "Higher Education Student Assistance Authority Law," N.J.S.18A:71A-1 et seq., in the event of a draw upon a debt service reserve surety bond or any other debt service reserve cash equivalent instrument or any insufficiency of such instruments to pay debt service on the bonds issued by the Higher Education Student Assistance Authority, there are appropriated to the Higher Education Student Assistance Authority such amounts as are necessary to repay the issuer of such surety bond or such other cash equivalent instrument for such draw or to satisfy such insufficiency, subject to the approval of the Director of the Division of Budget and Accounting.

**GRANTS-IN-AID**

45-2405	Student Assistance Programs.....	<u>\$404,679,000</u>
	Total Grants-in-Aid Appropriation, Higher Education	
	Student Assistance Authority .....	<u>\$404,679,000</u>

***Grants-in-Aid:***

45	Tuition Aid Grants .....	(\$385,830,000)
45	Part-Time Tuition Aid Grants for County Colleges.....	(8,737,000)
45	Part-Time Tuition Aid Grants - EOF Students.....	(558,000)
45	Governor's Urban Scholarship Program .....	(945,000)



- 45 New Jersey World Trade Center Scholarship  
Program .....(202,000)
- 45 New Jersey Student Tuition Assistance Reward  
Scholarship (NJSTARS I & II).....(6,907,000)
- 45 Primary Care Practitioner Loan Redemption  
Program .....(1,500,000)

The unexpended balances at the end of the preceding fiscal year in Student Assistance Programs are appropriated to such programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts provided hereinabove in Student Assistance Programs shall be available for payment of liabilities applicable to prior fiscal years.

In order to permit and ensure the timely award of student financial aid grants, amounts may be transferred among accounts in Student Assistance Programs including Survivor Tuition Benefits, subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts provided hereinabove for Tuition Aid Grants shall provide awards to all qualified applicants at levels not to exceed 2% above those levels provided by the Higher Education Student Assistance Authority in fiscal year 2015. The unexpended balances reappropriated to the Tuition Aid Grant account shall be available to fund increases in the number of applicants qualifying for full-time Tuition Aid Grant awards, to fund increases in award amounts, and to fund shifts in the distribution of awards that result in an increase in program costs.

In addition to the amount hereinabove appropriated for Tuition Aid Grants, there are appropriated such amounts as are required to cover the costs of increases in the number of applicants qualifying for full-time Tuition Aid Grant awards or to fund shifts in the distribution of awards that result in an increase in total program costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, participation in the Tuition Aid Grant program hereinabove appropriated shall be limited to those institutions that had previously participated in the Tuition Aid Grant program, or had applied in writing to the Higher Education Student Assistance Authority to participate in the Tuition Aid Grant program prior to September 1, 2009 and met all eligibility requirements prior to September 1, 2009.

The amount hereinabove appropriated for Part-Time Tuition Aid Grants for County Colleges shall be used to provide funds for tuition aid grants for eligible, qualified part-time students enrolled at the county colleges established pursuant to N.J.S.18A:64A-1 et seq. The tuition aid grants shall be used to pay the tuition at a county college established pursuant to N.J.S.18A:64A-1 et seq. Within the

limits of available appropriations as determined by the Higher Education Student Assistance Authority, part-time grant awards shall be pro-rated against the full-time grant award for the applicable institutional sector established pursuant to N.J.S.18A:71B-21 as follows: an eligible student enrolled with six to eight credits shall receive one-half of the value of a full-time award and an eligible student enrolled with nine to eleven credits shall receive three-quarters of a full-time award. Students shall apply first for all other forms of federal student assistance grants and scholarships; student eligibility for the Tuition Aid Grant program for part-time enrollment at a county college shall in other respects be determined by the authority in accordance with the criteria established pursuant to N.J.S.18A:71B-20, other than the criterion for full-time enrollment.

The unexpended balances reappropriated to the Part-Time Tuition Aid Grants for County Colleges account shall be available to fund increases in the number of applicants qualifying for Part-Time Tuition Aid Grants for County Colleges awards, to fund increases in award amounts, and to fund shifts in the distribution of awards that result in an increase in program costs.

Receipts from voluntary contributions by taxpayers on New Jersey gross income tax returns for the New Jersey World Trade Center Scholarship Fund are appropriated for the purpose of providing scholarships for eligible recipients as defined in P.L.2001, c.442 (C.18A:71B-23.1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarship is subject to the following condition: all NJ STARS II awards must be used at institutions of higher education that offer degrees through the baccalaureate level and which participate in the Tuition Aid Grant program pursuant to N.J.A.C.9A:9-2.1.

Notwithstanding the provisions of any law or regulation to the contrary, the maximum tuition to be used in determining the amount of a NJ STARS award to a student at a county college shall be limited to the in-county tuition charged for students pursuing a full-time course of study at that county college.

Notwithstanding the provisions of subsection b. of section 5 of P.L.2004, c.59 (C.18A:71B-85), none of the funds hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarships shall be used to fund summer semester NJ STARS scholarship awards.

Notwithstanding the provisions of P.L.2012, c.8 (C.18A:71B-85.6 et al.) or any other law or regulation to the contrary, the amounts hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarship program are subject to the following condition: the maximum New Jersey Student Tuition Assistance Reward Scholarship awards for students first enrolling in the program for academic year 2015-2016 who attend a county college that has eliminated general education fees and increased its tuition correspondingly will be reduced by an amount to be calculated and approved by the Director of the Divi-

sion of Budget and Accounting. The amount of the reduction shall be the three-year average percentage that fees comprised of total tuition and fees as reported to the Higher Education Student Assistance Authority (HESAA) on the institutional budget survey in the three immediate years prior to the elimination of the general education fees.

**2410 Rutgers, The State University - New Brunswick  
GRANTS-IN-AID**

82-2410 Institutional Support .....	\$2,524,792,000
Subtotal General Operations .....	<u>\$2,524,792,000</u>

**Less:**

General Services Income .....	\$737,370,000
Operating Revenue - Medical Education .....	157,060,000
Auxiliary Funds Income .....	297,724,000
Special Funds Income .....	652,527,000
Employee Fringe Benefits .....	354,189,000
Total Income Deductions .....	<u>\$2,198,870,000</u>
Total Grants-in-Aid Appropriation, Rutgers, The State	
University - New Brunswick .....	<u>\$325,922,000</u>

**Grants-in-Aid:**

**Special Purpose:**

82 General Institutional Operations .....	(\$2,378,309,000)
82 Cancer Institute of New Jersey .....	(5,000,000)
82 Child Health Institute .....	(1,700,000)
82 School of Biomedical and Health Sciences .....	(139,783,000)

**Less:**

Income Deductions .....	2,198,870,000
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For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers - New Brunswick shall be 8,013.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for not more than 1,383 positions, funded by medical services contracts between Rutgers and various State departments, are funded by the State.

Notwithstanding the provisions of any law or regulation to the contrary, the amount appropriated hereinabove for Rutgers, The State University Institutional Support is subject to the following conditions: (a) If State funded appropriations for Institutional Support, and the sum of all anticipated Receipts from Tuition Increase, General Services Income, Auxiliary Funds Income, Special Funds Income and Employee Fringe Benefits for Rutgers - Camden are anticipated during the fiscal year to total less than \$178,721,000, the Director of the Division of Budget and Accounting shall determine the amount of the difference between that anticipated total and \$178,721,000, and transfer from the State General

Fund appropriation for Rutgers - New Brunswick to the State General Fund appropriation for Rutgers - Camden, for additional State funded Institutional Support for Rutgers - Camden for the fiscal year, the amount of that difference, with notice thereof provided by the director to the Legislative Budget and Finance Officer; (b) If State funded appropriations for Institutional Support, and the sum of all anticipated Receipts from Tuition Increase, General Services Income, Auxiliary Funds Income, Special Funds Income and Employee Fringe Benefits for Rutgers - Newark are anticipated during the fiscal year to total less than \$325,822,000, the Director of the Division of Budget and Accounting shall determine the amount of the difference between that anticipated total and \$325,822,000, and transfer from the State General Fund appropriation for Rutgers - New Brunswick to the State General Fund appropriation for Rutgers - Newark, for additional State funded Institutional Support for Rutgers - Newark for the fiscal year, the amount of that difference, with notice thereof provided by the director to the Legislative Budget and Finance Officer; and (c) the Director of the Division of Budget and Accounting shall be provided access by Rutgers to all financial reports and information necessary to enable the director to calculate the transfer amounts, if any, and provided further, however, that in no circumstance shall a transfer of appropriations by the director occur which interferes with or violates any bond covenants or disclosure responsibilities.

**2415 Agricultural Experiment Station  
GRANTS-IN-AID**

82-2415 Institutional Support .....	\$89,061,000
Subtotal General Operations .....	<u>\$89,061,000</u>

**Less:**

<b>Special Funds Income .....</b>	<b>\$50,850,000</b>
<b>Federal Research and Extension Funds Income.....</b>	<b>7,500,000</b>
<b>Employee Fringe Benefits.....</b>	<b>9,780,000</b>
<b>Total Income Deductions .....</b>	<b><u>\$68,130,000</u></b>
Total Grants-in-Aid Appropriation, Agricultural	
Experiment Station .....	<u>\$20,931,000</u>

**Grants-in-Aid:**

Special Purpose:

82 General Institutional Operations .....	(\$89,061,000)
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**Less:**

<b>Income Deductions .....</b>	<b>68,130,000</b>
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For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the Agricultural Experiment Station shall be 404.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 120 positions, funded by the federal Hatch and Smith/Lever programs, are funded by the State.

Rutgers, The State University of New Jersey is authorized to reallocate appropriations from the General University to the Agricultural Experiment Station, as needed, to assure that there are sufficient funds in the Agricultural Experiment Station to meet federal requirements for the Hatch and Smith/Lever programs.

**2416 Rutgers, The State University - Camden**

**GRANTS-IN-AID**

82-2416 Institutional Support ..... \$178,721,000  
 Subtotal General Operations ..... \$178,721,000

**Less:**

**General Services Income** ..... **\$77,941,000**  
**Auxiliary Funds Income** ..... **14,274,000**  
**Special Funds Income** ..... **51,924,000**  
**Employee Fringe Benefits** ..... **18,081,000**  
**Total Income Deductions** ..... **\$162,220,000**  
 Total Grants-in-Aid Appropriation, Rutgers, The State  
 University - Camden ..... \$16,501,000

**Grants-in-Aid:**

Special Purpose:

82 General Institutional Operations ..... (\$178,521,000)  
 82 Clinical Legal Programs for the Poor -  
 Camden Law School ..... (200,000)

**Less:**

**Income Deductions** ..... **162,220,000**

For the purpose of implementing the appropriations act for the current fiscal year,  
 the number of State-funded positions at Rutgers - Camden shall be 559.

**2417 Rutgers, The State University - Newark**

**GRANTS-IN-AID**

82-2417 Institutional Support ..... \$325,822,000  
 Subtotal General Operations ..... \$325,822,000

**Less:**

**General Services Income** ..... **\$146,337,000**  
**Auxiliary Funds Income** ..... **20,677,000**  
**Special Funds Income** ..... **92,740,000**  
**Employee Fringe Benefits** ..... **35,438,000**  
**Total Income Deductions** ..... **\$295,192,000**  
 Total Grants-in-Aid Appropriation, Rutgers, The State  
 University - Newark ..... \$30,630,000

**Grants-in-Aid:**

Special Purpose:

82 General Institutional Operations ..... (\$325,622,000)

82 Clinical Legal Programs for the Poor -  
 Newark Law School ..... (200,000)

**Less:**

**Income Deductions ..... 295,192,000**

For the purpose of implementing the appropriations act for the current fiscal year,  
 the number of State-funded positions at Rutgers - Newark shall be 1,086.

**2430 New Jersey Institute of Technology**  
**GRANTS-IN-AID**

82-2430 Institutional Support ..... \$395,598,000  
 Subtotal General Operations ..... \$395,598,000

**Less:**

**General Services Income ..... \$163,708,000**  
**Auxiliary Funds Income ..... 17,729,000**  
**Special Funds Income ..... 139,212,000**  
**Employee Fringe Benefits..... 39,509,000**  
**Total Income Deductions ..... \$360,158,000**  
 Total Grants-in-Aid Appropriation, New Jersey  
 Institute of Technology..... \$35,440,000

**Grants-in-Aid:**

Special Purpose:

82 General Institutional Operations ..... (\$395,598,000)

**Less:**

**Income Deductions ..... 360,158,000**

For the purpose of implementing the appropriations act for the current fiscal year,  
 the number of State-funded positions at the New Jersey Institute of Technology  
 shall be 1,187.

**2440 Thomas A. Edison State College**  
**GRANTS-IN-AID**

82-2440 Institutional Support ..... \$77,799,000  
 Subtotal General Operations ..... \$77,799,000

**Less:**

**Self Sustaining Income..... \$22,231,000**  
**General Services Income ..... 39,295,000**  
**Special Funds Income ..... 3,086,000**  
**Employee Fringe Benefits..... 8,225,000**  
**State-Supported Facilities Cost..... 1,670,000**  
**Total Income Deductions ..... \$74,507,000**  
 Total Grants-in-Aid Appropriation, Thomas A. Edison  
 State College..... \$3,292,000

**Grants-in-Aid:**

Special Purpose:

82 General Institutional Operations .....(\$77,799,000)

**Less:**

**Income Deductions..... 74,507,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Thomas A. Edison State College shall be 228.

**2445 Rowan University**

**GRANTS-IN-AID**

82-2445 Institutional Support ..... \$492,015,000

Subtotal General Operations ..... \$492,015,000

**Less:**

**General Services Income ..... \$184,324,000**

**Auxiliary Funds Income ..... 45,117,000**

**Special Funds Income ..... 119,461,000**

**Employee Fringe Benefits..... 56,530,000**

**Total Income Deductions ..... \$405,432,000**

Total Grants-in-Aid Appropriation, Rowan University ..... \$86,583,000

**Grants-in-Aid:**

**Special Purpose:**

82 General Institutional Operations .....(\$432,739,000)

82 Cooper Medical School of Rowan University .....(11,550,000)

82 Cooper Medical School - Cooper University

Hospital Support.....(16,297,000)

82 School of Osteopathic Medicine .....(30,229,000)

82 Center for Research and Education in Advanced

Transportation Engineering.....(1,200,000)

**Less:**

**Income Deductions..... 405,432,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rowan University shall be 1,549.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 205 positions at Cooper Medical School Rowan University are funded by the State.

**2450 New Jersey City University**

**GRANTS-IN-AID**

82-2450 Institutional Support ..... \$157,662,000

Subtotal General Operations ..... \$157,662,000

**Less:**

**General Services Income ..... \$51,437,000**

**A.H. Moore Program Receipts..... 8,027,000**

**Auxiliary Funds Income ..... 8,196,000**

<b>Special Funds Income .....</b>	<b>36,331,000</b>
<b>Employee Fringe Benefits.....</b>	<b>29,517,000</b>
<b>Total Income Deductions .....</b>	<b><u>\$133,508,000</u></b>
Total Grants-in-Aid Appropriation, New Jersey City	
University .....	<u>\$24,154,000</u>
<b>Grants-in-Aid:</b>	
Special Purpose:	
82 General Institutional Operations .....	(\$157,662,000)
<b>Less:</b>	
<b>Income Deductions .....</b>	<b>133,508,000</b>
For the purpose of implementing the appropriations act for the current fiscal year,	
the number of State-funded positions at New Jersey City University shall be	
1,129.	

**2455 Kean University**  
**GRANTS-IN-AID**

82-2455 Institutional Support .....	<u>\$225,953,000</u>
Subtotal General Operations .....	<u>\$225,953,000</u>
<b>Less:</b>	
<b>General Services Income .....</b>	<b>\$133,184,000</b>
<b>Auxiliary Funds Income .....</b>	<b>20,824,000</b>
<b>Special Funds Income .....</b>	<b>7,766,000</b>
<b>Employee Fringe Benefits.....</b>	<b>33,710,000</b>
<b>Total Income Deductions .....</b>	<b><u>\$195,484,000</u></b>
Total Grants-in-Aid Appropriation, Kean University.....	<u>\$30,469,000</u>
<b>Grants-in-Aid:</b>	
Special Purpose:	
82 General Institutional Operations .....	(\$225,953,000)
<b>Less:</b>	
<b>Income Deductions .....</b>	<b>195,484,000</b>
For the purpose of implementing the appropriations act for the current fiscal year,	
the number of State-funded positions at Kean University shall be 1,074.	

**2460 William Paterson University of New Jersey**  
**GRANTS-IN-AID**

82-2460 Institutional Support .....	<u>\$219,158,000</u>
Subtotal General Operations .....	<u>\$219,158,000</u>
<b>Less:</b>	
<b>General Services Income .....</b>	<b>\$89,673,000</b>
<b>Auxiliary Funds Income .....</b>	<b>23,137,000</b>
<b>Special Funds Income .....</b>	<b>37,639,000</b>
<b>Employee Fringe Benefits.....</b>	<b>38,352,000</b>
<b>Total Income Deductions .....</b>	<b><u>\$188,801,000</u></b>



## Total Grants-in-Aid Appropriation, William

Paterson University of New Jersey..... \$30,357,000**Grants-in-Aid:**

## Special Purpose:

82 General Institutional Operations .....(\$219,158,000)

**Less:****Income Deductions..... 188,801,000**

For the purpose of implementing the appropriations act for the current fiscal year,  
the number of State-funded positions at William Paterson University of New  
Jersey shall be 1,111.

**2465 Montclair State University****GRANTS-IN-AID**82-2465 Institutional Support ..... \$402,500,000Subtotal General Operations ..... \$402,500,000**Less:****General Services Income ..... \$156,557,000****Conservation School Receipts ..... 510,000****Auxiliary Funds Income ..... 76,862,000****Special Funds Income ..... 82,888,000****Employee Fringe Benefits..... 49,824,000****Total Income Deductions..... \$366,641,000**

Total Grants-in-Aid Appropriation, Montclair State

University ..... \$35,859,000**Grants-in-Aid:**

## Special Purpose:

82 General Institutional Operations .....(\$402,500,000)

**Less:****Income Deductions..... 366,641,000**

For the purpose of implementing the appropriations act for the current fiscal year,  
the number of State-funded positions at Montclair State University shall be  
1,316.

**2470 The College of New Jersey****GRANTS-IN-AID**82-2470 Institutional Support ..... \$236,201,000Subtotal General Operations ..... \$236,201,000**Less:****General Services Income ..... \$86,154,000****Auxiliary Funds Income ..... 82,863,000****Special Funds Income ..... 7,275,000****Employee Fringe Benefits..... 32,732,000****Total Income Deductions ..... \$209,024,000**

Total Grants-in-Aid Appropriation, The College  
of New Jersey ..... \$27,177,000

**Grants-in-Aid:**

Special Purpose:

82 General Institutional Operations .....(\$236,201,000)

Less:

**Income Deductions** ..... **209,024,000**

For the purpose of implementing the appropriations act for the current fiscal year,  
the number of State-funded positions at The College of New Jersey shall be 859.

**2475 Ramapo College of New Jersey****GRANTS-IN-AID**

82-2475 Institutional Support ..... \$140,901,000

Subtotal General Operations ..... \$140,901,000

Less:

**General Services Income** ..... **\$55,121,000**

**Auxiliary Funds Income** ..... **35,686,000**

**Special Funds Income** ..... **14,295,000**

**Employee Fringe Benefits** ..... **20,846,000**

**Total Income Deductions** ..... **\$125,948,000**

Total Grants-in-Aid Appropriation, Ramapo College of

New Jersey ..... \$14,953,000

**Grants-in-Aid:**

Special Purpose:

82 General Institutional Operations .....(\$140,901,000)

Less:

**Income Deductions** ..... **125,948,000**

For the purpose of implementing the appropriations act for the current fiscal year,  
the number of State-funded positions at Ramapo College of New Jersey shall be  
573.

**2480 Stockton University****GRANTS-IN-AID**

82-2480 Institutional Support ..... \$196,495,000

Subtotal General Operations ..... \$196,495,000

Less:

**General Services Income** ..... **\$91,401,000**

**Auxiliary Funds Income** ..... **38,204,000**

**Special Funds Income** ..... **20,300,000**

**Employee Fringe Benefits** ..... **28,199,000**

**Total Income Deductions** ..... **\$178,104,000**

Total Grants-in-Aid Appropriation, Stockton University ..... \$18,391,000

**Grants-in-Aid:**

## Special Purpose:

82 General Institutional Operations .....(\$196,495,000)

## Less:

**Income Deductions..... 178,104,000**

For the purpose of implementing the appropriations act for the current fiscal year,  
the number of State-funded positions at Stockton University shall be 764.

**2485 University Hospital****GRANTS-IN-AID**

82-2485 Institutional Support ..... \$43,841,000

Total Grants-in-Aid Appropriation, University Hospital..... \$43,841,000

**Grants-in-Aid:**

## Special Purpose:

82 University Hospital .....(\$43,841,000)

For the purpose of implementing the appropriations act for the current fiscal year,  
the number of State-funded positions at University Hospital shall be 2,923.

**Higher Educational Services**

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated for Higher Educational Services-Institutional Support in each of the senior public institutions of higher education, there are allocated such amounts as are required to provide the reimbursement to cover tuition costs of the National Guard members pursuant to subsection b. of section 21 of P.L.1999, c.46 (C.18A:62-24).

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated for Higher Educational Services-Institutional Support in each of the senior public institutions of higher education, there are allocated such amounts as may be required to fund lease or rental costs which may be charged by such senior public institutions for any State department, agency, authority or commission facilities located on the campus of any senior public institution of higher education.

Public colleges and universities are authorized to provide a voluntary employee furlough program.

Notwithstanding the provisions of any law or regulation to the contrary, any funds appropriated as Grants-In-Aid and payable to any senior public college or university which requests approval from the Educational Facilities Authority and the Director of the Division of Budget and Accounting may be pledged as a guarantee for payment of principal and interest on any bonds issued by the Educational Facilities Authority or by the college or university. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of written notification by the Educational Facilities Authority or the Director of the Division of Budget and Accounting that the college or university does not have sufficient funds available for prompt payment of principal and interest on such

bonds, and shall be paid by the State Treasurer directly to the holders of such bonds at such time and in such amounts as specified by the bond indenture, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Of the amount hereinabove appropriated for Higher Educational Services, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document first shall be charged to the State Lottery Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the senior public institutions of higher education shall be paid to each institution in twelve equal installments on the last business day of each month.

Notwithstanding the provisions of any law or regulation to the contrary, no amount hereinabove appropriated for any senior public institution of higher education shall be paid until the institution remits its quarterly fringe benefit reimbursement for positions in excess of the number of State-funded positions provided in this act, by the deadline and in the manner required by the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any law or regulation to the contrary, the amounts hereinabove appropriated for Institutional Support of the various State institutions of higher education are conditioned upon the following: no sum shall be expended for payment as a settlement, buyout, separation payment, severance pay or any other form of monetary payment of any kind whatsoever in connection with the termination of, or separation from, the employment prior to the end of the term of an existing contract of any officer or employee of such institution who receives annual compensation in excess of \$250,000.

Of the amounts hereinabove appropriated for University Hospital and Cooper Medical School - Cooper University Hospital Support, the Director of the Division of Budget and Accounting may transfer such amounts as are determined to be necessary to the Division of Medical Assistance and Health Services to maximize federal Medicaid funds.

Funds appropriated to Rutgers University for purposes of medical education are authorized to be used as necessary by the Director of Budget and Accounting and the Division of Medical Assistance and Health Services, consistent with CMS guidelines, solely to maximize federal Medicaid payments to faculty physicians and non-physician professionals who are affiliated with the aforementioned respective medical schools.

Funds appropriated to Rowan University for purposes of medical education at Cooper Medical School of Rowan University and the Rowan School of Osteopathic Medicine are authorized to be used as necessary by the Director of Budget and Accounting and the Division of Medical Assistance and Health Services, consistent with CMS guidelines, solely to maximize federal Medicaid payments

to faculty physicians and non-physician professionals who are affiliated with the  
aforementioned respective medical schools.

**37 Cultural and Intellectual Development Services**

**2541 Division of State Library**

**DIRECT STATE SERVICES**

51-2541 Library Services .....	<u>\$5,269,000</u>
Total Direct State Services Appropriation, Division of State Library.....	<u>\$5,269,000</u>

**Direct State Services:**

Personal Services:

Salaries and Wages .....	(\$4,131,000)
Materials and Supplies.....	(418,000)
Services Other Than Personal.....	(193,000)
Maintenance and Fixed Charges.....	(27,000)

Special Purpose:

51 Supplies and Extended Services .....	(500,000)
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Notwithstanding the provisions of any law or regulation to the contrary, the  
amounts hereinabove appropriated for Direct State Services for the New Jersey  
State Library, excluding amounts appropriated to Special Purpose accounts,  
shall be paid in twelve equal installments, on the last business day of each  
month.

**STATE AID**

51-2541 Library Services .....	<u>\$7,975,000</u>
Total State Aid Appropriation, Division of State Library.....	<u>\$7,975,000</u>

**State Aid:**

51 Per Capita Library Aid.....	(\$3,676,000)
51 Library Network .....	(4,299,000)

**37 Cultural and Intellectual Development Services**

**DIRECT STATE SERVICES**

05-2530 Support of the Arts .....	\$405,000
06-2535 Museum Services .....	2,242,000
07-2540 Development of Historical Resources .....	<u>289,000</u>
Total Direct State Services Appropriation, Cultural and Intellectual Development Services .....	<u>\$2,936,000</u>

**Direct State Services:**

Personal Services:

Salaries and Wages .....	(\$2,450,000)
Materials and Supplies.....	(92,000)
Services Other Than Personal.....	(300,000)
Maintenance and Fixed Charges.....	(94,000)

**GRANTS-IN-AID**

05-2530 Support of the Arts .....	\$16,000,000
07-2540 Development of Historical Resources .....	<u>2,700,000</u>
Total Grants-in-Aid Appropriation, Cultural and Intellectual Development Services .....	<u>\$18,700,000</u>

**Grants-in-Aid:**

05 Cultural Projects.....	(\$16,000,000)
07 New Jersey Historical Commission - Agency Grants .....	(2,700,000)

Of the amount hereinabove appropriated for Cultural Projects, an amount not to exceed \$100,000 may be used for administrative purposes, and an amount not to exceed \$150,000 may be used for the assessment and oversight of cultural projects, including administrative costs attendant to this function, in compliance with all pertinent State and federal laws and regulations including the "Single Audit Act of 1984," Pub.L.98-502 (31 U.S.C. s.7501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Cultural Projects, the value of project grants awarded within each county shall total not less than \$50,000.

Of the amount hereinabove appropriated for Cultural Projects, funds may be used for the purpose of matching federal grants.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Cultural Projects, 25% shall be awarded to cultural groups or artists based in the eight southernmost counties (Cape May, Salem, Cumberland, Gloucester, Camden, Ocean, Atlantic, and Burlington); provided, however, that the calculation of such 25% allocation shall not include the first \$1,000,000 of any grants that may be awarded to the New Jersey Performing Arts Center or the Rutgers Camden Performing Arts Center.

Notwithstanding the provisions of section 4 of P.L.1999, c.131 (C.18A:73-22.4), of the amount hereinabove appropriated for New Jersey Historical Commission - Agency Grants, an amount not to exceed \$200,000 is appropriated for administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

**70 Government Direction, Management, and Control****74 General Government Services****DIRECT STATE SERVICES**

01-2505 Office of the Secretary of State .....	\$3,392,000
02-2510 Business Action Center .....	13,553,000
08-2545 State Archives.....	888,000
25-2525 Election Management and Coordination .....	<u>3,814,000</u>
Total Direct State Services Appropriation, General Government Services.....	<u>\$21,647,000</u>

**Direct State Services:**

**Personal Services:**

Salaries and Wages .....	(\$6,577,000)
Materials and Supplies.....	(134,000)
Services Other Than Personal.....	(630,000)
Maintenance and Fixed Charges.....	(26,000)

**Special Purpose:**

01 Office of Volunteerism .....	(79,000)
01 Office of Programs.....	(424,000)
02 Office of Economic Growth.....	(1,104,000)
02 New Jersey Motion Picture Commission.....	(450,000)
02 Travel and Tourism Advertising and Promotion.....	(9,000,000)
25 Help America Vote Act .....	(3,223,000)

Of the amount hereinabove appropriated to the Business Action Center, an amount up to \$500,000 is appropriated for New Jersey Small Business Development Centers, pursuant to a spending plan approved by the Secretary of State.

The Secretary of State shall report semi-annually on the expenditure during the preceding six months of State funds hereinabove appropriated for Travel and Tourism Advertising and Promotion and private contributions to this program. The first semi-annual report shall be completed not later than 30 days following the end of the second quarter of the fiscal year, the second semi-annual report shall be completed not later than 30 days following the end of the fiscal year, and both reports shall be submitted to the State Treasurer, the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

Receipts from the examination of voting machines by Election Management and Coordination and the unexpended balance at the end of the preceding fiscal year of those receipts are appropriated for the costs of making such examinations.

The unexpended balance at the end of the preceding fiscal year in the Help America Vote Act - State Match account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

**GRANTS-IN-AID**

01-2505 Office of the Secretary of State .....	<u>\$3,025,000</u>
Total Grants-in-Aid Appropriation, General Government	
Services .....	<u>\$3,025,000</u>

***Grants-in-Aid:***

01 Office of Programs.....	(\$1,350,000)
01 Center for Hispanic Policy, Research and Development .....	(1,175,000)
01 Cultural Trust.....	(500,000)

Of the amount hereinabove appropriated for the Office of Programs, an amount not to exceed \$50,000 may be used for administrative purposes, including the oversight of cultural projects, to ensure their compliance with all applicable State and federal laws and regulations including the "Single Audit Act of 1984,"

Pub.L.98-502 (31 U.S.C. s.7501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

#### STATE AID

25-2525 Election Management and Coordination .....	<u>\$7,030,000</u>
Total State Aid Appropriation, General Government	
Services .....	<u>\$7,030,000</u>

#### *State Aid:*

25 Extended Polling Place Hours..... (\$7,030,000)

In addition to the amount hereinabove appropriated for Extended Polling Place Hours, there are appropriated such amounts as are required to provide required reimbursements to county Boards of Election, subject to the approval of the Director of the Division of Budget and Accounting.

Department of State, Total State Appropriation..... \$1,260,718,000

Pursuant to the provisions of P.L.2003, c.114 (C.54:32D-1 et al.), the amounts hereinabove appropriated for the purpose of promoting cultural and tourism activities in this State first shall be charged to revenues derived from the hotel and motel occupancy fee.

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#### *Summary of Department of State Appropriations* (For Display Purposes Only)

##### *Appropriations by Category:*

Direct State Services.....	\$31,622,000
Grants-in-Aid.....	1,214,091,000
State Aid.....	15,005,000

##### *Appropriations by Fund:*

General Fund .....	\$1,260,718,000
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## 78 DEPARTMENT OF TRANSPORTATION

### *10 Public Safety and Criminal Justice*

#### *11 Vehicular Safety*

Notwithstanding the provisions of any law or regulation to the contrary, monies received in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police, the New Jersey Motor Vehicle Commission, the Department of Transportation, and the Department of Environmental Protection in the performance of commercial vehicle safety and emission inspections and other clean air purposes, subject to the approval of the Director of the Division of Budget and Accounting.



The amount appropriated to the New Jersey Motor Vehicle Commission is based on proportional revenue collections for that fiscal year pursuant to the statutes listed in subsection a. of section 105 of P.L.2003, c.13 (C.39:2A-36). Of that amount, \$2,500,000 is appropriated for transfer to the Interdepartmental Property Rentals and Household and Security accounts, \$5,150,000 is appropriated for transfer to the Department of Transportation for the Maintenance and Operations program, \$4,800,000 is appropriated for transfer to the Division of Revenue and Enterprise Services within the Department of the Treasury, \$612,000 is appropriated for transfer to the Division of State Police, and \$800,000 is appropriated for transfer to the Bureau of Forestry within the Department of Environmental Protection for its Forest Fire Fighting Program. In addition, the New Jersey Motor Vehicle Commission shall pay the non-State hourly rate charged by the Office of Administrative Law for hearing services, or an amount no less than \$500,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, \$10,940,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for transfer to the Interdepartmental Property Rentals account to reflect savings from implementation of management and procurement efficiencies, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the New Jersey emergency medical service helicopter response act under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), are appropriated to the Division of State Police and the Department of Health to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance at the end of the preceding fiscal year is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of R.S.39:8-2, balances in the fund are available for other clean air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, pursuant to P.L.2006, c.39 (C.39:3-8.3 et seq.), receipts that are derived from the surcharge on luxury and fuel-inefficient vehicles shall be deposited into the General Fund as State revenue.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, an amount not to exceed \$10,000,000 from receipts from the increase in motor vehicle fees imposed in 2009 shall be deposited into the General Fund as State revenue.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, \$72,979,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for deposit in the General Fund to reflect continuing savings initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

**60 Transportation Programs**

**61 State and Local Highway Facilities**

**DIRECT STATE SERVICES**

06-6100 Maintenance and Operations .....	\$38,056,000
08-6120 Physical Plant and Support Services.....	<u>5,486,000</u>
Total Direct State Services Appropriation, State and Local	
Highway Facilities.....	<u>\$43,542,000</u>

**Direct State Services:**

Personal Services:

Salaries and Wages .....	(\$22,502,000)
Materials and Supplies.....	(11,855,000)
Services Other Than Personal.....	(1,891,000)
Maintenance and Fixed Charges.....	(7,294,000)

The unexpended balances at the end of the preceding fiscal year in the accounts hereinabove are appropriated for Maintenance and Operations, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Maintenance and Operations, such additional sums as may be required are appropriated for winter operations, including snow removal costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for the Department of Transportation from the General Fund, \$12,500,000 thereof shall be paid from funds received from the various transportation-oriented authorities pursuant to contracts between the authorities and the State as are determined to be eligible for such funding pursuant to such contracts, as shall be determined by the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from the Logo Sign Program fees and the Tourist Oriented Directional Signs Program fees are appropriated for the purpose of administering the programs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from highway application and permit fees pursuant to subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) are appropriated for the purpose of administering the Access Permit Review program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Maintenance and Operations, \$9,000,000 for winter operations, including snow removal costs, is appropriated from the receipts of the New Tire Surcharge pursuant to P.L.2004, c.46 (C.54:32F-1 et seq.).

In addition to the amount hereinabove appropriated for Maintenance and Operations, there is appropriated \$5,150,000 from the New Jersey Motor Vehicle Commission for Maintenance and Fixed Charges, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 12 of P.L.1962, c.73 (C.12:7-34.47) or any law or regulation to the contrary, of the amount hereinabove appropriated for Maintenance and Operations, \$2,000,000 is payable from the revenue from the fee increase pursuant to the amendatory provisions of section 12 of P.L.2002, c.34 (C.12:7-34.47) deposited into the "Maritime Industry Fund."

Revenue from fees or other payments made for the placement of sponsorship acknowledgment and advertising on signs, equipment, materials, and vehicles used for a safety service patrol or emergency service patrol program pursuant to section 5 of P.L.1966, c.301 (C.27:1A-5), are appropriated to the Department of Transportation for transportation purposes, including contract incentives for heavy duty towing contracts that support the clearance of traffic incidents. Use of the funds is subject to any federal requirements. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, amounts collected from fees for sponsorship programs pursuant to P.L.2013, c.130 (C.27:7-44.18 et seq.) are appropriated to the Department of Transportation for highway purposes, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that sponsorship acknowledgement and the use of such funds shall be subject to applicable requirements promulgated by the Federal Highway Administration. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

Notwithstanding the provisions of section 3 of P.L.2013, c.86 (C.39:4-88.2) or any other law or regulation to the contrary, amounts collected from the surcharge imposed on each person found guilty of a violation of R.S.39:4-82 or R.S.39:4-88 in excess of the amount determined by the Commissioner of Transportation to be necessary to acquire, install, and maintain highway signs that notify motorists entering New Jersey to comply with the provisions of R.S.39:4-82 and R.S.39:4-88 are appropriated for graffiti removal activities, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

#### CAPITAL CONSTRUCTION

60-6200 Transportation Trust Fund Authority .....	\$1,195,928,000
71-6200 Capital Construction and Correspondence .....	<u>4,000,000</u>

Total Capital Construction Appropriation, State and  
Local Highway Facilities..... \$1,199,928,000

**Capital Projects:**

- 60 Transportation Trust Fund - Subaccount for  
Debt Service for Prior Bonds.....(\$1,039,370,000)
- 60 Transportation Trust Fund - Subaccount for Debt  
Service for Transportation Program Bonds ..... (156,558,000)
- 71 Supplementary County Highway Aid ..... (4,000,000)

The unexpended balance of \$47,788,000 in the Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds is hereby appropriated to the Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds to pay debt service on the Transportation Program Bonds.

The unexpended balance of \$35,934,000 in the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds is hereby appropriated to the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds to pay debt service on the Prior Bonds.

The amount hereinabove appropriated for the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds and for the Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds shall be provided from revenues from (i) motor fuel taxes, which are hereby appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution; (ii) \$215,000,000 from the petroleum products gross receipts tax, which is hereby appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution; and (iii) \$452,928,000 from the sales and use tax which is hereby appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution.

In addition, the amount hereinabove appropriated for the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds may also be provided from (i) \$12,000,000 of funds from the various transportation-oriented authorities pursuant to contracts between such transportation-oriented authorities and the State; and (ii) such additional amounts pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) as may be necessary and are hereby appropriated to satisfy all current fiscal year debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority relating to the Prior Bonds.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that some of the amounts hereinabove appropriated are not required to pay amounts due under the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Prior Bonds as the result of the receipt of federal subsidies for debt service on the Prior Bonds, or other obligations issued by the New Jersey Transportation Trust Fund Authority in connection with the Prior Bonds the amount hereinabove appropriated from the sales and use tax revenues in clause (iii) of the third paragraph above shall be reduced by such corresponding amount.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that some of the amounts hereinabove appropriated are not required to pay amounts due under the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Prior Bonds or the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Transportation Program Bonds as the result of refundings, restructurings, lowered interest rates, or any other action which reduces the amounts required to make the payments under such State contracts, the amount hereinabove appropriated from the sales and use tax revenues in clause (iii) of the third paragraph above for the Transportation Program Bonds or the Prior Bonds shall be reduced by such corresponding amounts.

Notwithstanding the provisions of any law or regulation to the contrary, from amounts hereinabove appropriated the Department of Transportation may expend necessary amounts for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Receipts representing the State share from the rental or lease of property, and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for maintenance or improvement of transportation property, equipment, and facilities.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Transportation may transfer Transportation Trust Fund monies to contracted federal projects until such time as federal funds become available for those projects, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer. Subject to the receipt of federal funds, the Transportation Trust Fund may be reimbursed for all the monies that were transferred to advance federally funded projects.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Transportation (DOT) for its capital projects from the revenues and other funds of the New Jersey Transportation Trust Fund Authority are hereby subject to the following condition: if the Department of Environmental Protection (DEP) determines that the issuance of any permit to the DOT regarding any capital project is conditioned upon the providing of new or enhanced public access with respect to coastal zone management (public access project), the DOT may fund the cost of such public access project from the monies hereinabove appropriated. In the alternative, if the DEP and DOT determine that it is in the best interest of the public access project for it to be undertaken by the DEP or another governmental entity, the DOT may provide funding for such public access project from the monies hereinabove appropriated to the DEP or such other governmental entity pursuant to an agreement between DOT and the DEP or other governmental entity, as applicable.

The amount appropriated hereinabove for Supplementary County Highway Aid shall be allocated in order that each county allocation from Supplementary County

Highway Aid and from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the county aid program shall not be less than the aid received by each county in FY 2013 under the county aid program provided however, in the event that the amount appropriated for Supplementary County Highway Aid is insufficient for this purpose the aid that would have been received for each county pursuant to this provision shall be proportionately reduced. Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of \$743,500,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for capital purposes as follows:

<u>Description</u>	<u>County</u>	<u>Amount</u>
Acquisition of Right of Way	Various	(\$250,000)
ADA Curb Ramp Implementation	Various	(1,000,000)
Airport Improvement Program	Various	(4,000,000)
Asbestos Surveys and Abatements	Various	(500,000)
Betterments, Dams	Various	(350,000)
Betterments, Roadway Preservation	Various	(10,195,000)
Betterments, Safety	Various	(7,000,000)
Bicycle & Pedestrian Facilities/Accommodations	Various	(1,000,000)
Bridge, Emergency Repair	Various	(17,000,000)
Bridge Maintenance and Repair, Movable Bridges	Various	(21,000,000)
Bridge Preventive Maintenance	Various	(22,000,000)
Capital Contract Payment Audits	Various	(1,500,000)
Congestion Relief, Intelligent Transportation System Improvements (Smart Move Program)	Various	(2,000,000)
Congestion Relief, Operational Improvements (Fast Move Program)	Various	(1,000,000)
Construction Inspection	Various	(8,000,000)
Construction Program IT System (TRNS.PORT)	Various	(500,000)
Culvert Inspection Program, Locally-owned Structures	Various	(3,000,000)
Culvert Inspection Program, State-owned Structures	Various	(700,000)
Culvert Replacement Program	Various	(2,000,000)
Delaware & Raritan Canal Bridges	Mercer, Hunterdon, Middlesex, Somerset	(2,400,000)
Design, Emerging Projects	Various	(6,500,000)
Design, Geotechnical Engineering Tasks	Various	(500,000)
Drainage Rehabilitation and Maintenance, State	Various	(10,000,000)
Duck Island Landfill, Site Remediation	Mercer	(100,000)

DVRPC, Future Projects	Various	(8,000,000)
Electrical Facilities	Various	(5,446,000)
Electrical Load Center Replacement, Statewide	Various	(2,000,000)
Environmental Investigations	Various	(3,000,000)
Environmental Project Support	Various	(400,000)
Equipment (Vehicles, Construction, Safety)	Various	(12,000,000)
Equipment, Snow and Ice Removal	Various	(5,000,000)
Freight Program	Various	(8,000,000)
Intersection Improvement Program		
(Project Implementation)	Various	(250,000)
Interstate Service Facilities	Various	(500,000)
Legal Costs for Right of Way Condemnation	Various	(1,600,000)
Local Aid Grant Management System	Various	(165,000)
Local Aid, Infrastructure Fund	Various	(7,500,000)
Local Bridges, Future Needs	Various	(25,000,000)
Local County Aid, DVRPC	Various	(15,955,000)
Local County Aid, NJTPA	Various	(51,524,000)
Local County Aid, SJTPO	Various	(11,271,000)
Local Municipal Aid, DVRPC	Various	(14,234,000)
Local Municipal Aid, NJTPA	Various	(53,082,000)
Local Municipal Aid, SJTPO	Various	(6,434,000)
Local Municipal Aid, Urban Aid	Various	(5,000,000)
Maintenance & Fleet Management System	Various	(750,000)
Maritime Transportation System	Various	(1,000,000)
Middlesex County Roadway Improvements	Middlesex	(100,000)
Minority and Women Workforce Training		
Set Aside	Various	(1,000,000)
Mobility and Systems Engineering Program	Various	(1,700,000)
NJTPA Future Projects	Various	(70,500,000)
Orphan Bridge Reconstruction	Various	(1,500,000)
Park and Ride/Transportation Demand		
Management Program	Various	(1,000,000)
Pedestrian Safety Improvement Design and		
Construction	Various	(1,500,000)
Physical Plant	Various	(10,000,000)
Planning and Research, State	Various	(1,000,000)
Program Implementation Costs, NJDOT	Various	(95,000,000)
Project Development: Concept Development		
and Preliminary Engineering	Various	(5,000,000)
Project Reporting System (PRS) Replacement	Various	(600,000)
Rail-Highway Grade Crossing Program, State	Various	(4,600,000)
Regional Action Program	Various	(1,000,000)
Resurfacing Program	Various	(80,000,000)

Ridge Road, and Orient Way, Bridges over Rt. 3	Bergen	(1,000,000)
Right of Way Database/Document Management System	Various	(100,000)
Right of Way Full-Service Consultant Term Agreements	Various	(50,000)
Safe Streets to Transit Program	Various	(1,000,000)
Salt Storage Facilities - Statewide	Various	(3,500,000)
Sign Structure Inspection Program	Various	(1,800,000)
Signs Program, Statewide	Various	(1,500,000)
SJTPO, Future Projects	Various	(7,500,000)
Solid and Hazardous Waste Cleanup, Reduction and Disposal	Various	(1,330,000)
South Inlet Transportation Improvement Project	Atlantic	(1,504,000)
State Police Enforcement and Safety Services	Various	(4,000,000)
Title VI and Nondiscrimination Supporting Activities	Various	(150,000)
Traffic Monitoring Systems	Various	(1,000,000)
Traffic Signal Replacement	Various	(9,000,000)
Transit Village Program	Various	(1,000,000)
Transportation Research Technology	Various	(500,000)
Unanticipated Design, Right of Way and Construction Expenses, State	Various	(23,850,000)
Utility Reconnaissance and Relocation	Various	(7,000,000)
Route 9, Garden State Parkway Ramp to Westecunk Creek	Burlington, Ocean	(7,500,000)
Route 10, CR 508 (W. Northfield Ave) to Merklin Avenue/Kelly Drive	Essex	(3,700,000)
Route 45, Main Street (CR 672) to Chestnut Street	Gloucester, Salem	(10,900,000)
Route 46, Sand Shore Road/Naughtright Road to Woods Edge Ave (CR 649)	Morris	(3,550,000)
Route 57, Route 22 to Route 31	Warren	(2,900,000)
Route 83, Route 47 to Route 9	Cape May	(1,850,000)
Route 94, Route 15 (Lafayette Road) to Bayberry Lane	Sussex	(2,000,000)
Route 206, Southbound Merge Improvements with I-287 Ramp	Somerset	(50,000)
Route 280, WB, Route 80 to Passaic River	Morris	(2,000,000)
Route 322, Corridor Congestion Relief Project	Gloucester	(1,000,000)
Route 322, Route 47 (Delsea Drive) to Curtis Avenue	Gloucester	(3,860,000)



Route 94, Mohican Road to Kerr Road	Warren	(3,300,000)
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Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of \$503,500,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified as follows:

**New Jersey Transit Corporation**

<u>Description</u>	<u>County</u>	<u>Amount</u>
ADA-Platform/Stations	Various	(\$910,000)
Bridge and Tunnel Rehabilitation	Various	(28,510,000)
Building Capital Leases	Various	(5,700,000)
Bus Acquisition Program	Various	(64,503,000)
Bus Maintenance Facilities	Various	(1,000,000)
Bus Passenger Facilities/Park and Ride	Various	(800,000)
Bus Support Facilities and Equipment	Various	(5,498,000)
Bus Vehicle and Facility		
Maintenance/Capital Maintenance	Various	(8,800,000)
Capital Program Implementation	Various	(21,470,000)
Claims Support	Various	(2,000,000)
Environmental Compliance	Various	(3,000,000)
Hudson-Bergen and Newark LRT System	Hudson	(7,005,000)
Immediate Action Program	Various	(11,582,000)
Light Rail Infrastructure Improvements	Various	(12,275,000)
Locomotive Overhaul	Various	(25,342,000)
Lyndhurst Intermodal ADA Improvements	Bergen	(2,000,000)
Miscellaneous	Various	(500,000)
NEC Improvements	Various	(29,000,000)
NEC Portal Bridge	Hudson	(4,000,000)
Other Rail Station/Terminal Improvements	Various	(20,510,000)
Perth Amboy Intermodal ADA Improvements	Middlesex	(383,000)
Physical Plant	Various	(1,670,000)
Private Carrier Equipment Program	Various	(3,000,000)
Rail Fleet Overhaul	Various	(12,000,000)
Rail Rolling Stock Procurement	Various	(12,939,000)
Rail Support Facilities and Equipment	Various	(41,240,000)
River LINE LRT	Camden, Burlington, Mercer	(51,228,000)
Section 5310 Program	Various	(1,000,000)
Security Improvements	Various	(2,610,000)

Signals and Communications/Electric Traction		
Systems	Various	(49,613,000)
Small/Special Services Program	Various	(1,373,000)
Study and Development	Various	(10,810,000)
Technology Improvements	Various	(40,478,000)
Track Program	Various	(18,000,000)
Transit Rail Initiatives	Various	(2,751,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the revenues and other monies of the New Jersey Transportation Trust Fund Authority for the Department of Transportation and the New Jersey Transit Corporation, respectively, for salary and overhead costs of employees of the Department of Transportation and the New Jersey Transit Corporation, respectively, associated with the construction of capital projects by the Department of Transportation and the New Jersey Transit Corporation, respectively, shall not be subject to any percentage limitation.

The unexpended balances at the end of the preceding fiscal year of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21) or any law or regulation to the contrary, approval by the Joint Budget Oversight Committee of transfers among appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Federal funds received in conjunction with the Route 52 Causeway Replacement Contract A Construction Fund are hereby appropriated to the New Jersey Transportation Trust Fund Authority to pay debt service and other costs related to the Grant Anticipation Revenue Vehicles (GARVEE).

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated to the Department of Transportation, such amounts as shall be approved by the Director of the Division of Budget and Accounting, from the revenues and other funds of the New Jersey Transportation Trust Fund Authority received in connection with the issuance of the Authority's Grant Anticipation Revenue Vehicles (GARVEE) Bonds for the capital projects listed. Federal funds received in conjunction with the capital projects funded through the issuance of these GARVEE Bonds are appropriated to the authority to pay debt service and other costs related to the GARVEE Bonds.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the sale or conveyance of any lands held by the Department of Transportation are appropriated for the acquisition of land for highway projects or to refund the Federal Highway Administration where required by federal law. Receipts from the sale of all fill material held by the Department of Transportation are appropriated for demolition, acquisition of land, rehabilitation or improve-

ment of existing facilities, and construction of new facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the Port Authority of New York and New Jersey pursuant to a contract with the State for transportation system improvements are appropriated to the Department of Transportation for such improvements.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Transportation, upon approval of the Director of the Division of Budget and Accounting, may transfer New Jersey Transportation Trust Fund Authority monies to the Pulaski Skyway, Route 7/Wittpenn Bridge, and New Road projects which are to be funded by the Port Authority of New York and New Jersey pursuant to an agreement between the Port Authority of New York and New Jersey and the Commissioner of Transportation dated July 29, 2011, until such time as funding from the Port Authority of New York and New Jersey is paid to the State pursuant to such agreement. Subject to the receipt of those funds, the New Jersey Transportation Trust Fund Authority shall be reimbursed for all monies transferred to advance these projects. In the event that all of such transfers are not reimbursed by the Port Authority of New York and New Jersey pursuant to the agreement, an amount equivalent to such unreimbursed monies are hereby appropriated from the New Jersey Transportation Trust Fund Authority to such projects and such amounts shall constitute line item appropriations approved by the Legislature.

Notwithstanding the provisions of section 6 of P.L.2006, c.3 (C.27:1B-22.2) or any law or regulation to the contrary, in recognition of the extensive destruction and damage to the State's roads, highways, bridges, and other critical transportation infrastructure during recent years inflicted by a series of federally declared disaster events, including but not limited to Hurricane Irene and Superstorm Sandy, of the amount hereinabove appropriated from the New Jersey Transportation Trust Fund Authority, an amount not to exceed \$135,000,000 may be used for permitted maintenance, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the New Jersey Freight Rail Assistance Program in FY 2016 shall fund eligible project applications where the sponsor received funding for a related phase or portion of rail construction in any prior fiscal year before funding new projects that have not received prior funding under the program.

## **62 Public Transportation GRANTS-IN-AID**

04-6050 Railroad and Bus Operations.....	<u>\$2,115,456,000</u>
Subtotal Grants-in-Aid Appropriation, Public	
Transportation .....	<u>\$2,115,456,000</u>

**Less:**

<b>Farebox Revenue</b> .....	<b>\$1,005,300,000</b>
<b>Other Commercial Revenue</b> .....	<b>115,200,000</b>
<b>Other Reimbursements</b> .....	<b>961,800,000</b>
<b>Total Income Deductions</b> .....	<b><u>\$2,082,300,000</u></b>
Total Grants-in-Aid Appropriation, Public Transportation.....	<u>\$33,156,000</u>

**Grants-in-Aid:****Personal Services:**

Salaries and Wages .....	(\$1,255,900,000)
Materials and Supplies.....	(341,500,000)
Services Other Than Personal.....	(139,100,000)

**Special Purpose:**

04 Purchased Transportation.....	(237,800,000)
04 Insurance and Claims .....	(33,300,000)
04 Tolls, Taxes, and Other Operating Expenses .....	(107,856,000)

**Less:**

<b>Income Deductions</b> .....	<b>2,082,300,000</b>
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Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for New Jersey Transit Corporation from the General Fund, an amount not to exceed \$29,000,000 thereof shall be paid from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State for transportation purposes.

Notwithstanding the provision of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for New Jersey Transit Corporation, there are appropriated such amounts as are received from the New Jersey Turnpike Authority, pursuant to a contract between the New Jersey Turnpike Authority and the State for such transportation purposes.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for New Jersey Transit Corporation, there is appropriated \$62,089,000 from the Clean Energy Fund for utility costs associated with New Jersey Transit Corporation operations.

**STATE AID**

04-6050 Railroad and Bus Operations .....	<u>\$18,824,000</u>
(From Casino Revenue Fund .....	\$18,824,000)
Total State Aid Appropriation, Public Transportation .....	<u>\$18,824,000</u>
(From Casino Revenue Fund .....	\$18,824,000)

**State Aid:**

04 Transportation Assistance for Senior Citizens and Disabled Residents (CRF) .....	(\$18,824,000)
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Counties which provide paratransit services for sheltered workshop clients may seek reimbursement for such services pursuant to P.L.1987, c.455 (C.34:16-51 et seq.).

#### **CAPITAL CONSTRUCTION**

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Transportation, upon approval of the Director of the Division of Budget and Accounting, may transfer funds made available from the New Jersey Transportation Trust Fund Authority for public transportation projects under the program headings "New Jersey Transit Corporation" to the line-item under that same program heading entitled "Federal Transit Administration Projects" for any federally funded public transportation project shown in this act or any previous appropriation acts until such time as federal funds become available for the projects. Subject to the receipt of federal funds, the New Jersey Transportation Trust Fund Authority shall be reimbursed for all the monies that were transferred to advance Federal Transit Administration projects. Any transfer of funds which returns funds from the line-item "Federal Transit Administration Projects" to the account of origin shall be deemed approved.

From the amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the current fiscal year transportation capital program, the Commissioner of Transportation may allocate \$4,000,000 of the amount listed for the Private Carrier Equipment Program to New Jersey Transit Corporation's Private Carrier Capital Improvement Program (PCCIP). The amount provided herein shall be allocated to the private motorbus carriers consistent with the formula used to administer the PCCIP and shall be restricted to those carriers that currently qualify for participation in the PCCIP. These funds may be used for the procurement of any goods or services currently approved under New Jersey Transit Corporation's PCCIP, as well as: facility improvements, vehicle procurement, and capital maintenance that comports with subsection r. of section 3 of P.L.1984, c.73 (C.27:1B-3). Such maintenance and equipment procurements shall apply to vehicles owned by the private motorbus carriers and used in public transportation service, as well as to New Jersey Transit Corporation owned vehicles. Private motorbus carriers receiving an allocation of such funds shall be required to submit to the New Jersey Transit Corporation a full accounting for all expenditures, demonstrating that the funds were used to increase or maintain the current level of public transportation service provided by the carrier or to improve revenue vehicle maintenance. Under no circumstances shall these funds be used to provide compensation of any officer or owner of a private motorbus carrier.

#### **64 Regulation and General Management**

##### **DIRECT STATE SERVICES**

05-6070 Multimodal Services..... \$902,000

99-6000 Administration and Support Services .....	<u>744,000</u>
Total Direct State Services Appropriation, Regulation and General Management.....	<u>\$1,646,000</u>

***Direct State Services:***

Materials and Supplies.....	(\$147,000)
Services Other Than Personal.....	(616,000)
Maintenance and Fixed Charges .....	(70,000)

***Special Purpose:***

05 Office of Maritime Resources .....	(248,000)
05 Airport Safety Administration.....	(565,000)

Receipts in excess of the amount anticipated from outdoor advertising application and permit fees, are appropriated for the purpose of administering the Outdoor Advertising Permit and Regulation Program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from fees on placarded rail freight cars transporting hazardous materials in this State are appropriated to defray the expenses of the Placarded Rail Freight Car Transporting Hazardous Materials Program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Airport Safety Administration is payable out of the Airport Safety Fund established pursuant to section 4 of P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

**GRANTS-IN-AID**

The unexpended balance at the end of the preceding fiscal year in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated for the same purpose.

Department of Transportation, Total State Appropriation ..... \$1,297,096,000

***Summary of Department of Transportation Appropriations***  
(For Display Purposes Only)

***Appropriations by Category:***

Direct State Services.....	\$45,188,000
Grants-in-Aid.....	33,156,000
State Aid.....	18,824,000
Capital Construction.....	1,199,928,000

***Appropriations by Fund:***

General Fund.....	\$1,278,272,000
Casino Revenue Fund .....	18,824,000

**82 DEPARTMENT OF THE TREASURY**  
**30 Educational, Cultural, and Intellectual Development**  
**36 Higher Educational Services**

**GRANTS-IN-AID**

47-2155 Support to Independent Institutions.....	\$2,737,000
49-2155 Miscellaneous Higher Education Programs.....	<u>103,346,000</u>
Total Grants-in-Aid Appropriation, Higher Educational Services .....	<u>\$106,083,000</u>

**Grants-in-Aid:**

47 Aid to Independent Colleges and Universities.....	(\$1,500,000)
47 Clinical Legal Programs for the Poor - Seton Hall University .....	(200,000)
47 Research Under Contract with the Institute of Medical Research, Camden.....	(1,037,000)
49 Higher Education Capital Improvement Program - Debt Service .....	(57,398,000)
49 Equipment Leasing Fund - Debt Service .....	(16,572,000)
49 Higher Education Facilities Trust Fund - Debt Service .....	(19,695,000)
49 Higher Education Technology Bond - Debt Service .....	(3,737,000)
49 Dormitory Safety Trust Fund - Debt Service .....	(5,944,000)

The amount hereinabove appropriated for Aid to Independent Colleges and Universities shall be allocated to eligible institutions in accordance with the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), provided that the number of full-time equivalent students at the seven State Colleges shall be 60,299 for fiscal year 2015.

The amounts hereinabove appropriated for Research Under Contract with the Institute of Medical Research, Camden (Coriell Institute) shall be expended on support for research activities, and the Institute shall submit an annual audited financial statement to the Department of the Treasury which shall include a schedule showing the use of these funds.

**STATE AID**

48-2155 Aid to County Colleges .....	<u>\$220,673,000</u>
(From General Fund.....)	<u>\$18,800,000</u>
(From Property Tax Relief Fund.....)	<u>201,873,000</u>
Subtotal State Aid Appropriation, Higher Educational Services .....	<u>\$220,673,000</u>

(From General Fund..... \$18,800,000)  
 (From Property Tax Relief Fund..... 201,873,000)

**Less:**

**Supplemental Workforce Fund - Basic Skills.....\$18,800,000**  
**Total Income Deductions ..... \$18,800,000**  
 Total State Aid Appropriation, Higher Educational  
 Services ..... \$201,873,000  
 (From Property Tax Relief Fund..... \$201,873,000)

**State Aid:**

48 Operational Costs..... (\$18,800,000)  
 48 Operational Costs (PTRF)..... (115,323,000)  
 48 Debt Service for Chapter 12, P.L.1971,  
     c.12 (N.J.S.18A:64A-22.1) (PTRF)..... (37,390,000)  
 48 Alternate Benefit Program - Employer  
     Contributions (PTRF)..... (19,633,000)  
 48 Alternate Benefit Program - Non-contributory  
     Insurance (PTRF) ..... (2,977,000)  
 48 Teachers' Pension and Annuity Fund -  
     Non-contributory Insurance (PTRF) ..... (6,000)  
 48 Employer Contributions - Teachers' Pension and  
     Annuity Fund (PTRF)..... (94,000)  
 48 Teachers' Pension and Annuity Fund -  
     Post Retirement Medical (PTRF) ..... (1,409,000)  
 48 Post Retirement Medical Other Than TPAF  
     (PTRF)..... (24,647,000)  
 48 Affordable Care Act Fees (PTRF) ..... (48,000)  
 48 Employer Contributions - FICA for County College  
     Members of TPAF (PTRF)..... (165,000)  
 48 Debt Service on Pension Obligation Bonds (PTRF) ... (181,000)

**Less:**

**Income Deductions..... 18,800,000**

In addition to the amount hereinabove appropriated for Operational Costs, there is appropriated \$18,800,000 from the Supplemental Workforce Fund for Basic Skills for remedial courses provided at county colleges and all other monies in the Supplemental Workforce Fund for Basic Skills are appropriated in the proportions set forth in section 1 of P.L.2001, c.152 (C.34:15D-21).

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated for county college Operational Costs, there are allocated such amounts as are required to provide the reimbursement to cover tuition costs of the National Guard members pursuant to subsection b. of section 21 of P.L.1999, c.46 (C.18A:62-24).



Such amounts as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Such additional amounts as may be required for Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical, Post Retirement Medical Other Than TPAF, Affordable Care Act Fees, and Employer Contributions - FICA for County College Members of TPAF are appropriated, as the Director of the Division of Budget and Accounting shall determine.

#### ***Higher Education Services***

Of the amount hereinabove appropriated for Higher Educational Services, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

### ***50 Economic Planning, Development, and Security***

#### ***51 Economic Planning and Development***

##### **GRANTS-IN-AID**

38-2043 Economic Development .....	<u>\$19,432,000</u>
Total Grants-in-Aid Appropriation, Economic Planning and Development .....	<u>\$19,432,000</u>

##### ***Grants-in-Aid:***

38 Fort Monmouth Economic Revitalization Authority .....	(\$207,000)
38 Economic Redevelopment and Growth Grants, EDA .....	(11,725,000)
38 Brownfield Site Reimbursement Fund.....	(7,500,000)

In addition to the amount hereinabove appropriated for the Economic Redevelopment and Growth Grants, EDA, there are appropriated such amounts as may be necessary to fund the Economic Redevelopment and Growth Grant program, pursuant to the "New Jersey Economic Stimulus Act of 2009," P.L.2009, c.90 (C.52:27D-489a et seq.), subject to the approval of the Director of the Division of Budget and Accounting. Due to the uncertain timing of grant requests, the unexpended balance at the end of the preceding fiscal year in the Economic Redevelopment and Growth Grants, EDA account is appropriated for the same

purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective July 1, 2015, to Article VIII, Section II, paragraph 6 of the State Constitution, shall be appropriated to the Brownfield Site Reimbursement Fund, established pursuant to section 38 of P.L.1997, c.278 (C.58:10B-30), in an amount to be determined by the Director of the Division of Taxation, and subject to the approval of the Director of the Division of Budget and Accounting. If such amounts for the remediation of discharges of hazardous substances are insufficient, there are appropriated such amounts as necessary to the Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in the Brownfield Site Reimbursement Fund account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Fort Monmouth Economic Revitalization Authority, there is appropriated such additional amounts as are necessary to secure federal matching funds for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

#### **52 Economic Regulation DIRECT STATE SERVICES**

54-2008	Utility Regulation .....	\$5,988,000
55-2004	Regulation of Cable Television .....	1,801,000
88-2058	Energy Assistance Programs .....	1,865,000
97-2016	Regulatory Support Services .....	3,904,000
99-2003	Administration and Support Services .....	<u>13,109,000</u>
	Total Direct State Services Appropriation, Economic Regulation .....	<u>\$26,667,000</u>

#### ***Direct State Services:***

##### **Personal Services:**

Salaries and Wages .....	(\$22,992,000)
Materials and Supplies.....	(386,000)
Services Other Than Personal.....	(2,703,000)
Maintenance and Fixed Charges.....	(475,000)
Additions, Improvements and Equipment .....	(111,000)
Receipts from fees are appropriated for the administrative costs of the Board of Public Utilities.	

The unexpended balances at the end of the preceding fiscal year in the programs administered by the Board of Public Utilities are appropriated for use by those respective programs, subject to the approval of the Director of the Division of Budget and Accounting.

All revenue received in the CATV Universal Access Fund is appropriated for transfer to the General Fund as State revenue.

Notwithstanding the provisions of paragraph (3) of subsection a. of section 12 of the "Electric Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-60) and any other laws to the contrary, receipts from the Clean Energy Fund are appropriated for the actual administrative salary and operating costs for the Office of Clean Energy as requested by the President of the Board of Public Utilities and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the investment earnings derived from the funds deposited into the Clean Energy Fund and Universal Service Fund shall accrue to the funds and are available to pay the costs of the various programs of the Board of Public Utilities Clean Energy Program and Universal Service Fund.

There are appropriated from interest earned by the Petroleum Overcharge Reimbursement Fund such amounts as may be required for costs attributable to the administration of the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the balances from the Petroleum Overcharge Reimbursement Fund and the Secondary Stage Refunds and the monies required to be deposited into that fund from projects which have been completed or are no longer viable are reappropriated for new projects consistent with the court rulings which served as the basis for the original awards, subject to the approval of the Director of the Division of Budget and Accounting and the Director of the Office of Energy Savings.

The amounts hereinabove appropriated for the Energy Assistance Programs classification may be transferred to the Lifeline Programs accounts in the Department of Human Services to fund the costs associated with administering the Lifeline Credits Program and Tenants' Assistance Rebate Program and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

#### **GRANTS-IN-AID**

88-2058 Energy Assistance Program.....	<u>\$65,472,000</u>
Total Grants-in-Aid Appropriation, Economic	
Regulation .....	<u>\$65,472,000</u>

#### ***Grants-in-Aid:***

88 Payments for Lifeline Credits .....(\$26,973,000)

88 Tenants' Assistance Rebate Program.....(38,499,000)

Notwithstanding the provisions of P.L.1979, c.197 (C.48:2-29.15 et seq.), P.L.1981, c.210 (C.48:2-29.30 et seq.), or any law or regulation to the contrary, the benefits of the Lifeline Credits Program and the Tenants' Assistance Rebate Program may be distributed throughout the entire year from July through June, and are not lim-

ited to an October to March heating season; therefore, applications for Lifeline benefits and benefits from the Pharmaceutical Assistance to the Aged and Disabled program may be combined.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Lifeline Credits and the Tenants' Assistance Rebate Program are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Lifeline claims, amounts may be transferred from the various items of appropriation within the Energy Assistance Programs classification, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for Payments for Lifeline Credits and the Tenants' Assistance Rebate Program, such amounts as may be required for the payment of claims, credits, and rebates are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Any supplemental appropriation for the Payments for Lifeline Credits and the Tenants' Assistance Rebate Program may be recovered from the Universal Service Fund through transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for Payments for Lifeline Credits and the Tenants' Assistance Rebate Program are available to the Department of Human Services to fund the payments associated with the Lifeline Credits and Tenants' Assistance programs and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

#### ***70 Government Direction, Management, and Control***

#### ***72 Governmental Review and Oversight***

#### **DIRECT STATE SERVICES**

03-2015 Employee Relations and Collective Negotiations..... \$953,000

07-2040 Office of Management and Budget..... 14,200,000

Total Direct State Services Appropriation, Governmental

Review and Oversight ..... \$15,153,000

#### ***Direct State Services:***

#### **Personal Services:**

Salaries and Wages ..... (\$11,896,000)

Materials and Supplies..... (125,000)

Services Other Than Personal..... (1,856,000)

Maintenance and Fixed Charges..... (7,000)

#### **Special Purpose:**

07 Independent Audits ..... (1,269,000)

There are appropriated, from receipts from the investment of State funds, such amounts as may be necessary for interest costs, bank service charges, custodial costs, mortgage servicing fees, and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

Such amounts as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such amounts as may be received or are receivable for this purpose.

In addition to the amounts hereinabove appropriated for the Office of Management and Budget, there are appropriated such additional amounts as may be necessary for an independent audit of the State's general fixed asset account group, management, performance, and operational audits, and the single audit.

#### ***2066 Office of the State Comptroller***

##### **DIRECT STATE SERVICES**

08-2066 Office of the State Comptroller ..... \$9,908,000  
 Total Direct State Services Appropriation, Office of the  
 State Comptroller ..... \$9,908,000

##### ***Direct State Services:***

###### **Personal Services:**

Salaries and Wages ..... (\$8,958,000)  
 Materials and Supplies..... (55,000)  
 Services Other Than Personal..... (750,000)  
 Maintenance and Fixed Charges..... (45,000)  
 Additions, Improvements and Equipment ..... (100,000)

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste and abuse, are appropriated to General Medical Services in the Division of Medical Assistance and Health Services in the Department of Human Services.

#### ***73 Financial Administration***

##### **DIRECT STATE SERVICES**

15-2080 Taxation Services and Administration ..... \$105,940,000  
 16-2090 Administration of State Lottery ..... 13,271,000  
 17-2105 Administration of State Revenues and Enterprise Services..... 32,250,000  
 19-2120 Management of State Investments..... 1,287,000  
 25-2095 Administration of Casino Gambling..... 8,166,000  
 (From Casino Control Fund ..... \$8,166,000)

Total Direct State Services Appropriation, Financial  
 Administration..... \$160,914,000  
 (From General Fund..... \$152,748,000)  
 (From Casino Control Fund ..... 8,166,000)

##### ***Direct State Services:***

## Personal Services:

Chairman and Commissioners (CCF) .....	(\$391,000)
Salaries and Wages .....	(122,468,000)
Salaries and Wages (CCF) .....	(3,766,000)
Employee Benefits (CCF) .....	(1,830,000)
<i>(From General Fund) .....</i>	<i>122,468,000)</i>
<i>(From Casino Control Fund) .....</i>	<i>5,987,000)</i>
Materials and Supplies .....	(3,081,000)
Materials and Supplies (CCF) .....	(84,000)
Services Other Than Personal .....	(22,006,000)
Services Other Than Personal (CCF) .....	(522,000)
Maintenance and Fixed Charges .....	(2,077,000)
Maintenance and Fixed Charges (CCF) .....	(1,466,000)

## Special Purpose:

17 Wage Reporting/Temporary Disability Insurance .....	(1,200,000)
25 Administration of Casino Gambling (CCF) .....	(8,000)
Additions, Improvements and Equipment .....	(1,916,000)
Additions, Improvements and Equipment (CCF) .....	(99,000)

In addition to the amounts hereinabove appropriated for Taxation Services and Administration, such additional amounts as may be necessary are appropriated to fund costs of the collecting and processing of debts, taxes, and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Joint Budget Oversight Committee with written reports on the detailed appropriation and expenditure of amounts appropriated pursuant to this provision.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

Receipts from the sale of confiscated equipment, materials, and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) are appropriated as may be necessary for confiscation, storage, disposal, and other related expenses thereof.

Notwithstanding the provisions of any law or regulation to the contrary, there are available out of fees from the cost of collection imposed pursuant to section 8 of P.L.1987, c.76 (C.54:49-12.1) such amounts as may be required for compliance and enforcement activities associated with the collection process as promulgated by the Taxpayers' Bill of Rights under P.L.1992, c.175.

Such amounts as are required for the acquisition of equipment essential to the modernization of processing tax returns, are appropriated from tax collections,

subject to the approval of the Joint Budget Oversight Committee and the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Division of Taxation and the Division of Revenue and Enterprise Services to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to the provisions of section 12 of P.L.1992, c.165 (C.40:54D-12) there are appropriated such amounts as may be required to compensate the Department of the Treasury for costs incurred in administering the "Tourism Improvement and Development District Act," P.L.1992, c.165 (C.40:54D-1 et seq.).

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such amounts as are necessary are appropriated from the Lead Hazard Control Assistance Fund for the Department of the Treasury's administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Dedicated Cigarette Tax Revenue Fund established pursuant to P.L.2004, c.68 (C.34:1B-21.16 et seq.) such amounts as are required under the contract between the Treasurer and the New Jersey Economic Development Authority entered into pursuant to section 6 of P.L.2004, c.68 (C.34:1B-21.21).

Notwithstanding the provisions of any law or regulation to the contrary, receipts from agreements entered into by the Director of the Division of Taxation pursuant to P.L.1992, c.172 (C.54:49-12.2 et seq.) are appropriated as may be necessary for contingency fees stipulated in such agreements and any other related expenses thereof.

Pursuant to the provisions of section 54 of P.L.2002, c.34 (C.App.A:9-78) deposits made to the New Jersey Domestic Security Account are appropriated for transfer to the Department of Health to support medical emergency disaster preparedness for bioterrorism, to the Department of Law and Public Safety for State Police salaries related to statewide security services and counter-terrorism programs, and to the Department of Agriculture for the Agro-Terrorism program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, from revenues from escheated property under the various escheat acts, such amounts as may be necessary to administer such acts and such amounts as may be required for refunds.

There are appropriated out of the State Lottery Fund such amounts as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes, and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from receipts from communications fees such amounts as may be necessary for telecommunications costs required in the administration of the State Lottery.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from receipts from the sale of advertising and/or promotional products by the State Lottery, such amounts as may be necessary for advertising costs required in the administration of the State Lottery pursuant to P.L.1970, c.13 (C.5:9-1 et seq.).

There are appropriated such amounts as are necessary to fund the hospitals' share of monies collected pursuant to the hospital care payment act, P.L.2003, c.112 (C.17B:30-41 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Records Management Program is payable from receipts deposited into the New Jersey Public Records Preservation account.

In addition to the amount hereinabove appropriated for the Division of Revenue and Enterprise Services, there is appropriated to the Division of Revenue and Enterprise Services \$4,800,000 from the New Jersey Motor Vehicle Commission for document processing charges.

Receipts in excess of those anticipated from the over-the-counter surcharges are appropriated to meet the costs of the Division of Revenue and Enterprise Services' commercial recording function, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is hereby authorized to transfer or credit such amounts as are necessary between the Department of Labor and Workforce Development and the Department of the Treasury for the administration of revenue collection and processing functions related to Unemployment Insurance, Temporary Disability Insurance, Workers' Compensation, Special Compensation Programs, the Health Care Subsidy Fund, and the Workforce Development Partnership program.

The amount hereinabove appropriated for the Wage Reporting/Temporary Disability Insurance program are payable out of the State Disability Benefits Fund, and in addition to the amounts hereinabove, there are appropriated from the State Disability Benefits Fund such additional amounts as may be required to administer revenue collection associated with the Temporary Disability Insurance program, subject to the approval of the Director of the Division of Budget and Accounting.



Notwithstanding the provisions of any law or regulation to the contrary, any receipts from Nextel Corporation in accordance with a Plan Funding Agreement approved by Nextel and the 800 MHz Transition Administrator for costs of rebanding incurred by State agencies, and any local units of government that have entered into a Memorandum of Understanding with the Attorney General authorizing the State to receive Nextel funds on behalf of such local unit, pursuant to Federal Communications Commission-ordered reconfiguration of the 800 MHz band, are appropriated to the Department of the Treasury for costs related to that program. Such amounts shall be expended or transferred to the various departments and agencies to reimburse administrative and procurement costs in accordance with the Plan Funding Agreement and in consultation with the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no monies from the receipts deposited into the New Jersey Public Records Preservation account in the Department of the Treasury are appropriated for grants to counties and municipalities.

Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing and collection of surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 - Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et seq.) as amended, are appropriated from fees in lieu of actual cost of collection receipts and from surcharges derived, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from New Jersey Public Records Preservation fees, not to exceed \$1,500,000, are appropriated for the operations of the microfilm or other storage media unit in the Division of Revenue and Enterprise Services within the Department of Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, from receipts from service fees billed to authorities for the handling of investment transactions, such amounts as may be necessary to administer the Management of State Investments program.

Notwithstanding the provisions of any law or regulation to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated such amounts as may be necessary for administrative costs, which shall include bank service charges, investment services, and other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine.

**74 General Government Services****DIRECT STATE SERVICES**

02-2069	Garden State Preservation Trust .....	\$278,000
09-2050	Purchasing and Inventory Management .....	9,282,000
10-2062	Public Broadcasting Services .....	2,175,000
26-2067	Property Management and Construction - Property Management Services .....	19,060,000
37-2051	Risk Management .....	<u>3,538,000</u>
	Total Direct State Services Appropriation, General Government Services.....	<u>\$34,333,000</u>

**Direct State Services:****Personal Services:**

Salaries and Wages .....	(\$22,602,000)
Materials and Supplies.....	(1,095,000)
Services Other Than Personal.....	(3,795,000)
Maintenance and Fixed Charges.....	(6,433,000)

**Special Purpose:**

02 Garden State Preservation Trust.....	(278,000)
Additions, Improvements and Equipment .....	(130,000)

Fees collected pursuant to P.L.1975, c.127 (C.10:5-31 et seq.), are appropriated to the Division of Purchase and Property for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated to the Division of Purchase and Property, there is appropriated to the Division of Purchase and Property, an amount equal to 50% of the amount of the total rebates on procurement card purchases for costs of the Division, subject to the approval of the Director of the Division of Budget and Accounting. In addition, an amount equal to the remaining 50% of total rebates on procurement card purchases is appropriated for transfer to the various using departments and agencies for their costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated, from the receipts from third party subrogation and service fees billed to authorities for the handling of insurance procurement and risk management services, such amounts as may be necessary for the administrative expenses of the Risk Management program.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop Revolving Fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs to the Print Shop and the Office of Printing Control.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Property Management and Construction program classification, from appropriations for construction and improvements an amount sufficient to

pay for the cost of architectural work, superintendence and other expert services in connection with such work.

In addition to the amount hereinabove appropriated for Property Management and Construction, there are appropriated such additional amounts as may be required for the costs incurred in order to preserve and maintain the value and condition of State real property that has been declared surplus and for costs incurred in the selling of the real property, including appraisal, survey, advertising, maintenance, security and other costs related to the preservation and disposal, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from receipts from the pre-qualification service fees billed to contractors, architects, engineers, and professionals sufficient amounts for expenses related to the administration of pre-qualification activities undertaken by the Division of Property Management and Construction.

In addition to the amount hereinabove appropriated for Property Management and Construction - Property Management Services, there is appropriated to the Property Management and Construction - Property Management Services account, \$519,000 from the New Jersey Motor Vehicle Commission for preventative maintenance costs.

Receipts from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that an amount not to exceed \$100,000 shall be available for the administrative expenses of the program.

Receipts from the leasing of Department of Environmental Protection real properties are appropriated for the costs incurred for maintenance, repairs and utilities on the properties.

There are appropriated such additional amounts as may be necessary for the purchase of expert witness services related to the State's defense against inverse condemnation claims related to the Department of Environmental Protection's Land Use Regulation program.

Receipts from employee maintenance charges in excess of \$300,000 are appropriated for maintenance of employee housing and associated relocation costs; provided, however, that an amount not to exceed \$25,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from receipts from lease proceeds billed to the occupants of the James J. Howard Marine Sciences Laboratory, such amounts as may be required to operate and maintain the facility and for the payment of interest or principal due from the issuance of bonds for this facility.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Garden State Preservation Trust account is transferred from the Garden State Farmland Preservation Trust Fund, the Garden State Green Acres Preservation Trust Fund and the Garden State

Historic Preservation Trust Fund to the General Fund and is appropriated to the Department of the Treasury for the Garden State Preservation Trust's administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, administrative expenses for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits are appropriated from the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be, subject to the approval of the Director of the Division of Budget and Accounting. Administrative costs shall include bank service charges, investment services, and any other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine.

**2026 Office of Administrative Law**

**DIRECT STATE SERVICES**

45-2026 Adjudication of Administrative Appeals .....	<u>\$8,982,000</u>
(From General Fund.....)	\$4,234,000)
(From All Other Funds.....)	4,748,000)
Subtotal Direct State Services Appropriation, Office of	
Administrative Law .....	<u>\$8,982,000</u>
(From General Fund.....)	\$4,234,000)
(From All Other Funds .....	4,748,000)
<b>Less:</b>	
<b>All Other Funds.....</b>	<b>\$4,748,000</b>
<b>Total Deductions.....</b>	<b><u>\$4,748,000</u></b>
Total Direct State Services Appropriation, Office of	
Administrative Law .....	<u>\$4,234,000</u>

**Direct State Services:**

Personal Services:

Salaries and Wages .....	(\$7,688,000)
Materials and Supplies.....	(96,000)
Services Other Than Personal.....	(1,051,000)
Maintenance and Fixed Charges.....	(128,000)
Additions, Improvements and Equipment .....	(19,000)

**Less:**

**All Other Funds.....4,748,000**

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

In addition to the amount hereinabove appropriated for the Office of Administrative Law, such amounts as may be received or receivable from any department or non-State fund source for administrative hearing costs or rule-making costs by the Office of Administrative Law and the unexpended balance at the end of the preceding fiscal year of such amounts are appropriated for the Office's administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated to the New Jersey Motor Vehicle Commission, such appropriation is conditioned upon paying the non-State hourly rate charged by the Office of Administrative Law for hearing services, or an amount not less than \$500,000.

Receipts from annual license fees, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the Office's administrative costs.

Receipts from royalties, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the Office's administrative costs.

### ***2034 Office of Information Technology***

#### **DIRECT STATE SERVICES**

40-2034 Office of Information Technology .....	\$149,367,000
65-2034 Emergency Telecommunication Services .....	<u>14,022,000</u>
Subtotal Direct State Services Appropriation, Office of Information Technology .....	<u>\$163,389,000</u>

#### **Less:**

<b>OIT - Other Resources .....</b>	<b>\$65,500,000</b>
<b>Total Income Deductions .....</b>	<b><u>\$65,500,000</u></b>
Total Direct State Services Appropriation, Office of Information Technology .....	<u>\$97,889,000</u>

#### ***Direct State Services:***

##### **Personal Services:**

Salaries and Wages .....	(\$28,124,000)
Materials and Supplies .....	(207,000)
Services Other Than Personal .....	(25,128,000)
Maintenance and Fixed Charges .....	(31,000)

##### **Special Purpose:**

40 Office of Information Technology .....	(65,500,000)
40 Cyber Security and Data Protection .....	(3,000,000)
65 Statewide 9-1-1 Emergency Telecommunication System .....	(13,122,000)
65 Office of Emergency Telecommunication Services .....	(900,000)
Additions, Improvements and Equipment .....	(27,377,000)

**Less:****Income Deductions.....65,500,000**

In addition to the amount hereinabove attributable to OIT - Other Resources, there are appropriated such amounts as may be received or receivable from any State agency, instrumentality or public authority for increases or changes in Office of Information Technology services, subject to the approval of the Director of the Division of Budget and Accounting.

As a condition to the appropriations made in this act, specifically with regard to the allocation of employees performing information technology infrastructure functions and the establishment of deputy chief technology officers and related staff as authorized in P.L.2007, c.56 (C.52:18A-219 et al.), the Office of Information Technology shall identify the specific Direct State Services appropriations and positions that should be transferred between various departments and the Office of Information Technology, subject to the approval of the Director of the Division of Budget and Accounting.

From amounts appropriated to various departments, such amounts as are necessary may be transferred to the Office of Information Technology for enterprise initiatives, subject to the establishment of a formal agreement between the Office of Information Technology and those departments to support enterprise projects, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in the Enterprise Initiatives account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Statewide 9-1-1 Emergency Telecommunication System, there are appropriated such additional amounts as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such amounts for Geographic Information System (GIS) Integration as may be received from federal, county, municipal governments or agencies and nonprofit organizations for orthoimagery and parcel data mapping.

**75 State Subsidies and Financial Aid****GRANTS-IN-AID**

33-2078 Homestead Exemptions .....	<u>\$559,700,000</u>
(From Property Tax Relief Fund.....)	<i>\$559,700,000</i>
Total Grants-in-Aid Appropriation, State Subsidies and	
Financial Aid .....	<u>\$559,700,000</u>
(From Property Tax Relief Fund.....)	<i>\$559,700,000</i>

**Grants-in-Aid:**

33 Homestead Benefit Program (PTRF) .....	(\$341,000,000)
33 Senior and Disabled Citizens' Property	
Tax Freeze (PTRF) .....	(218,700,000)

The amount hereinabove appropriated for the Homestead Benefit Program shall be available to provide homestead benefits only to eligible homeowners pursuant to the provisions of section 3 of P.L.1990, c.61 (C.54:4-8.59) as amended by P.L.2004, c.40 and by P.L.2007, c.62, as may be amended from time to time except that, notwithstanding the provisions of such laws to the contrary: (i) residents who are 65 years of age or older at the close of the tax year, or residents who are allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with (a) gross income in excess of \$150,000 for tax year 2014 are excluded from the program; (b) gross income in excess of \$100,000 but not in excess of \$150,000 for tax year 2014 are eligible for a benefit in the amount of 5% of the first \$10,000 of property taxes paid, and (c) gross income not in excess of \$100,000 for tax year 2014 are eligible for a benefit in the amount of 10% of the first \$10,000 of property taxes paid; (ii) residents who are not 65 years of age or older at the close of the tax year, or residents who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with (a) gross income in excess of \$75,000 for tax year 2014 are excluded from the program; (b) gross income in excess of \$50,000 but not in excess of \$75,000 for tax year 2014 are eligible for a benefit in the amount of 6.67% of the first \$10,000 of property taxes paid; and (c) gross income not in excess of \$50,000 for tax year 2014 are eligible for a benefit in the amount of 10% of the first \$10,000 of property taxes paid. These benefits listed pursuant to this paragraph will be calculated based on the 2006 property tax amounts assessed or as would have been assessed on the October 1, 2014 principal residence of eligible applicants. The total homestead benefit provided to an eligible applicant in a given State fiscal year shall not exceed the homestead rebate amount paid to such eligible applicant for tax year 2006, absent a change in an applicant's filing characteristics. The homestead benefit shall be paid in 2016. If the amount hereinabove appropriated for the Homestead Benefit Program is not sufficient, there is appropriated from the Property Tax Relief Fund such additional amounts as may be required to provide such homestead benefits, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated such amounts as may be necessary for the administration of the program, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated such amounts as may be required for payments of homestead benefits that have been approved but not paid pursuant to the annual appropriations act for the fiscal year the claimant applied for such homestead benefit, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated from the Property Tax Relief Fund such amounts as may be required for payments of property tax credits to homeowners and tenants pursuant to the "Property Tax Deduction Act," P.L.1996, c.60 (C.54A:3A-15 et seq.).

Notwithstanding the provisions of P.L.1997, c.348 (C.54:4-8.67 et seq.), the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze, and any additional amounts which may be required for this purpose, is appropriated from the Property Tax Relief Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze is subject to the following condition: eligibility for the property tax reimbursement program shall be determined pursuant to section 1 of P.L.1997, c.348 (C.54:4-8.67), except that any citizen with an annual income of more than \$70,000 shall not be eligible to receive a property tax reimbursement benefit payment in the current fiscal year.

#### STATE AID

28-2078	County Boards of Taxation.....	\$1,903,000
29-2078	Locally Provided Assistance .....	32,177,000
34-2078	Senior and Disabled Citizens' and Veterans' Property Tax Deductions .....	65,800,000
	<i>(From Property Tax Relief Fund.....</i>	<i>\$65,800,000)</i>
35-2078	Police and Firemen's Retirement System.....	<u>128,978,000</u>
	<i>(From Property Tax Relief Fund.....</i>	<i>128,830,000)</i>
	<i>(General Fund.....</i>	<i>148,000)</i>
	Total State Aid Appropriation, State Subsidies and Financial Aid .....	<u>\$228,858,000</u>
	<i>(From General Fund.....</i>	<i>\$34,228,000)</i>
	<i>(From Property Tax Relief Fund.....</i>	<i>194,630,000)</i>

#### **State Aid:**

28	County Boards of Taxation .....	(\$1,903,000)
29	South Jersey Port Corporation Debt Service Reserve Fund .....	(18,919,000)
29	South Jersey Port Corporation Property Tax Reserve Fund.....	(5,101,000)
29	Highlands Protection Fund - Planning Grants.....	(2,182,000)
29	Highlands Protection Fund - Watershed Moratorium Offset Aid.....	(2,218,000)
29	Public Library Project Fund.....	(3,757,000)
34	Senior and Disabled Citizens' Property Tax Deductions (PTRF).....	(12,000,000)
34	Veterans' Property Tax Deductions (PTRF).....	(53,800,000)



35	Debt Service on Pension Obligation Bonds (PTRF).....	(18,231,000)
35	Police and Firemen's Retirement System - Post Retirement Medical (PTRF).....	(49,133,000)
35	Police and Firemen's Retirement System (PTRF) ..	(37,352,000)
35	State Contribution to Consolidated Police and Fireman's Pension Fund.....	(148,000)
35	Police and Firemen's Retirement System (P.L.1979, c.109) (PTRF).....	(24,114,000)

There are appropriated such additional amounts as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the South Jersey Port Corporation Debt Service Reserve Fund under section 14 of P.L.1968, c.60 (C.12:11A-14) and the South Jersey Port Corporation Property Tax Reserve Fund under section 20 of P.L.1968, c.60 (C.12:11A-20), subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Highlands Protection Fund are payable from the receipts of the portion of the realty transfer fee directed to be credited to the Highlands Protection Fund and the unexpended balances at the end of the preceding fiscal year in the Highlands Protection Fund accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury may transfer funds as necessary between the Highlands Protection Fund - Incentive Planning Aid account and the Highlands Protection Fund - Planning Grants account, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Solid Waste Management - County Environmental Investment Aid is appropriated to subsidize county and county authority debt service payments for environmental investments incurred and other repayment obligations owed pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act," P.L.1970, c.40 (C.48:13A-1 et seq.) as determined by the State Treasurer based upon the need for such financial assistance after taking into account all financial resources available or attainable to pay such debt service and such other repayment obligations. Such additional amounts as may be necessary shall be appropriated subject to the approval of the Director of the Division of Budget and Accounting and shall be provided upon such terms and conditions as the State Treasurer may determine. The unexpended balance at the end of the preceding fiscal year is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the amount apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the “Corporation Business Tax Act (1945),” P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the “Corporation Business Tax Act (1945)” shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

There is appropriated from the Energy Tax Receipts Property Tax Relief Fund the amount of \$788,492,000 and an amount not to exceed \$341,882,000 from Consolidated Municipal Property Tax Relief Aid is appropriated and shall be allocated to municipalities in accordance with the provisions of subsection b. of section 2 of P.L.1997, c.167 (C.52:27D-439), provided further, however, that from the amounts hereinabove appropriated, each municipality shall also receive such additional amounts from the Energy Tax Receipts Property Tax Relief Fund as provided in the previous fiscal year. Each municipality that receives an allocation from the amount so transferred from the Consolidated Municipal Property Tax Relief Aid program shall have its allocation from the Consolidated Municipal Property Tax Relief Aid program reduced by the same amount.

Notwithstanding the provisions of paragraph (1) of subsection c. of section 2 of P.L.1997, c.167 (C.52:27D-439) or any other law or regulation to the contrary, the amount hereinabove appropriated for Energy Tax Receipts Property Tax Relief Fund payments shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; December 1 for municipalities operating under a calendar fiscal year, 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the final 5% or \$500, whichever is greater, of the total annual amount due for the current fiscal year from the Energy Tax Receipts Property Tax Relief Fund to municipalities is subject to the following condition: the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality’s compliance with the “Best Practices Inventory” established by the Director of the Division of Local Government Services and shall receive at least a minimum score on such inventory as determined by the Director of the Division of Local Government Services; provided, however, that the director may take into account the particular circumstances of a municipality in computing such score. In preparing the Best Practices Inventory, the director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the final 5% or \$500, whichever is greater, of the total annual amount due for the current fiscal year, but in no event shall amounts be withheld with respect to municipal practices occurring prior to the issuance of the Best Prac-

es Inventory unless related to a municipal practice identified in the Best Practices Inventory established in the prior fiscal year.

There is appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payments to counties pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.).

The unexpended balance at the end of the preceding fiscal year from the taxes collected pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the amount hereinabove appropriated by the difference, if any, between pension contribution savings, and the amount of Consolidated Municipal Property Tax Relief Aid payable to such municipality.

In addition to the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Deductions and Veterans' Property Tax Deductions, there are appropriated from the Property Tax Relief Fund such additional amounts as may be required for State reimbursement to municipalities for senior and disabled citizens' and veterans' property tax deductions, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury, after notification to the Joint Budget Oversight Committee, may transfer funds as necessary between the Senior and Disabled Citizens' Property Tax Deductions account and the Veterans' Property Tax Deductions account, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Such additional amounts as may be required for Police and Firemen's Retirement System - Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

Pursuant to section 85 of P.L.2015, c.19 (C.5:10A-85), receipts derived from the 3% Meadowlands regional hotel use assessment are appropriated for deposit into the intermunicipal account established pursuant to section 53 of P.L.2015, c.19 (C.5:10A-53), and shall be used to pay Meadowlands adjustment payments to municipalities in the Meadowlands district pursuant to the "Hackensack Meadowlands Agency Consolidation Act," sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 through C.5:10A-68), subject to the approval of the Director of the Division of Budget and Accounting.

#### ***76 Management and Administration***

##### **DIRECT STATE SERVICES**

99-2000 Administration and Support Services ..... \$11,102,000

## Total Direct State Services Appropriation, Management

and Administration ..... \$11,102,000***Direct State Services:***

## Personal Services:

Salaries and Wages ..... (\$10,044,000)  
 Materials and Supplies..... (80,000)  
 Services Other Than Personal..... (851,000)  
 Maintenance and Fixed Charges..... (21,000)

## Special Purpose:

99 Federal Liaison Office, Washington D.C..... (16,000)  
 Additions, Improvements and Equipment ..... (90,000)

There are appropriated such additional amounts as may be required to pay for the operating expenses of the Casino Revenue Fund Advisory Commission, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay for the reimbursement of funeral expenses pursuant to P.L.2013, c.177 (C.52:18A-218.1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the investment earnings of general obligation bond proceeds such amounts as may be necessary for the payment of debt service administrative costs.

There is appropriated from revenue estimated to be received as a fee in connection with the issuance of debt an amount not to exceed \$700,000 to provide funds for public finance activities.

There are appropriated from revenue to be received from investment earnings of State funds, from fees in connection with the cost of debt issuance and from service fees billed to State authorities, such amounts as may be required for public finance activities. The unexpended balance at the end of the preceding fiscal year from such investment earnings and service fees is appropriated to the Office of Public Finance.

Pursuant to the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.), deposits made into the "Drug Abuse Education Fund" and the unexpended balance at the end of the preceding fiscal year of such deposits are appropriated for collection or administration costs of the Department of the Treasury, for transfer to the Department of Education such amounts as are necessary for the Steroid Use and Prevention Program and to provide drug use disorder education programs on a Statewide basis, and for transfer to the Department of Human Services for substance use disorder treatment and prevention programs, subject to the approval of the Director of the Division of Budget and Accounting.

An amount equivalent to the amount due to be paid in this fiscal year to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the States of New York and New Jersey and the Port Authority of New York and New Jersey

is appropriated to the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12) for the purposes of P.L.1992, c.16 (C.34:1B-7.10 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such amounts as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

**80 Special Government Services**

**82 Protection of Citizens' Rights**

**DIRECT STATE SERVICES**

06-2024	Appellate Services to Indigents.....	\$10,996,000
57-2021	Trial Services to Indigents.....	67,202,000
58-2022	Mental Health Advocacy.....	4,483,000
61-2023	Dispute Settlement .....	563,000
66-2021	Office of Law Guardian.....	20,233,000
67-2021	Office of Parental Representation.....	16,587,000
99-2025	Administration and Support Services .....	<u>2,596,000</u>
Total Direct State Services Appropriation, Protection of Citizens' Rights.....		<u>\$122,660,000</u>

***Direct State Services:***

**Personal Services:**

Salaries and Wages .....	(\$94,064,000)
Materials and Supplies.....	(1,115,000)
Services Other Than Personal.....	(25,271,000)
Maintenance and Fixed Charges.....	(899,000)
Additions, Improvements and Equipment .....	(1,311,000)

Amounts provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

In addition to the amount hereinabove appropriated for the operation of the Office of the Public Defender there are appropriated additional amounts as may be required for Trial and Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

Lawsuit settlements and legal costs awarded by any court to the Office of the Public Defender are appropriated for the expenses associated with the representation of indigent clients.

The amount hereinabove appropriated to the Office of the Public Defender is available for expenses associated with pool attorneys hired by the Office of the Public Defender for the representation of indigent clients.

Receipts in excess of the amount anticipated for the Dispute Settlement Office of the Office of the Public Defender are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

**2048 State Legal Services Office**

**GRANTS-IN-AID**

89-2048 Civil Legal Services for the Poor..... \$16,018,000  
 Total Grants-in-Aid Appropriation, State Legal Services  
 Office..... \$16,018,000

**Grants-in-Aid:**

89 Legal Services of New Jersey -  
 Legal Assistance in Civil Matters..... (\$16,018,000)

**2096 Corrections Ombudsperson**

**DIRECT STATE SERVICES**

51-2096 Corrections Ombudsperson ..... \$761,000  
 Total Direct State Services Appropriation, Corrections  
 Ombudsperson..... \$761,000

**Direct State Services:**

Personal Services:

Salaries and Wages ..... (\$678,000)  
 Materials and Supplies..... (5,000)  
 Services Other Than Personal..... (70,000)  
 Maintenance and Fixed Charges..... (8,000)

**2097 Division of Elder Advocacy**

**DIRECT STATE SERVICES**

81-2097 Elder Advocacy ..... \$1,919,000  
 Total Direct State Services Appropriation, Division of  
 Elder Advocacy ..... \$1,919,000

**Direct State Services:**

Personal Services:

Salaries and Wages ..... (\$1,670,000)  
 Materials and Supplies..... (23,000)  
 Services Other Than Personal..... (173,000)  
 Maintenance and Fixed Charges..... (53,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts collected from fines and penalties pursuant to subsection f. of section 2 of P.L.1983, c.43 (C.52:27G-7.1) and subsection b. of section 14 of P.L.1977,

c.239 (C.52:27G-14) are appropriated to the Division of Elder Advocacy, subject to the approval of the Director of the Division of Budget and Accounting.

**2098 Division of Rate Counsel**

**DIRECT STATE SERVICES**

53-2098 Rate Counsel .....	<u>\$6,968,000</u>
Total Direct State Services Appropriation, Division of Rate Counsel .....	<u>\$6,968,000</u>

**Direct State Services:**

Personal Services:

Salaries and Wages .....	(\$2,916,000)
Materials and Supplies.....	(48,000)
Services Other Than Personal.....	(3,500,000)
Maintenance and Fixed Charges.....	(500,000)
Additions, Improvements and Equipment .....	(4,000)

Receipts of the Division of Rate Counsel in excess of those anticipated are appropriated for the Division of Rate Counsel to defray the costs of the Division of Rate Counsel function.

The unexpended balances at the end of the preceding fiscal year in the Division of Rate Counsel accounts are appropriated for the same purpose.

Department of the Treasury, Total State Appropriation..... \$1,689,944,000

**Summary of Department of the Treasury Appropriations**

(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services .....	\$492,508,000
Grants-in-Aid .....	766,705,000
State Aid .....	430,731,000

*Appropriations by Fund:*

General Fund.....	\$725,575,000
Property Tax Relief Fund.....	956,203,000
Casino Control Fund .....	8,166,000

**90 MISCELLANEOUS COMMISSIONS**

**40 Community Development and Environmental Management**

**43 Science and Technical Programs**

**9130 Interstate Environmental Commission**

**DIRECT STATE SERVICES**

03-9130 Interstate Environmental Commission .....	<u>\$15,000</u>
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Total Direct State Services Appropriation, Interstate  
 Environmental Commission ..... \$15,000

***Direct State Services:*****Special Purpose:**

03 Expenses of the Commission ..... (\$15,000)

***9140 Delaware River Basin Commission*****DIRECT STATE SERVICES**

02-9140 Delaware River Basin Commission..... \$693,000

Total Direct State Services Appropriation, Delaware River

Basin Commission..... \$693,000

***Direct State Services:*****Special Purpose:**

02 Expenses of the Commission ..... (\$693,000)

***70 Government Direction, Management, and Control******72 Governmental Review and Oversight******9148 Council On Local Mandates*****DIRECT STATE SERVICES**

92-9148 Council On Local Mandates ..... \$68,000

Total Direct State Services Appropriation, Council On

Local Mandates ..... \$68,000

***Direct State Services:*****Special Purpose:**

92 Council On Local Mandates..... (\$68,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Miscellaneous Commissions, Total State Appropriation ..... \$776,000

***Summary of Miscellaneous Commissions Appropriations***

(For Display Purposes Only)

***Appropriations by Category:***

Direct State Services..... \$776,000

***Appropriations by Fund:***

General Fund ..... \$776,000

**94 INTERDEPARTMENTAL ACCOUNTS*****70 Government Direction, Management, and Control******74 General Government Services*****DIRECT STATE SERVICES**

01-9400 Property Rentals ..... \$237,336,000



02-9400 Insurance and Other Services .....	129,045,000
06-9400 Utilities and Other Services.....	<u>10,680,000</u>
Subtotal Direct State Services Appropriation, General	
Government Services .....	\$377,061,000

**Less:****Direct Rent Charges and Charges for**

**Operational Efficiencies.....** **\$88,516,000**

**Total Deductions .....** **\$88,516,000**

Total Direct State Services Appropriation, General

Government Services ..... \$288,545,000

**Direct State Services:**

## Property Rentals:

01 Existing and Anticipated Leases .....	(\$191,333,000)
01 Economic Development Authority .....	(7,043,000)
01 Other Debt Service Leases and Tax Payments .....	(38,960,000)

**Less:**

**Total Deductions .....** **88,516,000**

## Insurance and Other Services:

02 Tort Claims Liability Fund (C.59:12-1).....	(15,000,000)
02 Workers' Compensation Self-Insurance Fund .....	(94,500,000)
02 Property Insurance Premium Payments .....	(3,436,000)
02 Casualty Insurance Premium Payments .....	(544,000)
02 Special Insurance Policy Premium Payment.....	(440,000)
02 Medical Malpractice Self-Insurance Fund for	
Rutgers, Rowan, and University Hospital .....	(10,000,000)
02 Vehicle Claims Liability Fund.....	(3,500,000)
02 Self-Insurance Deductible Fund.....	(1,500,000)
02 Self-Insurance Fund - Foster Parents .....	(125,000)

## Utilities and Other Services:

06 Public Health, Environmental and Agricultural	
Laboratory .....	(2,195,000)
06 Household and Security .....	(8,485,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building equitable charges for the rental of such space to include, but not be limited to, the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding the provisions of any law or regulation to the contrary, and except for leases negotiated by the Division of Property Management and Construction and subject to the approval or disapproval by the State Leasing and Space Utilization Committee pursuant to P.L.1992, c.130 (C.52:18A-191.1 et al.), and except as hereinafter provided, no lease for the rental of any office or building, except for legislative district offices, shall be executed without the prior written consent of the State Treasurer and the Director of the Division of Budget and Accounting. Legislative district office leases may be executed by personnel in the Office of Legislative Services so directed by the Executive Director, provided the lease complies with the Joint Rules Governing Legislative District Offices adopted by the presiding officers. Leases which do not comply with the Joint Rules Governing Legislative District Offices may be executed by personnel in the Office of Legislative Services, District Office Services so directed by the Executive Director with the prior written consent of the President of the Senate and the Speaker of the General Assembly.

To the extent that amounts appropriated for property rental payments are insufficient, there are appropriated such additional amounts, not to exceed \$3,000,000 as may be required to pay property rental obligations, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$2,500,000 shall be appropriated for the costs of security, maintenance, utilities and other operating expenses related to the closure of State-owned buildings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Property Management and Construction is empowered to renegotiate lease terms, provided that such renegotiations result in cost savings to the State for the current fiscal year and for the term of the lease. Any lease amendments made as a result of these renegotiations are subject to the review and approval of the State Leasing and Space Utilization Committee. Receipts from such renegotiations are appropriated to the Property Rentals account to offset the cost of leases, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay for office renovations associated with the consolidation of office space, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay debt service costs for the Greystone Park Psychiatric Hospital Project, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law or regulation to the contrary, \$10,940,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for transfer to the Interdepartmental property rentals account to reflect savings from implemen-

tation of management and procurement efficiencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated are available for payment of obligations applicable to prior fiscal years.

The unexpended balance at the end of the preceding fiscal year in the Master Lease Program Fund is appropriated for the same purpose.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Insurance and Other Services program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

There are appropriated such additional amounts as may be required to pay tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

The amount appropriated to the Tort Claims Liability Fund is available for the payment of claims of a tortious nature, for the indemnification of pool attorneys engaged by the Public Defender for the defense of indigents, for the indemnification of designated pathologists engaged by the State Medical Examiner, and for direct costs of legal, administrative and medical services related to the investigation, mitigation and litigation of tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, claims paid from the Tort Claims Liability Fund on behalf of entities funded, in whole or in part, from non-State funds, may be reimbursed from such non-State fund sources as determined by the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay claims not payable from the Tort Claims Liability Fund or payable under the "New Jersey Contractual Liability Act", N.J.S.59:13-1 et seq., as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine. The amounts appropriated are available for the payment of direct costs of legal, administrative and medical services related to the investigation, mitigation and litigation of claims not payable from the Tort Claims Liability Fund or payable under the "New Jersey Contractual Liability Act", as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine. Notwithstanding the provisions of any law or regulation to the contrary, claims or costs paid from the monies appropriated under this paragraph on behalf of entities funded, in whole or in part from non-State funds, may be reimbursed from such non-State funds sources as determined by the Director of the Division of Budget and Accounting. Appropria-

tions under this paragraph shall not be available to pay punitive damages and shall not be deemed a waiver of any immunity by the State.

To the extent that amounts appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional amounts as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 et seq. is available for the payment of direct costs of legal, investigative, administrative and medical services related to the investigation, mitigation, litigation and administration of claims against the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, benefits provided to community work experience participants shall be borne by the Work First New Jersey program funded through the Department of Human Services and any costs related to administration, mitigation, litigation and investigation of claims will be reimbursed to the Division of Risk Management within the Department of the Treasury by the Work First New Jersey program funded through the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

Provided that expenditures during the current fiscal year on Workers' Compensation claims attributable to the Departments of Human Services, Transportation, Corrections, and Law and Public Safety are less than the respective amounts expended by those departments for claims attributable to the preceding fiscal year, all or a portion of that savings is appropriated to those departments or the Division of Risk Management within the Department of the Treasury for the purpose of improving worker safety and reducing workers' compensation costs, subject to the approval of the Director of the Division of Budget and Accounting.

To the extent that amounts appropriated to pay auto insurance claims are insufficient, there are appropriated such additional amounts as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Vehicle Claims Liability Fund is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The unexpended balance at the end of the preceding fiscal year in the Self-Insurance Deductible Fund is appropriated for the same purposes.

The amount hereinabove appropriated for the Self-Insurance Fund - Foster Parents is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

There are appropriated from revenues received from utility companies such amounts as may be required for implementation and administration of the Energy Conservation Initiatives Program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for fuel and utility costs, amounts may be transferred to or from State departments to meet fuel and utility needs, subject to the approval of the Director of the Division of Budget and Accounting; and, in addition to the amounts hereinabove appropriated for fuel and utility costs and for the Public Health, Environmental and Agricultural Laboratory fuel and utility costs, there are appropriated such additional amounts as may be required to pay fuel and utility costs, subject to the approval of the Director of the Division of Budget and Accounting.

Revenue generated from the sale of Solar Renewable Energy Certificates is appropriated to fund energy-related savings initiatives as determined by the State Treasurer, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Fuel and Utilities, there is appropriated \$52,500,000 from the Clean Energy Fund for utility costs in State facilities.

Receipts from fees charged for public parking at the Bangs Avenue Parking Garage in Asbury Park, and the unexpended balance from the preceding fiscal year, are appropriated for the costs incurred for maintenance and operation of the garage, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Household and Security account, there is appropriated to the Household and Security account \$2,500,000 from the New Jersey Motor Vehicle Commission for utility, security, and building maintenance costs.

In accordance with the "Recycling Enhancement Act," P.L.2007, c.311 (C.13:1E-96.2 et al.), an amount not to exceed \$358,000 is appropriated from the State Recycling Fund - Recycling Administration account to the Department of the Treasury for administrative costs attributable to the State recycling program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Utilities and Other Services, of the unexpended balances in the Petroleum Overcharge Reimbursement Fund, there is appropriated such amounts as are required to fund the energy tracking and invoice payment system, subject to the approval of the Director of the Division of Budget and Accounting.

#### **GRANTS-IN-AID**

09-9460 Aid to Independent Authorities .....	<u>\$126,556,000</u>
Total Grants-in-Aid Appropriation, General	
Government Services .....	<u>\$126,556,000</u>

**Grants-in-Aid:**

09 New Jersey Sports and Exposition Authority - Debt Service .....	(\$65,423,000)
09 New Jersey Performing Arts Center, EDA .....	(5,546,000)
09 Business Employment Incentive Program, EDA - Debt Service .....	(20,308,000)
09 Liberty Science Center.....	(6,136,000)
09 Municipal Rehabilitation and Economic Recovery, EDA.....	(14,143,000)
09 New Jersey Sports and Exposition Authority - Operations .....	(15,000,000)

In addition to the amounts hereinabove appropriated for the New Jersey Sports and Exposition Authority, there are appropriated such additional amounts as are necessary to satisfy debt service obligations and to maintain the core operating functions of the Authority, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the New Jersey Performing Arts Center, EDA account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority, for the lease of real property and infrastructure improvements and the New Jersey Performing Arts Center structure constructed thereon purchased by the Authority for the State in the City of Newark, for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and improvements thereon purchased or caused to be constructed by the Authority for the State in the City of Newark for the New Jersey Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the Authority, the title to the real property and improvements shall revert to the State. The State may sublease the land and facilities for the purpose of operating, maintaining, or financing a Performing Arts Center in Newark. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the New Jersey Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor. There are appropriated such additional amounts as may be necessary to pay debt service for the New Jersey Performing Arts Center.

The amounts hereinabove appropriated for debt service payments attributable to the New Jersey Performing Arts Center, EDA program and to the Municipal Rehabilitation and Economic Recovery, EDA program may be paid by the New

Jersey Economic Development Authority from resources available from unexpended balances, and in such instances the amounts appropriated for the New Jersey Performing Arts Center, EDA program and for the Municipal Rehabilitation and Economic Recovery, EDA program shall be reduced by the same amount. There are appropriated such additional amounts as may be necessary to pay debt service and other costs for the Municipal Rehabilitation and Economic Recovery, EDA program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Liberty Science Center is allocated for debt service obligations and for the operations of the Liberty Science Center, the amount of such operational support to be determined by the State Treasurer on such terms and conditions as the State Treasurer requires pursuant to an agreement between the State Treasurer and the Liberty Science Center, subject to the approval of the Director of the Division of Budget and Accounting. In addition, there are appropriated such additional amounts as may be necessary to satisfy debt service obligations subject to the approval of the Director of the Division of Budget and Accounting. Furthermore, there are also appropriated such additional amounts for support of the operations of the center, as determined by the State Treasurer on such terms and conditions as the State Treasurer requires pursuant to an agreement between the State Treasurer and the Liberty Science Center, subject to the approval of the Director of the Division of Budget and Accounting.

#### **CAPITAL CONSTRUCTION**

08-9450 Capital Projects - Statewide.....	<u>\$210,666,000</u>
Total Capital Construction Appropriation, General	
Government Services .....	<u>\$210,666,000</u>

#### ***Capital Projects:***

##### **Statewide Capital Projects:**

08 Life Safety, Emergency, and IT Projects -	
Statewide .....	(\$11,000,000)
08 New Jersey Building Authority.....	(101,952,000)

##### **Open Space Preservation Program:**

08 Garden State Preservation Trust Fund Account.....	(97,714,000)
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In addition to the amounts appropriated under P.L.2004, c.71, donations for the 9/11 Memorial Design Costs from public and private sources, including those collected from the Port Authority of New York and New Jersey, for the purposes of planning, designing, maintaining and constructing a memorial to the victims of the terrorist attacks of September 11, 2001, on the World Trade Center in New York City, the Pentagon in Washington, D.C., and United Airlines Flight 93 in Somerset County, Pennsylvania, shall be deposited by the State Treasurer into a dedicated account established for this purpose and are appropriated for the purposes set forth under P.L.2004, c.71 and there are appropriated or transferred

such amounts as are necessary for the 9/11 Memorial project, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$9,200,000 from the Clean Energy Fund for energy efficiency capital projects in State facilities.

Notwithstanding the provisions of any law or regulation to the contrary, in order to provide flexibility in administering the amounts provided for Statewide Fire, Life Safety and Renovations Projects; Roof Repairs-Statewide; American's with Disabilities Act Compliance Projects-Statewide; Hazardous Materials Removal Projects-Statewide; Statewide Security Projects; and Energy Efficiency-Statewide Projects; such amounts as may be necessary may be transferred to individual project line items within various departments, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed \$5,000,000, from monies received from the sale of real property that are deposited into the State-owned Real Property Fund pursuant to section 1 of P.L.2007, c.108 (C.52:31-1.3b) are appropriated for Statewide Roofing Repairs and Replacements.

Notwithstanding the provisions of any law or regulation to the contrary, any monies received from the sale of real property that are deposited into the State-owned Real Property Fund pursuant to section 1 of P.L.2007, c.108 (C.52:31-1.3b) are appropriated for Capital Projects that increase energy efficiency, improve work place safety or for information technology systems or other capital investments that will generate an operating budget savings, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Hazardous Materials Removal Projects - Statewide and Statewide Security Projects, funds may be transferred to the Fuel Distribution Systems / Underground Storage Tank Replacements - Statewide account for the removal of underground storage tanks at State facilities, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay future debt service costs for projects undertaken by the New Jersey Building Authority, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Garden State Preservation Trust Fund Account is subject to the provisions of the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.) and the constitutional amendment on open space (Article VIII, Section II, paragraph 7).

In addition to the amount hereinabove appropriated for the Garden State Preservation Trust Fund Account, interest earned and accumulated commencing with the start of this fiscal year is appropriated.



**9410 Employee Benefits**  
**DIRECT STATE SERVICES**

03-9410 Employee Benefits .....	<u>\$2,462,440,000</u>
Total Direct State Services Appropriation, Employee Benefits .....	<u>\$2,462,440,000</u>

**Direct State Services:**

## Special Purpose:

03 Public Employees' Retirement System .....	(\$308,182,000)
03 Public Employees' Retirement System - Post Retirement Medical .....	(352,477,000)
03 Public Employees' Retirement System - Non-contributory Insurance .....	(30,106,000)
03 Police and Firemen's Retirement System .....	(69,747,000)
03 Police and Firemen's Retirement System - Non-contributory Insurance .....	(10,163,000)
03 Police and Firemen's Retirement System (P.L.1979, c.109).....	(1,805,000)
03 Alternate Benefit Program - Employer Contributions.....	(1,270,000)
03 Alternate Benefit Program - Non-contributory Insurance .....	(225,000)
03 Defined Contribution Retirement Program .....	(1,438,000)
03 Defined Contribution Retirement Program - Non-contributory Insurance .....	(566,000)
03 State Police Retirement System .....	(35,580,000)
03 State Police Retirement System - Non-contributory Insurance .....	(2,407,000)
03 Judicial Retirement System.....	(13,951,000)
03 Judicial Retirement System - Non-contributory Insurance .....	(818,000)
03 Teachers' Pension and Annuity Fund .....	(2,592,000)
03 Teachers' Pension and Annuity Fund - Post Retirement Medical - State.....	(3,671,000)
03 Teachers' Pension and Annuity Fund - Non-contributory Insurance .....	(58,000)
03 Pension Adjustment Program .....	(721,000)
03 Veterans Act Pensions .....	(63,000)
03 Debt Service on Pension Obligation Bonds .....	(137,453,000)
03 Volunteer Emergency Survivor Benefit.....	(143,000)
03 State Employees' Health Benefits.....	(727,892,000)
03 Other Pension Systems - Post Retirement Medical.....	(133,097,000)
03 State Employees' Prescription Drug Program .....	(231,734,000)

03	State Employees' Dental Program - Shared Cost...	(21,319,000)
03	State Employees' Vision Care Program.....	(700,000)
03	Affordable Care Act Fees.....	(8,655,000)
03	Social Security Tax - State.....	(345,989,000)
03	Temporary Disability Insurance Liability.....	(11,171,000)
03	Unemployment Insurance Liability.....	(8,447,000)

Such additional amounts as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-contributory Insurance, Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Defined Contribution Retirement Program, Defined Contribution Retirement Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Police Retirement System - Non-contributory Insurance, Judicial Retirement System - Non-contributory Insurance, Volunteer Emergency Survivor Benefit, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, State Employees' Vision Care Program, Affordable Care Act Fees, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No amounts hereinabove appropriated shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

Notwithstanding the provisions of the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits for State members and beneficiaries of the Consolidated Police and Firemen's Pension Fund, Prison Officers' Pension Fund, and Central Pension Fund shall be paid by the respective pension funds. The amounts hereinabove appropriated for the Pension Adjustment Program for these benefits as required under the act shall be paid to the Pension Adjustment Fund.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

Such additional amounts as may be required for State Employees' Health Benefits may be transferred from the various departmental operating appropriations to

this account, as the Director of the Division of Budget and Accounting shall determine.

Such additional amounts as may be required for Social Security Tax - State may be transferred from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

In addition to the amounts hereinabove appropriated for Social Security Tax - State there are appropriated such amounts as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Section 125 Tax Savings Program established in 1996 pursuant to section 7 of P.L.1996, c.8 (C.52:14-15.1a) and the Section 132(f) Commuter Transportation Benefit Program established in 2003 pursuant to section 1 of P.L.2001, c.162 (C.52:14-15.1b) shall be paid from amounts hereinabove appropriated for the Social Security Tax - State account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Unemployment Compensation Management and Cost Control Program, which was established pursuant to N.J.A.C.17:1-9.6, shall be paid from amounts hereinabove appropriated for the Unemployment Insurance Liability account, subject to the approval of the Director of the Division of Budget and Accounting.

#### **GRANTS-IN-AID**

03-9410 Employee Benefits .....	<u>\$1,030,441,000</u>
Total Grants-in-Aid Appropriation, Employee	
Benefits .....	<u>\$1,030,441,000</u>

#### ***Grants-in-Aid:***

##### **Special Purpose:**

03 Public Employees' Retirement System .....	(\$46,430,000)
03 Public Employees' Retirement System -	
Post Retirement Medical .....	(60,000,000)
03 Public Employees' Retirement System -	
Non-contributory Insurance .....	(4,948,000)
03 Police and Firemen's Retirement System .....	(5,306,000)
03 Police and Firemen's Retirement System -	
Non-contributory Insurance .....	(406,000)
03 Alternate Benefit Program - Employer	
Contributions .....	(145,917,000)
03 Alternate Benefit Program - Non-contributory	
Insurance .....	(25,256,000)
03 Teachers' Pension and Annuity Fund .....	(634,000)

03 Teachers' Pension and Annuity Fund - Post Retirement Medical - State .....	(4,913,000)
03 Teachers' Pension and Annuity Fund - Non-contributory Insurance.....	(5,000)
03 Debt Service on Pension Obligation Bonds .....	(7,930,000)
03 State Employees' Health Benefits.....	(368,907,000)
03 Other Pension Systems - Post Retirement Medical.....	(51,982,000)
03 State Employees' Prescription Drug Program.....	(115,564,000)
03 State Employees' Dental Program - Shared Cost...	(11,233,000)
03 Affordable Care Act Fees.....	(3,871,000)
03 Social Security Tax - State.....	(166,515,000)
03 Temporary Disability Insurance Liability .....	(7,076,000)
03 Unemployment Insurance Liability.....	(3,548,000)

Such additional amounts as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-contributory Insurance, Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, Affordable Care Act Fees, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No amounts hereinabove appropriated shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Section 125 Tax Savings Program established in 1996 pursuant to section 7 of P.L.1996, c.8 (C.52:14-15.1a) and the Section 132(f) Commuter Transportation Benefit Program established in 2003 pursuant to section 1 of P.L.2001, c.162 (C.52:14-15.1b) shall be paid from

amounts hereinabove appropriated for the Social Security Tax - State account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Unemployment Compensation Management and Cost Control Program, which was established pursuant to N.J.A.C.17:1-9.6, shall be paid from amounts hereinabove appropriated for the Unemployment Insurance Liability account, subject to the approval of the Director of the Division of Budget and Accounting.

**9420 Other Interdepartmental Accounts**

**DIRECT STATE SERVICES**

04-9420 Other Interdepartmental Accounts.....	<u>\$12,525,000</u>
Total Direct State Services Appropriation, Other	
Interdepartmental Accounts .....	<u>\$12,525,000</u>

***Direct State Services:***

**Special Purpose:**

04 To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of \$5,000 shall be available for expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State.....	(\$375,000)
04 Contingency Funds .....	(625,000)
04 Interest On Short Term Notes .....	(6,000,000)
04 Banking Services .....	(4,100,000)
04 Debt Issuance - Special Purpose .....	(1,100,000)
04 Catastrophic Illness in Children Relief Fund - Employer Contributions .....	(225,000)
04 Interest on Interfund Borrowing .....	(100,000)

Unless otherwise indicated, funds hereinabove appropriated may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

Notwithstanding the provisions of N.J.S.2A:153-1 et seq., there is allocated at the discretion of the Governor, an amount up to \$50,000, from the Special Purpose amount hereinabove appropriated to meet any condition of emergency or necessity, as a reward for the capture and return of Joanne Chesimard.

The unexpended balance at the end of the preceding fiscal year in the Governor's Contingency Fund is appropriated for the same purpose.

There are appropriated to the Emergency Services Fund such amounts as are required to meet the costs of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster as recommended by the Governor's Advisory Council for Emergency Services and approved by the Governor, and subject to the approval of the Director of the Division of Budget and Accounting. In the event that the Governor's Advisory Council for Emergency Services is unable to convene due to any such emergency described above, there shall be appropriated to the Emergency Service Fund such amounts as are required to meet the costs of any such emergency described above, and payments from the Fund shall be made by the State Treasurer upon approval of the Governor and the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Disasters and Emergencies account is appropriated for the same purpose.

Such amounts as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

**9430 Salary Increases and Other Benefits**

**DIRECT STATE SERVICES**

05-9430 Salary Increases and Other Benefits .....	<u>\$65,626,000</u>
Total Direct State Services Appropriation, Salary	
Increases and Other Benefits .....	<u>\$65,626,000</u>

***Direct State Services:***

**Special Purpose:**

05 Executive Branch .....	(\$40,600,000)
05 Judicial Branch .....	(14,026,000)
05 Unused Accumulated Sick Leave Payments .....	(11,000,000)

The amounts hereinabove appropriated to the various State departments, agencies or commissions for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1) or any law or regulation to the contrary, the State Treasurer, the Chairperson of the Civil Service Commission, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of the fiscal year as determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of the definition of "administrative rule" or "rule" of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be

construed as applicable to the Presidents of the State Colleges, Rutgers, The State University and the New Jersey Institute of Technology.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch or unclassified personnel of the Judicial Branch.

Any amounts appropriated for Salary Increases and Other Benefits shall be made available for any person holding State office, position or employment whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment under the Palisades Interstate Park Commission.

The unexpended balances at the end of the preceding fiscal year in the Salary Increases and Other Benefits accounts are appropriated for the same purposes.

In addition to the amounts hereinabove appropriated for Executive Branch there are appropriated such amounts as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Unused Accumulated Sick Leave Payments, there are appropriated such amounts as may be necessary for payments of unused accumulated sick leave.

Interdepartmental Accounts, Total State Appropriation ..... \$4,196,799,000

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***Summary of Interdepartmental Accounts Appropriations***  
(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services .....	\$2,829,136,000
Grants-in-Aid .....	1,156,997,000
Capital Construction .....	210,666,000

*Appropriations by Fund:*

General Fund .....	\$4,196,799,000
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**98 THE JUDICIARY**

***10 Public Safety and Criminal Justice***

***15 Judicial Services***

**DIRECT STATE SERVICES**

01-9710 Supreme Court.....	\$6,891,000
02-9715 Superior Court - Appellate Division.....	21,351,000
03-9720 Civil Courts .....	106,982,000
04-9725 Criminal Courts .....	149,205,000
05-9730 Family Courts .....	118,123,000

06-9735 Municipal Courts .....	1,598,000
07-9740 Probation Services .....	137,763,000
08-9745 Court Reporting .....	8,898,000
09-9750 Public Affairs and Education .....	2,953,000
10-9755 Information Services .....	18,169,000
11-9760 Trial Court Services .....	126,481,000
12-9765 Management and Administration .....	<u>11,339,000</u>
Total Direct State Services Appropriation, Judicial Services .....	<u>\$709,753,000</u>

***Direct State Services:*****Personal Services:**

Chief Justice .....	(\$193,000)
Associate Justices .....	(1,113,000)
Judges .....	(71,244,000)
Salaries and Wages .....	(456,941,000)
Materials and Supplies .....	(7,755,000)
Services Other Than Personal .....	(32,423,000)
Maintenance and Fixed Charges .....	(1,852,000)

**Special Purpose:**

01 Rules Development .....	(200,000)
04 Drug Court Treatment/After-care .....	(38,858,000)
04 Drug Court Operations .....	(21,913,000)
04 Drug Court Judgeships .....	(2,569,000)
05 Family Crisis Intervention .....	(1,076,000)
05 Child Placement Review Advisory Council .....	(82,000)
05 Kinship Legal Guardianship .....	(3,711,000)
05 Child Support and Paternity Program Title IV-D (Family Court) .....	(15,112,000)
07 Intensive Supervision Program .....	(15,757,000)
07 Juvenile Intensive Supervision Program .....	(2,269,000)
07 Child Support and Paternity Program Title IV-D (Probation) .....	(29,393,000)
11 Child Support and Paternity Program Title IV-D (Trial) .....	(2,561,000)
12 Affirmative Action and Equal Employment Opportunity .....	(770,000)
Additions, Improvements and Equipment .....	(3,961,000)

The unexpended balances at the end of the preceding fiscal year in the Civil Arbitration Program and Drug Court Programs are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from fees under the Special Civil Part service of process via certified mailers are



appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated in the Drug Court Treatment/Aftercare account shall be transferred to the Department of Human Services to fund treatment, aftercare and administrative services associated with the Drug Court Program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the increase in fees collected by the Judiciary pursuant to P.L.2002, c.34 and related increases provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1) are appropriated from the Court Technology Improvement Fund for the purpose of offsetting the costs of development, establishment, operation and maintenance of the Judiciary computerized court information systems, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the increase in fees collected by the Judiciary pursuant to P.L.2014, c.31 and related increases provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1) are appropriated from the 21st Century Justice Improvement Fund for the purpose of (1) the development, maintenance and administration of a Statewide Pretrial Services Program; (2) the development, maintenance and administration of a Statewide digital e-court information system; and (3) the provision to the poor of legal assistance in civil matters by Legal Services of New Jersey and its affiliates.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated, revenues in excess of \$42,100,000 in the 21st Century Justice Improvement Fund are appropriated to the Judiciary for the Statewide Pretrial Services Program or for court information technology, subject to the approval of the Director of the Division of Budget and Accounting.

The Judiciary, Total State Appropriation..... \$709,753,000

Receipts from charges to certain Special Purpose accounts listed hereinabove are appropriated for services provided from these funds.

Receipts from charges to the Superior Court Trust Fund, New Jersey Lawyers Fund for Client Protection, Disciplinary Oversight Committee, Board on Attorney Certification, Bar Admissions Financial Committee, Parents' Education Fund, Automated Traffic System Fund, Municipal Court Administrator Certification Program, Comprehensive Enforcement Program, Courts Computerized Information Systems Fund, County Corrections Information Systems, and Mandatory Continuing Legal Education Program are appropriated for services provided from these funds.

The unexpended balances at the end of the preceding fiscal year not to exceed \$10,000,000 in these respective accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

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**Summary of The Judiciary Appropriations**

(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services.....\$709,753,000

*Appropriations by Fund:*

General Fund .....\$709,753,000

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**DEBT SERVICE**

**42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**40 Community Development and Environmental Management**

**46 Environmental Planning and Administration**

99-4800 Interest on Bonds.....\$18,994,000

99-4800 Bond Redemption.....27,475,000

Total Debt Service Appropriation, Department of

Environmental Protection.....\$46,469,000

***Debt Service:***

**Interest:**

Clean Waters Bonds (P.L.1976, c.92)..... (\$26,000)

State Land Acquisition and Development Bonds

(P.L.1978, c.118)..... (22,000)

Natural Resources Bonds (P.L.1980, c.70) ..... (50,000)

Water Supply Bonds (P.L.1981, c.261)..... (378,000)

Pinelands Infrastructure Trust Bonds (P.L.1985, c.302) ..... (24,000)

Hazardous Discharge Bonds (P.L.1986, c.113) ..... (402,000)

Green Acres, Cultural Centers and Historic Preservation

Bonds (P.L.1987, c.265)..... (176,000)

New Jersey Open Space Preservation Bonds

(P.L.1989, c.183)..... (84,000)

Stormwater Management and Combined Sewer Overflow

Abatement Bonds (P.L.1989, c.181)..... (318,000)

Green Acres, Clean Water, Farmland and Historic

Preservation Bonds (P.L.1992, c.88)..... (454,000)

Green Acres, Farmland and Historic Preservation and

Blue Acres Bonds (P.L.1995, c.204) ..... (446,000)

Port of New Jersey Revitalization, Dredging Bonds

(P.L.1996, c.70)..... (3,269,000)

Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162) .....	(2,626,000)
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P.L.2007, c.119) .....	(3,901,000)
Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bonds (P.L.2009, c.117) .....	(6,818,000)
Redemption:	
Clean Waters Bonds (P.L.1976, c.92) .....	(60,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118) .....	(55,000)
Water Supply Bonds (P.L.1981, c.261) .....	(820,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302) .....	(50,000)
Hazardous Discharge Bonds (P.L.1986, c.113) .....	(345,000)
Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265) .....	(435,000)
New Jersey Open Space Preservation Bonds (P.L.1989, c.183) .....	(135,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181) .....	(545,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88) .....	(590,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204) .....	(290,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70) .....	(5,430,000)
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162) .....	(6,100,000)
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P.L.2007, c.119) .....	(6,770,000)
Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bonds (P.L.2009, c.117) .....	(5,850,000)
Total Debt Service Appropriation, Department of Environmental Protection .....	<u>\$46,469,000</u>

**82 DEPARTMENT OF THE TREASURY****70 Government Direction, Management, and Control****76 Management and Administration**

99-2000 Interest on Bonds .....	\$63,816,000
99-2000 Bond Redemption .....	<u>335,550,000</u>

Total Debt Service Appropriation, Department of the Treasury .....	<u>\$399,366,000</u>
<b><i>Debt Service:</i></b>	
Interest:	
Energy Conservation Bonds (P.L.1980, c.68) .....	(\$2,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182) .....	(59,332,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108) .....	(184,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181) .....	(275,000)
Building our Future Bonds (P.L.2012, c.41) .....	(4,023,000)
Redemption:	
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182) .....	(331,830,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108) .....	(270,000)
Building our Future Bonds (P.L.2012, c.41) .....	(3,450,000)
 Total Debt Service Appropriation, Department of the Treasury .....	 <u>\$399,366,000</u>
 Total Appropriation, Debt Service .....	 <u>\$445,835,000</u>

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as may be needed for the payment of interest and principal due from the issuance of any bonds authorized under the several bond acts of the State, or bonds issued to refund such bonds, are appropriated and first shall be charged to the earnings from the investments of such bond proceeds, or repayments of loans, or any other monies in the applicable bond funds, or all of these, established under such bond acts, and monies are appropriated from such bond funds for the purpose of paying interest and principal on the bonds issued pursuant to such bond acts. Where required by law, such amounts shall be used to fund a reserve for the payment of interest and principal on the bonds authorized under the bond act. Furthermore, where required by law, the amounts hereinabove appropriated are allocated to the projects heretofore approved by the Legislature pursuant to those bond acts. The Director of the Division of Budget and Accounting is authorized to reallocate amounts hereinabove appropriated among the various debt service accounts to permit the proper debt service payments.

There are appropriated such amounts as may be needed for the payment of debt service administrative costs.

Subsequent to the refunding of bonds in the current fiscal year, the Director of the Division of Budget and Accounting is authorized to allocate amounts hereinabove appropriated among the various debt service accounts to reflect the debt service savings of the refunding and to permit the proper debt service payments.

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**Summary of Appropriations - All Departments**  
(For Display Purposes Only)

*Appropriations by Category:*

Direct State Services .....	\$7,153,240,000
Grants-in-Aid .....	10,283,665,000
State Aid .....	14,419,360,000
Capital Construction .....	1,483,108,000
Debt Service.....	445,835,000

*Appropriation by Fund:*

General Fund.....	\$19,056,581,000
Property Tax Relief Fund.....	14,469,240,000
Casino Revenue Fund .....	204,185,000
Casino Control Fund .....	55,202,000

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Total Appropriation, All State Funds ..... \$33,785,208,000

**FEDERAL FUNDS**

**10 DEPARTMENT OF AGRICULTURE**

**40 Community Development and Environmental Management**

**49 Agricultural Resources, Planning, and Regulation**

01-3310 Animal Disease Control .....	\$814,000
02-3320 Plant Pest and Disease Control.....	913,000
03-3330 Agriculture and Natural Resources.....	150,000
05-3350 Food and Nutrition Services.....	504,750,000
06-3360 Marketing and Development Services.....	2,230,000
08-3380 Farmland Preservation.....	<u>4,520,000</u>

Total Appropriation, Agricultural Resources, Planning,  
and Regulation..... \$513,377,000

**Personal Services:**

Salaries and Wages .....	(\$7,067,000)
Employee Benefits .....	(2,442,000)
Materials and Supplies.....	(242,000)
Services Other Than Personal.....	(1,106,000)
Maintenance and Fixed Charges.....	(814,000)

**Special Purpose:**

Sudden Oak Death - National Survey .....	(3,000)
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Farm Bill Pest.....	(20,000)
Other Special Purpose.....	(200,000)
State Aid and Grants:	
Food Stamp - TEFAP.....	(652,000)
Farmland Preservation .....	(4,500,000)
Child Nutrition - School Lunch.....	(295,000,000)
Child Nutrition - Special Milk .....	(1,300,000)
Child Nutrition - School Breakfast.....	(92,000,000)
Child Care Food .....	(83,000,000)
Child Care Sponsor .....	(1,300,000)
Cash in Lieu of Commodities.....	(4,400,000)
Child Nutrition - Summer Programs .....	(9,500,000)
Summer Sponsor Administration .....	(950,000)
Fresh Fruit and Vegetable Program.....	(4,940,000)
Specialty Crop Block Grant Program.....	(1,600,000)
State Aid and Grants .....	(1,500,000)
Additions, Improvements and Equipment .....	(841,000)

Total Appropriation, Department of Agriculture ..... \$513,377,000

#### **14 DEPARTMENT OF BANKING AND INSURANCE**

##### ***50 Economic Planning, Development, and Security***

##### ***52 Economic Regulation***

02-3120 Actuarial Services.....	<u>\$885,000</u>
Total Appropriation, Economic Regulation .....	<u>\$885,000</u>

##### **Personal Services:**

Salaries and Wages ..... (\$425,000)

##### **Special Purpose:**

Patient Protection and Affordable Care Act..... (460,000)

Total Appropriation, Department of Banking and Insurance..... \$885,000

#### **16 DEPARTMENT OF CHILDREN AND FAMILIES**

##### ***50 Economic Planning, Development, and Security***

##### ***55 Social Services Programs***

01-1610 Child Protection and Permanency .....	\$312,624,000
02-1620 Children's System of Care.....	177,311,000
03-1630 Family and Community Partnerships .....	34,164,000
04-1600 Education Services .....	2,312,000
05-1600 Child Welfare Training Academy Services and Operations.....	2,059,000
99-1600 Administration and Support Services .....	1,369,000
99-1610 Administration and Support Services .....	13,488,000
99-1620 Administration and Support Services .....	801,000
Total Appropriation, Social Services Programs .....	<u>\$544,128,000</u>

## Personal Services:

Salaries and Wages .....	(\$249,211,000)
Materials and Supplies.....	(2,618,000)
Services Other Than Personal.....	(11,397,000)
Maintenance and Fixed Charges.....	(16,956,000)

## Special Purpose:

Title IV-E Foster Care.....	(900,000)
Safety and Permanency in the Courts .....	(500,000)

## State Aid and Grants:

Early Start Kids Needs - TANF .....	(1,950,000)
TANF Initiative for Parents .....	(3,129,000)
Maternal, Infant and Early Childhood Home Visitation ..	(2,400,000)
State Aid and Grants.....	(248,991,000)
Additions, Improvements and Equipment .....	(6,076,000)

Total Appropriation, Department of Children and Families ..... \$544,128,000

**22 DEPARTMENT OF COMMUNITY AFFAIRS*****40 Community Development and Environmental Management******41 Community Development Management***

02-8020 Housing Services..... \$288,787,000

06-8015 Uniform Construction Code ..... 30,000

Total Appropriation, Community Development

Management..... \$288,817,000

## Personal Services:

Salaries and Wages .....	(\$11,629,000)
Employee Benefits .....	(4,671,000)
Materials and Supplies.....	(181,000)
Services Other Than Personal.....	(1,327,000)
Maintenance and Fixed Charges.....	(2,300,000)

## Special Purpose:

National Housing Trust Fund.....	(15,000,000)
Mainstream 5 .....	(7,000)
Shelter Plus Care Program .....	(21,000)
Moderate Rehabilitation Housing Assistance .....	(49,000)
Section 8 Housing Voucher Program.....	(1,170,000)
Small Cities Block Grant Program.....	(26,000)
Lead Abatement Certification .....	(2,000)
Other Special Purpose.....	(68,000)

## State Aid and Grants:

Mainstream 5 .....	(376,000)
Housing Opportunities for Persons with AIDS	
Post-Incarcerated .....	(1,257,000)

State Aid and Grants..... (250,733,000)

**50 Economic Planning, Development, and Security**

**55 Social Services Programs**

05-8050 Community Resources..... \$167,862,000

Total Appropriation, Social Services Programs ..... \$167,862,000

**Personal Services:**

Salaries and Wages ..... (\$2,160,000)

Employee Benefits ..... (868,000)

Materials and Supplies..... (124,000)

Services Other Than Personal..... (2,372,000)

Maintenance and Fixed Charges..... (43,000)

**Special Purpose:**

Low Income Home Energy Assistance Program..... (153,000)

Community Services Block Grant..... (58,000)

Other Special Purpose..... (35,000)

State Aid and Grants..... (162,049,000)

Total Appropriation, Department of Community Affairs ..... \$456,679,000

**26 DEPARTMENT OF CORRECTIONS**

**10 Public Safety and Criminal Justice**

**16 Detention and Rehabilitation**

08-7110 Institutional Care and Treatment ..... \$137,000

08-7130 Institutional Care and Treatment ..... 129,000

13-7025 Institutional Program Support ..... 6,125,000

Total Appropriation, Detention and Rehabilitation..... \$6,391,000

**Personal Services:**

Salaries and Wages ..... (\$302,000)

Employee Benefits ..... (122,000)

Materials and Supplies..... (11,000)

Services Other Than Personal..... (11,000)

**Special Purpose:**

Prison Rape Elimination Grant ..... (500,000)

SSA Incentive Payments ..... (63,000)

National Institute of Justice Operations Research..... (200,000)

State Criminal Alien Assistance Program ..... (2,695,000)

Special Investigations Division - Intelligence

Technology ..... (500,000)

Inmate Vocational Certifications ..... (350,000)

Technology Enhancements ..... (500,000)

Videoconferencing Equipment Upgrade ..... (58,000)

Videoconferencing Equipment Upgrade ..... (58,000)

Videoconferencing Equipment Upgrade ..... (59,000)



Special Operations Tactical Equipment .....	(200,000)
Diversity Training .....	(100,000)
Medicaid Eligibility Workers.....	(150,000)
Offender Reentry .....	(500,000)
Other Special Purpose .....	(12,000)

**17 Parole**

03-7010 Parole.....	<u>\$500,000</u>
Total Appropriation, Parole .....	<u>\$500,000</u>
State Aid and Grants.....	(\$500,000)

**19 Central Planning, Direction and Management**

99-7000 Administration and Support Services .....	<u>\$1,376,000</u>
Total Appropriation, Central Planning, Direction and Management.....	<u>\$1,376,000</u>
Personal Services:	
Salaries and Wages .....	(\$787,000)
Employee Benefits .....	(317,000)
Materials and Supplies.....	(80,000)
Services Other Than Personal.....	(14,000)
Special Purpose:	
Perkins - Vocational Education.....	(168,000)
Other Special Purpose .....	(10,000)
Total Appropriation, Department of Corrections.....	<u>\$8,267,000</u>

**34 DEPARTMENT OF EDUCATION****30 Educational, Cultural, and Intellectual Development****31 Direct Educational Services and Assistance**

07-5065 Special Education .....	<u>\$365,209,000</u>
Total Appropriation, Direct Educational Services and Assistance.....	<u>\$365,209,000</u>
Personal Services:	
Salaries and Wages .....	(\$9,373,000)
Employee Benefits .....	(3,717,000)
Services Other Than Personal.....	(11,374,000)
Special Purpose:	
Individuals with Disabilities Education Act Basic State Grant.....	(565,000)
Individuals with Disabilities Education Act Preschool Grants .....	(242,000)
IDEA Part B - Discretionary Administration.....	(662,000)
State Aid and Grants.....	(339,274,000)

Additions, Improvements and Equipment ..... (2,000)

**32 Operation and Support of Educational Institutions**

12-5011 Marie H. Katzenbach School for the Deaf..... \$1,404,000

Total Appropriation, Operation and Support of

Educational Institutions ..... \$1,404,000

**Personal Services:**

Salaries and Wages ..... (\$615,000)

Employee Benefits ..... (247,000)

Materials and Supplies..... (103,000)

Services Other Than Personal..... (99,000)

**Special Purpose:**

Vocational Education Program ..... (26,000)

IDEA (State Institutions), Handicapped..... (275,000)

IDEA, Handicapped: Katzenbach/Deaf/Blind & CSPD..... (29,000)

Preschool Entitlement - Katzenbach School ..... (8,000)

Additions, Improvements and Equipment ..... (2,000)

**33 Supplemental Education and Training Programs**

20-5062 General Vocational Education..... \$22,133,000

Total Appropriation, Supplemental Education and

Training Programs..... \$22,133,000

**Personal Services:**

Salaries and Wages ..... (\$1,480,000)

Employee Benefits ..... (595,000)

Materials and Supplies..... (156,000)

Services Other Than Personal..... (437,000)

**Special Purpose:**

Vocational Education - Basic Grants - Administration ..... (86,000)

Vocational Education - Title II B Leadership Activities .... (555,000)

State Aid and Grants ..... (18,824,000)

**34 Educational Support Services**

05-5064 Bilingual Education ..... \$21,100,000

06-5064 Programs for Disadvantaged Youth..... 344,749,000

30-5063 Standards, Assessments and Curriculum ..... 70,994,000

32-5061 Teacher and Leader Effectiveness ..... 205,000

35-5069 Early Childhood Education ..... 19,275,000

40-5064 Student Services ..... 23,973,000

Total Appropriation, Educational Support Services..... \$480,296,000

**Personal Services:**

Salaries and Wages ..... (\$8,378,000)

Employee Benefits ..... (3,285,000)

Materials and Supplies.....	(68,000)
Services Other Than Personal.....	(8,340,000)
Special Purpose:	
Language Acquisition Discretionary Administration.....	(107,000)
Migrant Education - Administration/Discretionary .....	(82,000)
Migrant Coordination Program .....	(77,000)
Bilingual and Compensatory Education - Homeless	
Children and Youth .....	(10,000)
State Assessments .....	(60,000)
State Grants for Improving Teacher Quality .....	(63,000)
Advanced Placement Incentive Program .....	(17,000)
National Assessment of Educational Progress State	
Coordinator.....	(4,000)
Public Charter Schools.....	(5,000)
Troops-to-Teachers Program .....	(27,000)
Head Start Collaboration.....	(119,000)
21st Century Schools .....	(366,000)
AIDS Prevention Education.....	(62,000)
Other Special Purpose.....	(574,000)
State Aid and Grants.....	(458,652,000)

**35 Education Administration and Management**

99-5093 Administration and Support Services .....	\$15,000
99-5095 Administration and Support Services .....	<u>4,750,000</u>
Total Appropriation, Education Administration and	
Management.....	<u>\$4,765,000</u>
Personal Services:	
Salaries and Wages .....	(\$2,783,000)
Employee Benefits .....	(1,117,000)
Special Purpose:	
NCES Performance Based Data Management Initiative.....	(15,000)
Improving America's Schools Act - Consolidated	
Administration .....	(850,000)
Total Appropriation, Department of Education .....	<u>\$873,807,000</u>

**42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**40 Community Development and Environmental Management**

**42 Natural Resource Management**

11-4870 Forest Resource Management .....	\$5,075,000
12-4875 Parks Management .....	14,954,000
13-4880 Hunters' and Anglers' License Fund.....	13,645,000
14-4885 Shellfish and Marine Fisheries Management .....	4,550,000

20-4880 Wildlife Management.....	1,000,000
21-4895 Natural Resources Engineering .....	<u>1,420,000</u>
Total Appropriation, Natural Resource Management .....	<u>\$40,644,000</u>
Personal Services:	
Salaries and Wages .....	(\$5,457,000)
Employee Benefits .....	(2,174,000)
Special Purpose:	
Rural Community Fire Protection Program .....	(207,000)
Forest Resource Management - Cooperative Forest Fire	
Control.....	(1,440,000)
Asian Longhorned Beetle Project.....	(2,300,000)
Consolidated Forest Management .....	(826,000)
Land and Water Conservation Fund.....	(3,000,000)
Historic Preservation Survey and Planning.....	(187,000)
Forest Legacy .....	(4,000,000)
Forest Legacy Administration.....	(14,000)
Highlands Conservation .....	(2,000,000)
National Recreational Trails.....	(1,817,000)
National Coastal Wetlands Conservation.....	(3,000,000)
Hunter Safety Training.....	(675,000)
Endangered Species .....	(345,000)
Council for the Advancement of Hunting and Shooting	
Sports.....	(150,000)
Species of Greater Conservation Need (SGCN) Research ..	(176,000)
White Nose Syndrome Grants to States .....	(23,000)
Hunters' & Anglers' License Fund/N.J. Statewide	
Fisheries Development .....	(1,272,000)
Northeast Wildlife Teamwork Strategy .....	(60,000)
New Jersey Shooting Range Development and	
Improvement.....	(2,750,000)
NJ Landowner Incentive Program -	
Tier 2 (5 Yr. Projects).....	(250,000)
Fish & Wildlife Input to Activities -	
Projects of Others .....	(64,000)
Fish and Wildlife Action Plan.....	(64,000)
New Jersey's Landscape Project .....	(288,000)
NJ Fish, Wildlife and Anadromous Fishery Coordination ...	(65,000)
Research In Freshwater Fisheries Management .....	(229,000)
Fish Culture and Stocking Project.....	(1,000,000)
Aquatic Recreational Resource Awareness &	
Education Project.....	(61,000)
Wildlife Research and Management .....	(857,000)
Fish and Wildlife Health .....	(140,000)

## Species of Greater Conservation Need - Mammal

Research and Management.....	(182,000)
Marine Fisheries Investigation and Management .....	(495,000)
Atlantic Coastal Fisheries .....	(88,000)
Inventory of New Jersey Surf Clam Resources.....	(173,000)
Clean Vessels.....	(913,000)
Marine Fisheries Law Enforcement .....	(705,000)
NJ Atlantic and Shortnose Sturgeon .....	(250,000)
Atlantic Coastal Cooperative Program.....	(77,000)
Endangered and Nongame Species Program State Wildlife Grants .....	(585,000)
Community Assistance Program .....	(66,000)
Cooperative Technical Partnership .....	(650,000)
National Dam Safety Program (FEMA).....	(75,000)
Other Special Purpose.....	(1,494,000)

**43 Science and Technical Programs**

05-4810 Water Supply .....	\$250,000
05-4840 Water Supply .....	20,200,000
07-4850 Water Monitoring and Resource Management.....	4,300,000
15-4801 Land Use Regulation .....	1,950,000
15-4890 Land Use Regulation .....	1,000,000
18-4810 Office of Science Support .....	750,000
22-4861 New Jersey Geological Survey.....	350,000
90-4801 Environmental Policy and Planning .....	<u>5,849,000</u>
Total Appropriation, Science and Technical Programs.....	<u>\$34,649,000</u>

## Personal Services:

Salaries and Wages .....	(\$5,783,000)
Employee Benefits .....	(2,318,000)

## Special Purpose:

Drinking Water State Revolving Fund.....	(488,000)
Drinking Water State Revolving Fund.....	(15,602,000)
Wetlands Past Present & Future.....	(250,000)
Water Pollution Control Program .....	(1,179,000)
Water Pollution S106 Enhancements.....	(300,000)
Coastal Zone Management Implementation .....	(859,000)
Wetlands Living Shoreline.....	(150,000)
Coastal Zone Management Grant - Section 309 .....	(269,000)
Coastal Zone Management Grant - Section 310 .....	(200,000)
Multimedia .....	(457,000)
National Geologic Mapping Program .....	(131,000)
Geological and Geophysical Data Preservation USGS .....	(32,000)
Water Pollution Control .....	(3,000)

Environmental & Health Effects Tracking .....	(92,000)
Water Monitoring and Planning .....	(652,000)
Nonpoint Source Implementation (319H) .....	(3,828,000)
AmeriCorps .....	(260,000)
Beach Monitoring and Notification .....	(173,000)
Other Special Purpose .....	(1,623,000)

#### ***44 Site Remediation and Waste Management***

19-4815 Publicly-Funded Site Remediation .....	\$5,000,000
23-4815 Solid and Hazardous Waste Management .....	300,000
23-4910 Solid and Hazardous Waste Management .....	1,100,000
27-4815 Remediation Management and Response .....	<u>6,900,000</u>
Total Appropriation, Site Remediation and Waste Management .....	<u>\$13,300,000</u>

##### **Personal Services:**

Salaries and Wages .....	(\$2,159,000)
Employee Benefits .....	(867,000)

##### **Special Purpose:**

Superfund Grants .....	(5,000,000)
Hazardous Waste - Resource Conservation Recovery Act .....	(681,000)
Preliminary Assessments/Site Inspections .....	(1,337,000)
Brownfields .....	(888,000)
Remedial Planning Support Agency Assistance .....	(600,000)
Underground Storage Tanks .....	(1,162,000)
Other Special Purpose .....	(606,000)

#### ***45 Environmental Regulation***

01-4820 Radiation Protection .....	\$500,000
02-4892 Air Pollution Control .....	11,170,000
09-4860 Public Wastewater Facilities .....	63,500,000
16-4891 Water Monitoring and Planning .....	<u>125,000</u>
Total Appropriation, Environmental Regulation .....	<u>\$75,295,000</u>

##### **Personal Services:**

Salaries and Wages .....	(\$5,027,000)
Employee Benefits .....	(2,018,000)

##### **Special Purpose:**

Radon Program .....	(300,000)
Air Pollution Maintenance Program .....	(4,289,000)
BioWatch Monitoring .....	(105,000)
Particulate Monitoring Grant .....	(598,000)
DERA - Marine Vessel Emission Reduction .....	(1,500,000)
Clean Water State Revolving Fund .....	(60,000,000)

Underground Injection Control .....(48,000)  
 Other Special Purpose .....(1,410,000)

**46 Environmental Planning and Administration**

99-4800 Administration and Support Services ..... \$600,000

Total Appropriation, Environmental Planning and Administration . \$600,000

Special Purpose:

National Information Exchange Network .....(\$426,000)  
 National Information Exchange Network .....(168,000)  
 National Information Exchange Network .....(6,000)

**47 Compliance and Enforcement**

02-4855 Air Pollution Control..... \$2,500,000

04-4835 Pesticide Control ..... 550,000

08-4855 Water Pollution Control ..... 1,250,000

15-4855 Land Use Regulation ..... 600,000

23-4855 Solid and Hazardous Waste Management ..... 3,250,000

Total Appropriation, Compliance and Enforcement ..... \$8,150,000

Personal Services:

Salaries and Wages .....(\$3,407,000)

Employee Benefits .....(1,358,000)

Special Purpose:

Air Pollution Maintenance Program .....(920,000)

Pesticide Control Consolidated .....(135,000)

Underground Storage Tank Program Standard

Compliance Inspections.....(604,000)

Coastal Zone Management Implementation .....(79,000)

Hazardous Waste - Resource Conservation Recovery Act .(697,000)

Other Special Purpose .....(950,000)

Total Appropriation, Department of Environmental

Protection ..... \$172,638,000

**46 DEPARTMENT OF HEALTH**

**20 Physical and Mental Health**

**21 Health Services**

01-4215 Vital Statistics ..... \$1,498,000

02-4220 Family Health Services ..... 248,801,000

03-4230 Public Health Protection Services ..... 112,008,000

08-4280 Laboratory Services..... 7,789,000

12-4245 AIDS Services ..... 86,070,000

Total Appropriation, Health Services ..... \$456,166,000

Personal Services:

Salaries and Wages .....	(\$34,815,000)
Employee Benefits .....	(14,893,000)
Materials and Supplies.....	(3,374,000)
Services Other Than Personal.....	(23,013,000)
Maintenance and Fixed Charges.....	(1,020,000)
Special Purpose:	
Supplemental Food Program - WIC.....	(737,000)
New Jersey Childhood Lead .....	(316,000)
N.J. Project: Providing a MED Home in a Neighborhood of Services .....	(107,000)
SSDI.....	(65,000)
Women, Infants, and Children (WIC)	
Farmers' Market Nutrition Program .....	(2,200,000)
Early Hearing Detection and Intervention (EHDI)	
Tracking, Research .....	(17,000)
Coordinated Integrated Initiative.....	(1,955,000)
Senior Farmers' Market Nutrition Program .....	(400,000)
USDA Incentive Program .....	(144,000)
Maternal and Child Health (MCH) Early Childhood	
Comprehensive System .....	(140,000)
Child Nutrition Program - Inspection Services .....	(68,000)
Toxic Substances Control Act.....	(31,000)
Strengthening Public Health Infrastructure .....	(121,000)
Environmental Health Education .....	(339,000)
Health Program for Indochinese Refugees.....	(22,000)
Conformance with the Manufactured Food Regulatory	
Program Standards.....	(290,000)
Adult Blood Lead Surveillance .....	(12,000)
Adult Viral Hepatitis Prevention.....	(26,000)
National Program of Cancer Registries.....	(104,000)
Public Employees Occupational Safety and Health -	
State Plan .....	(244,000)
Surveillance of Hazardous Substance Emergency Events ..	(113,000)
National Cancer Prevention and Control - Public	
Health .....	(1,734,000)
Pandemic Influenza Healthcare Preparedness.....	(1,935,000)
National Violent Death Reporting System.....	(16,000)
H1N1 Public Health Emergency Response .....	(18,404,000)
Fundamental & Expanded Occupational Health .....	(593,000)
West Nile Virus - Laboratory .....	(190,000)
Tuberculosis Control Program .....	(8,000)
Clinical Laboratory Improvement Amendments Program ..	(119,000)
Emergency Preparedness For Bioterrorism - Laboratories ..	(99,000)



Food Emergency Response Network - E. Coli in Ground	
Beef .....	(102,000)
HIV/AIDS Events Without Care in New Jersey .....	(30,000)
Enhanced HIV/AIDS Surveillance - Perinatal .....	(139,000)
Minority AIDS Initiatives .....	(24,000)
Other Special Purpose .....	(13,541,000)
State Aid and Grants:	
Preventative Health and Health Services Block Grant.....	(2,000,000)
Supplemental Food Program - WIC.....	(121,070,000)
State Office of Rural Health.....	(32,000)
New Jersey Cancer Education & Early Detection	
(NJ CEED) .....	(219,000)
New Jersey Personal Responsibility Education	
Program .....	(1,426,000)
Abstinence Education - Family Health Services (FHS) .....	(853,000)
Asthma Surveillance and Coalition Building.....	(395,000)
Universal Newborn Hearing Screening.....	(90,000)
National Cancer Prevention and Control .....	(3,026,000)
Commodity Supplemental Food Program.....	(200,000)
Genetic Services Project .....	(400,000)
Tobacco Age of Sale Enforcement (TASE) .....	(342,000)
West Nile Virus - Public Health.....	(1,491,000)
NJIS Infrastructure Enhancement .....	(1,993,000)
BioSense 2.0 .....	(300,000)
Strengthening Public Health Infrastructure.....	(157,000)
Immunization Project.....	(2,921,000)
Emergency Preparedness For Bioterrorism.....	(16,864,000)
Expanded and Integrated HIV Testing.....	(1,470,000)
Capacity Building Initiative for AIDS Drug Assistance	
Grantee Sites.....	(95,000)
State Aid and Grants.....	(176,279,000)
Additions, Improvements and Equipment .....	(3,043,000)

## ***22 Health Planning and Evaluation***

06-4260 Health Care Facility Regulation and Oversight.....	\$19,225,000
07-4270 Health Care Systems Analysis.....	<u>149,320,000</u>
Total Appropriation, Health Planning and Evaluation.....	<u>\$168,545,000</u>
Personal Services:	
Salaries and Wages .....	(\$7,382,000)
Employee Benefits .....	(3,340,000)
Materials and Supplies.....	(73,000)
Services Other Than Personal.....	(961,000)
Maintenance and Fixed Charges.....	(692,000)

## Special Purpose:

Long Term Care - Medicaid.....	(1,142,000)
Implement Patient Safety Act .....	(200,000)
Nurse Aide Certification Program.....	(1,000,000)
HCSA - Medicaid.....	(1,000,000)
Other Special Purpose.....	(4,567,000)

## State Aid and Grants:

State Office of Rural Health.....	(200,000)
Graduate Medical Education.....	(68,300,000)
State Aid and Grants.....	(79,120,000)
Additions, Improvements and Equipment .....	(568,000)

**25 Health Administration**

99-4210 Administration and Support Services .....	<u>\$5,277,000</u>
Total Appropriation, Health Administration .....	<u>\$5,277,000</u>

## Personal Services:

Salaries and Wages .....	(\$411,000)
Employee Benefits .....	(165,000)
Materials and Supplies.....	(30,000)
Services Other Than Personal.....	(699,000)

## Special Purpose:

Strengthening Public Health Infrastructure Grant .....	(290,000)
Strengthening Public Health Infrastructure Grant .....	(290,000)
Immunization Program.....	(1,696,000)
New Jersey's Reducing Health Disparities Initiative .....	(160,000)
Other Special Purpose.....	(224,000)

## State Aid and Grants:

Preventative Health and Health Services Block Grant .....	(841,000)
State Aid and Grants.....	(471,000)

Total Appropriation, Department of Health..... \$629,988,000

**54 DEPARTMENT OF HUMAN SERVICES****20 Physical and Mental Health****23 Mental Health and Addiction Services**

08-7700 Community Services .....	\$39,385,000
09-7700 Addiction Services.....	54,231,000
10-7710 Patient Care and Health Services.....	13,904,000
10-7720 Patient Care and Health Services.....	10,127,000
10-7740 Patient Care and Health Services.....	14,276,000
99-7710 Administration and Support Services .....	5,656,000
99-7720 Administration and Support Services .....	3,123,000
99-7740 Administration and Support Services .....	<u>5,914,000</u>

Total Appropriation, Mental Health and Addiction Services....	<u>\$146,616,000</u>
Personal Services:	
Salaries and Wages .....	(\$51,950,000)
Materials and Supplies.....	(3,308,000)
Services Other Than Personal.....	(4,038,000)
Maintenance and Fixed Charges.....	(1,036,000)
Special Purpose:	
Mental Health Preparedness Activities Bioterrorism .....	(2,000)
Other Special Purpose.....	(5,000)
State Aid and Grants:	
Substance Abuse Block Grant.....	(40,045,000)
State Aid and Grants.....	(45,960,000)
Additions, Improvements and Equipment .....	(272,000)

#### ***24 Special Health Services***

21-7540 Health Services Administration and Management .....	\$250,269,000
22-7540 General Medical Services.....	<u>7,225,878,000</u>
Total Appropriation, Special Health Services.....	<u>\$7,476,147,000</u>
Personal Services:	
Salaries and Wages .....	(\$24,808,000)
Materials and Supplies.....	(98,000)
Services Other Than Personal.....	(8,471,000)
Maintenance and Fixed Charges.....	(1,931,000)
Special Purpose:	
Payments to Fiscal Agents .....	(70,631,000)
Professional Standards Review Organization -	
Utilization Review.....	(862,000)
Drug Utilization Review Board - Administrative Costs.....	(23,000)
Electronic Health Records Provider Incentive	
Payments .....	(125,645,000)
Health Information Technology (HIT).....	(5,661,000)
NJ KidCare - Administration .....	(5,000,000)
NJ KidCare B-C-D - Administration .....	(6,920,000)
Family Care III.....	(25,959,000)
State Aid and Grants:	
Payments for Medical Assistance Recipients -	
Adult Mental Health .....	(27,475,000)
Hospital Mental Health Offset Payments.....	(12,327,000)
Payments for Medical Assistance Recipients -	
Inpatient Hospital .....	(168,129,000)
Payments for Medical Assistance Recipients -	
Prescription Drugs.....	(23,626,000)

Payments for Medical Assistance Recipients - Outpatient Hospital.....	(69,494,000)
Payments for Medical Assistance Recipients - Physician Services .....	(31,684,000)
Payments for Medical Assistance Recipients - Medicare Premiums.....	(177,316,000)
Payments for Medical Assistance Recipients - Clinic Services.....	(100,217,000)
Payments for Medical Assistance Recipients - Transportation Services .....	(50,311,000)
Payments for Medical Assistance Recipients - Other Services .....	(15,392,000)
Home Health Background Checks - Title XIX federal matching funds .....	(1,800,000)
Eligibility Determination Services .....	(18,998,000)
Health Benefit Coordination Services.....	(20,695,000)
Managed Care Initiative.....	(\$2,229,188,000)
NJ FamilyCare Adult Expansion.....	(3,803,984,000)
State Aid and Grants .....	(449,283,000)
Additions, Improvements and Equipment .....	(219,000)

#### ***26 Division of Aging Services***

20-7530 Medical Services for the Aged .....	\$1,406,895,000
55-7530 Programs for the Aged.....	47,831,000
57-7530 Office of the Public Guardian.....	<u>2,800,000</u>
Total Appropriation, Division of Aging Services .....	<u>\$1,457,526,000</u>
Personal Services:	
Salaries and Wages .....	(\$12,319,000)
Materials and Supplies.....	(218,000)
Services Other Than Personal.....	(5,424,000)
Maintenance and Fixed Charges.....	(734,000)
Special Purpose:	
Administration of US Department of Health and Human Services .....	(5,678,000)
ADM DHS Federal Program - SBUM .....	(1,797,000)
Elder Abuse - Older Americans Act Title III .....	(163,000)
Other Special Purpose .....	(2,532,000)
State Aid and Grants:	
Managed Long Term Services and Supports.....	(112,794,000)
Counseling on Health Insurance for Medicare Enrollees .....	(702,000)
Medicaid Match County Offices on Aging .....	(480,000)
State Aid and Grants .....	(1,314,326,000)

Additions, Improvements and Equipment .....(359,000)

**27 Disability Services**

27-7545 Disability Services..... \$3,722,000

Total Appropriation, Disability Services ..... \$3,722,000

**Personal Services:**

Salaries and Wages .....(\$1,050,000)

Materials and Supplies.....(4,000)

Services Other Than Personal.....(31,000)

State Aid and Grants.....(2,637,000)

**30 Educational, Cultural, and Intellectual Development**

**32 Operation and Support of Educational Institutions**

01-7601 Purchased Residential Care ..... \$384,921,000

02-7601 Social Supervision and Consultation..... 7,400,000

03-7601 Adult Activities ..... 123,220,000

05-7610 Residential Care and Habilitation Services ..... 13,347,000

05-7620 Residential Care and Habilitation Services ..... 36,322,000

05-7640 Residential Care and Habilitation Services ..... 32,777,000

05-7650 Residential Care and Habilitation Services ..... 52,266,000

05-7670 Residential Care and Habilitation Services ..... 59,541,000

08-7601 Community Services ..... 20,983,000

99-7601 Administration and Support Services ..... 13,501,000

99-7610 Administration and Support Services ..... 3,975,000

99-7620 Administration and Support Services ..... 6,501,000

99-7640 Administration and Support Services ..... 7,634,000

99-7650 Administration and Support Services ..... 7,701,000

99-7670 Administration and Support Services ..... 8,143,000

Total Appropriation, Operation and Support of Educational

Institutions..... \$778,232,000

**Personal Services:**

Salaries and Wages .....(\$261,579,000)

Materials and Supplies.....(34,000)

Services Other Than Personal.....(176,000)

Maintenance and Fixed Charges.....(502,000)

State Aid and Grants

Additions, Improvements and Equipment .....(400,000)

**33 Supplemental Education and Training Programs**

11-7560 Services for the Blind and Visually Impaired..... \$11,611,000

99-7560 Administration and Support Services ..... 1,845,000

Total Appropriation, Supplemental Education and

Training Programs..... \$13,456,000

## Personal Services:

Salaries and Wages .....	(\$7,030,000)
Materials and Supplies.....	(60,000)
Services Other Than Personal.....	(405,000)
Maintenance and Fixed Charges.....	(163,000)
State Aid and Grants.....	(5,623,000)
Additions, Improvements and Equipment .....	(175,000)

**50 Economic Planning, Development, and Security****53 Economic Assistance and Security**

15-7550 Income Maintenance Management..... \$905,681,000

Total Appropriation, Economic Assistance and Security..... \$905,681,000

## Personal Services:

Salaries and Wages .....	(\$12,441,000)
Services Other Than Personal.....	(38,841,000)

## Special Purpose:

## Work First New Jersey Technology Investment -

Food Stamps .....	(9,000,000)
EBT - Operational Food Stamp Match for CWA's.....	(3,098,000)
Work First New Jersey - Benefits Transfer - Operational..	(310,000)
Work First New Jersey - Technology Investments .....	(4,900,000)
Work First New Jersey - Technology Investment -	

TANF/CCDF .....	(1,800,000)
EBT Operational - Child Care Discretionary .....	(102,000)
EBT Operational - Child Care M&M.....	(621,000)
EBT Operational - Child Care TANF .....	(370,000)
Work First New Jersey - Technology Investments -	

Title XIX .....

Work First New Jersey - Technology Investment -  
Title IV-D .....

## State Aid and Grants:

Restricted Grants.....	(200,000)
Faith Based Initiatives.....	(1,055,000)
SSBG CWA Administration TANF Transfer.....	(2,814,000)
State Aid and Grants.....	(760,629,000)

**70 Government Direction, Management, and Control****76 Management and Administration**

99-7500 Administration and Support Services .....

\$22,884,000

Total Appropriation, Management and Administration .....

\$22,884,000

## Personal Services:

Salaries and Wages .....	(\$5,408,000)
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## Special Purpose:

Child Support Enforcement Program .....	(3,000,000)
Title XIX Medical Assistance.....	(9,760,000)
Refugee Resettlement Program.....	(135,000)
Vocational Rehabilitation Act - Section 120.....	(581,000)
Food Stamp Program .....	(1,500,000)
Temporary Assistance to Needy Families Block Grant ...	(1,731,000)
State Aid and Grants.....	(769,000)

Total Appropriation, Department of Human Services ..... \$10,804,264,000

**62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT*****50 Economic Planning, Development, and Security******51 Economic Planning and Development***

18-4570 Research and Information..... \$7,620,000

Total Appropriation, Economic Planning and Development ..... \$7,620,000

## Personal Services:

Salaries and Wages .....	(\$4,180,000)
Employee Benefits .....	(1,884,000)
Materials and Supplies.....	(125,000)
Services Other Than Personal.....	(416,000)
Maintenance and Fixed Charges.....	(235,000)

## Special Purpose:

Reports and Analysis - Unemployment Insurance .....	(250,000)
E S 202 Covered Employment & Wages .....	(50,000)
Current Employment Statistics .....	(32,000)
Local Area Unemployment Statistics.....	(12,000)
Occupational Employment Statistics .....	(40,000)
Labor Market Information - Es .....	(72,000)
ES Cost Reimbursable Grants - Alien Labor Certification .....	(7,000)
Redesigned Occupational Safety and Health (ROSH) .....	(5,000)
One Stop Labor Market Information.....	(130,000)
JTPA Title III LMI-PROS .....	(100,000)
Other Special Purpose.....	(30,000)
Additions, Improvements and Equipment .....	(52,000)

***53 Economic Assistance and Security***

01-4510 Unemployment Insurance..... \$157,455,000

02-4515 Disability Determination ..... 70,986,000 |

Total Appropriation, Economic Assistance and Security ..... \$228,441,000

## Personal Services:

Salaries and Wages .....	(\$90,486,000)
Employee Benefits .....	(39,555,000)

Materials and Supplies.....	(4,700,000)
Services Other Than Personal.....	(42,500,000)
Maintenance and Fixed Charges.....	(10,300,000)
Special Purpose:	
Unemployment Insurance .....	(15,000,000)
Reed Act Improvements.....	(2,000,000)
Reemployment Eligibility Assessments -	
State Administration .....	(2,500,000)
Employment Security Revenue .....	(1,700,000)
Disability Determination Services.....	(2,000,000)
Old Age and Survivor Insurance Disability	
Determination Services.....	(1,000,000)
State Aid and Grants .....	(14,800,000)
Additions, Improvements and Equipment .....	(1,900,000)

#### ***54 Manpower and Employment Services***

07-4535 Vocational Rehabilitation Services.....	\$56,160,000
09-4545 Employment Services .....	35,397,000
10-4545 Employment and Training Services.....	157,165,000
12-4550 Workplace Standards.....	<u>5,454,000</u>
Total Appropriation, Manpower and Employment Services.....	<u>\$254,176,000</u>
Personal Services:	
Salaries and Wages .....	(\$56,368,000)
Employee Benefits .....	(25,138,000)
Materials and Supplies.....	(865,000)
Services Other Than Personal.....	(7,613,000)
Maintenance and Fixed Charges.....	(5,398,000)
Special Purpose:	
Vocational Rehabilitation Act of 1973 .....	(500,000)
Employment Services.....	(250,000)
Disabled Veterans' Outreach Program .....	(596,000)
Local Veterans' Employment Representatives .....	(33,000)
Trade Adjustment Assistance Project.....	(20,000)
Employment Services Grants - Alien Labor Certification ...	(55,000)
Work Opportunity Tax Credit .....	(100,000)
Employment Services Cost Reimbursable Grants -	
Migrant Housing.....	(5,000)
Agricultural Wage Surveys .....	(23,000)
Workforce Investment Act .....	(146,000)
Employment Services Rapid Response Team .....	(75,000)
National Council on Aging - Senior Community Services	
Employment .....	(10,000)



Workforce Investment Act - Adult and Continuing	
Education.....	(82,000)
Adult Basic Ed Leadership.....	(1,079,000)
Adult Basic Ed Civics Administration.....	(40,000)
Adult Basic Education Civics Leadership.....	(331,000)
Occupational Safety Health Act - On-Site Consultation.....	(461,000)
Other Special Purpose.....	(212,000)
State Aid and Grants:	
Technology Related Assistance Project .....	(550,000)
Adult Basic Ed Non-Administration .....	(10,000,000)
Adult Basic Ed Civics Non Administration .....	(3,200,000)
State Aid and Grants.....	(140,689,000)
Additions, Improvements and Equipment .....	(337,000)
 Total Appropriation, Department of Labor and Workforce Development .....	 <u>\$490,237,000</u>

## 66 DEPARTMENT OF LAW AND PUBLIC SAFETY

### 10 Public Safety and Criminal Justice

#### 12 Law Enforcement

06-1200 State Police Operations .....	\$49,115,000
09-1020 Criminal Justice.....	<u>69,062,000</u>
Total Appropriation, Law Enforcement.....	<u>\$118,177,000</u>
Personal Services:	
Salaries and Wages .....	(\$2,393,000)
Employee Benefits .....	(957,000)
Special Purpose:	
Fatality Analysis Reporting System (FARS) .....	(280,000)
MCSAP Basic and Incentive Grant.....	(3,500,000)
Paul Coverdell National Forensic Science Improvement....	(500,000)
Domestic Marijuana Eradication Suppression Program.....	(38,000)
Domestic Marijuana Eradication Suppression Program.....	(37,000)
Traffic Officer Field Training Officer.....	(500,000)
Flood Mitigation Assistance .....	(6,000,000)
Flood Mitigation Assistance .....	(3,000,000)
Recreational Boating Safety.....	(3,158,000)
Recreational Boating Safety.....	(842,000)
Motor Carrier Safety Assistance Program - New Entrant.....	 (2,000,000)
Internet Crimes Against Children .....	(400,000)
Hazardous Materials Transportation .....	(510,000)
Pre-Disaster Mitigation - Competitive .....	(5,000,000)
NIEHS Worker Health Safety Training .....	(75,000)

NIEHS Worker Health Safety Training .....	(75,000)
Incident Command .....	(1,500,000)
Emergency Management Performance Grant -	
Non Terrorism .....	(8,500,000)
High Priority Hazmat Inspection Program .....	(500,000)
Solving Cold Cases .....	(340,000)
Port Security - New York/New Jersey (North) .....	(1,500,000)
Port Security - Delaware Bay (South) .....	(1,500,000)
D.W.I. Training MAP 21 .....	(1,000,000)
Smart Policing Initiative .....	(690,000)
Intellectual Property .....	(270,000)
Sex Offender Registration and Notification Act	
(SORNA) .....	(400,000)
Community Oriented Policing (COPS) Hiring Program ..	(7,000,000)
Bulletproof Vest Partnership .....	(14,000)
Medicaid Fraud Unit .....	(522,000)
Victim Assistance Grants .....	(54,000,000)
Project Safe Neighborhoods .....	(500,000)
Anti-Trafficking Task Force .....	(300,000)
Enhancement of Data Analysis Center .....	(50,000)
Justice Assistance Grant (JAG) .....	(4,641,000)
Victims of Crime Act - Vision 21 .....	(250,000)
VOCA Training Discretionary Grant .....	(670,000)
Residential Treatment for Substance Abuse .....	(153,000)
Byrne Criminal Justice Innovation Program .....	(1,000,000)
State Aid and Grants .....	(3,612,000)

### ***13 Special Law Enforcement Activities***

03-1160 Office of Highway Traffic Safety .....	<u>\$33,562,000</u>
Total Appropriation, Special Law Enforcement Activities .....	<u>\$33,562,000</u>

#### **Special Purpose:**

Federal Highway Safety .....	(\$600,000)
Highway Safety - Traffic Records .....	(425,000)
Emergency Services .....	(12,000)
FHWA Program Management .....	(325,000)
Motorcycle Training Program .....	(75,000)
Training Grant - Section 402 .....	(50,000)
Pedestrian Safety Grant .....	(500,000)
Occupant Protection Grant .....	(1,500,000)
Selective Enforcement Management .....	(3,000,000)
Community Traffic Safety .....	(3,500,000)
Occupant Protection - Map 21 .....	(4,000,000)

State Traffic Safety Information System Improvement -	
Map 21 .....	(3,500,000)
Impaired Driving Countermeasure .....	(10,000,000)
Distracted Driving Incentive .....	(2,000,000)
Motorcycle Safety Grant .....	(600,000)
Graduated Driver Licensing Incentive .....	(1,000,000)
Highway Safety - Alcohol Education and Public	
Awareness Coordinator .....	(375,000)
Highway Safety - Safety Restraints Program	
Management .....	(500,000)
Drunk Driver Prevention .....	(500,000)
Paid Advertising .....	(300,000)
State Traffic Safety Information System .....	(250,000)
Motorcycle Safety .....	(300,000)
Child Safety/Child Booster Seats .....	(250,000)

### ***18 Juvenile Services***

34-1500 Juvenile Community Programs .....	\$1,015,000
99-1500 Administration and Support Services .....	<u>1,179,000</u>
Total Appropriation, Juvenile Services .....	<u>\$2,194,000</u>
Personal Services:	
Salaries and Wages .....	(\$455,000)
Employee Benefits .....	(184,000)
Special Purpose:	
IDEA - Handicapped .....	(162,000)
Juvenile Mentoring Programs - Juvenile Justice	
Initiative .....	(40,000)
Title I - Part D, Neglected & Delinquent .....	(358,000)
Justice and Mental Health Collaboration .....	(270,000)
Juvenile Justice Delinquency Prevention .....	(725,000)

### ***19 Central Planning, Direction and Management***

13-1005 Homeland Security and Preparedness .....	\$30,303,000
99-1000 Administration and Support Services .....	<u>979,000</u>
Total Appropriation, Central Planning, Direction and	
Management .....	<u>\$31,282,000</u>
Special Purpose:	
Homeland Security Grant Program .....	(\$8,354,000)
Urban Area Security Initiative (UASI) .....	(20,800,000)
UASI Nonprofit Security Grant Program (NSGP) .....	(1,149,000)
National Criminal History Program - Office of the	
Attorney General .....	(979,000)

**New Jersey State Library**

**80 Special Government Services****82 Protection of Citizens' Rights**

14-1310 Consumer Affairs .....	\$500,000
16-1350 Protection of Civil Rights .....	568,000
19-1440 Victims of Crime Compensation Office .....	<u>4,800,000</u>
Total Appropriation, Protection of Citizens' Rights .....	<u>\$5,868,000</u>

## Special Purpose:

Prescription Drug Monitoring Program .....	(\$500,000)
Equal Employment Opportunity Commission .....	(328,000)
Housing and Urban Development .....	(240,000)
State Aid and Grants .....	(4,800,000)

## Total Appropriation, Department of Law and

Public Safety..... \$191,083,000**67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS****10 Public Safety and Criminal Justice****14 Military Services**

40-3620 New Jersey National Guard Support Services .....	\$43,895,000
99-3600 Administration and Support Services .....	<u>38,000,000</u>
Total Appropriation, Military Services .....	<u>\$81,895,000</u>

## Personal Services:

Salaries and Wages .....	(\$8,445,000)
Employee Benefits .....	(1,667,000)
Materials and Supplies .....	(23,626,000)
Services Other Than Personal .....	(4,856,000)
Maintenance and Fixed Charges .....	(230,000)

## Special Purpose:

Dining Facility Operations .....	(150,000)
Natural and Cultural Resources Management .....	(20,000)
Federal Distance Learning Program .....	(200,000)
Training and Equipment - Pool Sites .....	(101,000)
Army Training and Technology Lab .....	(6,000)
McGuire Operations and Maintenance .....	(7,000)
Facilities Support Contract .....	(100,000)
Atlantic City Air Base - Service Contracts .....	(60,000)
McGuire Air Force Base - Service Contract .....	(30,000)
Air National Guard Security Agreement - Atlantic City .....	(19,000)
Air National Guard Security Agreement - McGuire .....	(6,000)
Army National Guard Electronic Security System .....	(100,000)
Training Site Facilities Maintenance Agreements .....	(56,000)
McGuire Air Force Base Environmental .....	(13,000)
Atlantic City Environmental .....	(19,000)

Warren Grove Sustainment Restoration & Modernization .....	(5,000)
Antiterrorism Program Manager .....	(4,000)
Atlantic City Sustainment, Restoration and Modernization .....	(369,000)
Armory Renovations and Improvements .....	(3,726,000)
New Jersey National Guard ChalleNGe Youth Program .....	(80,000)
NJNG Photovoltaic Sea Girt Program .....	(1,000,000)
Photovoltaic - MAVA HQ .....	(3,000,000)
Sea Girt Regional Training Institute - Construction .....	(34,000,000)

#### **80 Special Government Services**

##### **83 Services to Veterans**

20-3630 Domiciliary and Treatment Services .....	\$3,800,000
20-3640 Domiciliary and Treatment Services .....	5,220,000
20-3650 Domiciliary and Treatment Services .....	2,500,000
50-3610 Veterans' Outreach and Assistance .....	552,000
70-3610 Burial Services .....	<u>10,000,000</u>
Total Appropriation, Services to Veterans.....	<u>\$22,072,000</u>

##### **Personal Services:**

Salaries and Wages .....	(\$3,995,000)
Employee Benefits .....	(181,000)
Materials and Supplies.....	(10,000,000)

##### **Special Purpose:**

Medicare Part A Receipts for Resident Care and Operational Costs .....	(7,882,000)
Veterans' Education Monitoring.....	(14,000)

Total Appropriation, Department of Military and Veterans' Affairs .....	<u>\$103,967,000</u>
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#### **74 DEPARTMENT OF STATE**

##### **30 Educational, Cultural, and Intellectual Development**

##### **36 Higher Educational Services**

45-2405 Student Assistance Programs .....	\$16,787,000
80-2400 Statewide Planning and Coordination for Higher Education.....	<u>6,715,000</u>
Total Appropriation, Higher Educational Services .....	<u>\$23,502,000</u>

##### **Personal Services:**

Salaries and Wages .....	(\$5,905,000)
Employee Benefits .....	(2,897,000)
Materials and Supplies.....	(525,000)
Services Other Than Personal.....	(5,815,000)
Maintenance and Fixed Charges.....	(1,433,000)

##### **Special Purpose:**

Statewide Longitudinal Data Systems Grant .....	(57,000)
Other Special Purpose .....	(230,000)
State Aid and Grants .....	(6,350,000)
Additions, Improvements and Equipment .....	(290,000)

**37 Cultural and Intellectual Development Services**

05-2530 Support of the Arts .....	<u>\$900,000</u>
Total Appropriation, Cultural and Intellectual Development Services .....	<u>\$900,000</u>
Special Purpose:	
National Endowment for the Arts Partnership .....	(\$900,000)

**70 Government Direction, Management, and Control**

**74 General Government Services**

01-2505 Office of the Secretary of State .....	\$5,930,000
02-2510 Business Action Center .....	<u>500,000</u>
Total Appropriation, General Government Services .....	<u>\$6,430,000</u>
Special Purpose:	
AmeriCorps Competitive Grants .....	(\$1,200,000)
Foster Grandparent Program .....	(850,000)
AmeriCorps Grants .....	(3,500,000)
State Commission .....	(380,000)
State Trade and Export Promotion Pilot Grant Program ....	(500,000)
Total Appropriation, Department of State .....	<u>\$30,832,000</u>

**78 DEPARTMENT OF TRANSPORTATION**

**10 Public Safety and Criminal Justice**

**11 Vehicular Safety**

01-6400 Motor Vehicle Services .....	<u>\$1,816,000</u>
Total Appropriation, Vehicular Safety .....	<u>\$1,816,000</u>
Special Purpose:	
Commercial Bus Inspection Unit .....	(\$500,000)
Commercial Drivers' License Program .....	(1,316,000)

**60 Transportation Programs**

**61 State and Local Highway Facilities**

00-6300 Federal Highway Administration .....	<u>\$799,163,000</u>
Total Appropriation, State and Local Highway Facilities .....	<u>\$799,163,000</u>

**Federal Highway Administration**

<u>Description</u>	<u>County</u>	<u>Amount</u>
ADA Curb Ramp Implementation	Various	(\$1,000,000)
Automatic Traffic Management System (ATMS)	Various	(1,000,000)

Bicycle & Pedestrian Facilities/Accommodations	Various	(5,000,000)
Bridge Deck/Superstructure Replacement Program	Various	(40,000,000)
Bridge Inspection	Various	(21,000,000)
Bridge Management System	Various	(800,000)
Bridge Preventative Maintenance	Various	(20,000,000)
Bridge Replacement, Future Projects	Various	(1,000,000)
Bridge Scour Countermeasures	Various	(500,000)
Camden County Bus Purchase	Camden	(100,000)
Camden County Roadway Safety Improvements	Camden	(100,000)
Crash Reduction Program	Various	(5,000,000)
Culvert Replacement Program	Various	(2,000,000)
DBE Supportive Services Program	Various	(250,000)
Design, Emerging Projects	Various	(1,000,000)
Disadvantaged Business Enterprise	Various	(100,000)
Drainage Rehabilitation & Improvements	Various	(8,000,000)
DVRPC, Future Projects	Various	(546,000)
Ferry Program	Various	(2,000,000)
Gloucester County Bus Purchase	Gloucester	(70,000)
Halls Mill Road	Monmouth	(1,000,000)
Highway Safety Improvement Program Planning	Various	(4,000,000)
Intelligent Traffic Signal Systems	Various	(5,000,000)
Intelligent Transportation System Resource Center	Various	(3,100,000)
Intersection Improvement Program (Project Implementation)	Various	(1,000,000)
Irvington Center Streetscape	Essex	(1,440,000)
Job Order Contracting Infrastructure Repairs, Statewide	Various	(7,000,000)
Landis Avenue, Phase III, Coney Avenue to West Avenue	Cumberland	(670,000)
Local CMAQ Initiatives	Various	(7,810,000)
Local Preliminary Engineering	Various	(2,000,000)
Local Project Development Support	Various	(3,900,000)
Local Safety/High Risk Rural Roads Program	Various	(20,000,000)
Metropolitan Planning	Various	(22,698,000)
Mobility and Systems Engineering Program	Various	(14,000,000)
Monmouth County Bridges W7, W8, W9 over Glimmer Glass and Debbie's Creek	Monmouth	(3,400,000)
Motor Vehicle Crash Record Processing	Various	(2,000,000)
New Jersey Scenic Byways Program	Various	(500,000)
New Providence Downtown Streetscape	Union	(245,000)
NJTPA, Future Projects	Various	(6,425,000)

North Plainfield Downtown Streetscape and Pedestrian Improvements (Final Phase)	Somerset	(300,000)
Ozone Action Program in New Jersey	Various	(40,000)
Pavement Preservation	Various	(10,000,000)
Pedestrian Safety Improvement Program	Various	(3,000,000)
Planning and Research, Federal-Aid	Various	(25,700,000)
Port Newark Container Terminal (PNCT) Access Improvement and Expansion Project	Essex	(14,800,000)
Pre-Apprenticeship Training Program for Minorities and Women	Various	(500,000)
Rail-Highway Grade Crossing Program, Federal	Various	(11,300,000)
Recreational Trails Program	Various	(900,000)
Restriping Program & Line Reflectivity Management System	Various	(14,000,000)
Resurfacing, Federal	Various	(5,000,000)
RideECO Mass Marketing Efforts--New Jersey	Various	(50,000)
Right of Way Full-Service Consultant Term Agreements	Various	(100,000)
RIMIS - Phase II Implementation	Various	(234,000)
River Road Improvements, Cramer Hill	Camden	(3,975,000)
Riverbank Park Bike Trail	Hudson	(1,677,000)
Rockfall Mitigation	Various	(2,000,000)
Safe Routes to School Program	Various	(5,587,000)
Segment Improvement Program	Various	(1,000,000)
Sign Structure Rehabilitation/Replacement Program	Various	(3,000,000)
Signs Program, Statewide	Various	(500,000)
South Amboy Intermodal Center	Middlesex	(9,629,000)
South Pemberton Road, CR 530, Phase 2	Burlington	(8,716,000)
St. Georges Avenue Improvements	Union	(360,000)
Statewide Traffic Operations and Support Program	Various	(15,000,000)
Traffic Monitoring Systems	Various	(16,810,000)
Training and Employee Development	Various	(1,000,000)
Transportation Alternatives Program	Various	(13,235,000)
Transportation and Community Development Initiative (TCDI) DVRPC	Various	(680,000)
Transportation and Community System Preservation Program	Various	(1,000,000)
Transportation Demand Management Program Support	Various	(250,000)
Transportation Management Associations	Various	(6,195,000)
Transportation Safety Resource Center (TSRC)	Various	(1,600,000)



Utility Pole Mitigation	Various	(175,000)
Youth Employment and TRAC Programs	Various	(300,000)
Route 1&9, Avenue C to Sylvan Street	Union	(300,000)
Route 1, Southbound, Nassau Park Boulevard to Quaker Bridge Mall Overpass	Mercer	(7,000,000)
Route 4, Bridge over Palisade Avenue, Windsor Road and CSX Railroad	Bergen	(3,500,000)
Route 4, Jones Road Bridge	Bergen	(500,000)
Route 7, Mill Street (CR 672) to Park Avenue (CR 646)	Essex	(1,500,000)
Route 7, Schuyler Avenue to Webster Avenue	Bergen, Hudson	(2,500,000)
Route 9, Bridge over Waretown Creek	Ocean	(3,430,000)
Route 9, Indian Head Road to Central Avenue/Hurley Avenue, Pavement	Ocean	(750,000)
Route 9/35, Main Street Interchange	Middlesex	(2,000,000)
Route 10, EB Widening from Route 202 to Route 53	Morris	(1,000,000)
Route 10, WB Route 287 to Jefferson Road	Morris	(900,000)
Route 15 NB, Bridge over Lake Hopatcong	Morris	(1,700,000)
Route 18, East Brunswick, Drainage and Pavement Rehabilitation	Middlesex	(2,400,000)
Route 21, Newark Waterfront Community Access	Essex	(4,700,000)
Route 22, Bridge over Echo Lake	Union	(250,000)
Route 22, Chestnut Street Bridge Replacement (CR 626)	Union	(1,770,000)
Route 22, Hilldale Place/North Broad Street	Union	(1,000,000)
Route 22, Westbound, Vicinity of Vaux Hall Road to West of Bloy Street	Union	(350,000)
Route 23, Alexander Road to Maple Lake Road	Morris	(14,170,000)
Route 23, Bloomfield Avenue (CR 506) to Bridge over NJ Transit	Essex, Passaic	(8,000,000)
Route 23, Bridge over Branch of Wallkill River	Sussex	(2,352,000)
Route 23, Hardyston Township Improvements	Sussex	(1,200,000)
Route 23, High Crest Drive to Macopin River	Passaic	(800,000)
Route 23/80, Long-term Interchange Improvements	Passaic, Essex	(1,500,000)
Route 28, Grove Street to Highland Avenue	Union	(6,487,000)
Route 30, Elmwood Road/Weymouth Road (CR 623) to Haddon Avenue	Atlantic	(1,900,000)
Route 30, Illinois Avenue (CR 631) to Grammercy Avenue	Atlantic	(5,075,000)

Route 31, Bridge over Furnace Brook	Warren	(400,000)
Route 31, Bryans Road (CR 634) to Route 46	Warren	(7,316,000)
Route 31, Bull Run Road to Branch of Stony Brook	Mercer, Hunterdon	(6,550,000)
Route 33 Business, Bridge over Conrail Freehold Secondary Branch	Monmouth	(800,000)
Route 34, Bridge over Former Freeholder and Jamesburg Railroad	Monmouth	(1,000,000)
Route 34, Colts Neck, Intersection Improvements (CR 537)	Monmouth	(7,528,000)
Route 34, CR 537 to Washington Avenue, Pavement	Monmouth	(1,000,000)
Route 35, North of Lincoln Drive to Navesink River Bridge	Monmouth	(4,100,000)
Route 35, Perth Amboy Connector, Bridge Superstructure Replacement	Middlesex	(7,000,000)
Route 38, South Church Street (CR 607) to Fellowship Road (CR 673), Operational and Safety Improvements	Burlington	(1,500,000)
Route 40, Atlantic County, Drainage	Atlantic	(1,200,000)
Route 40, CR 555 Intersection, Operational & Safety Improvements	Gloucester	(1,000,000)
Route 45, Bridge over Raccoon Creek	Gloucester	(500,000)
Route 45, Bridge over Woodbury Creek	Gloucester	(400,000)
Route 46, Canfield Avenue	Morris	(500,000)
Route 46, Main Street/Woodstone Road (CR 644) to Route 287, ITS	Morris	(500,000)
Route 46, Main Street/Woodstone Road (CR 644) to Route 80	Morris	(800,000)
Route 46, Passaic Avenue to Willowbrook Mall	Essex, Passaic	(10,000,000)
Route 46, Route 163 to Water Street (CR 620)	Warren	(5,000,000)
Route 46, Route 23 (Pompton Avenue) to Route 20, ITS	Passaic	(500,000)
Route 46, Route 287 to Route 23 (Pompton Avenue), ITS	Morris, Essex, Passaic	(500,000)
Route 47 (Rio Grande Avenue), Park Boulevard to George Redding Bridge	Cape May	(1,712,000)
Route 47, Bridge over Route 295	Gloucester	(500,000)
Route 47, Nummytown Mill Pond Dam	Cape May	(425,000)

Route 47/347 and Route 49/50 Corridor Enhancement	Cape May, Cumberland	(200,000)
Route 49, Buckshutem Road, Intersection Improvements (CR 670)	Cumberland	(3,050,000)
Route 49, Sarah Run Drive to Garrison Lane, Pavement	Cumberland	(9,240,000)
Route 52, Causeway Replacement, Contract A	Cape May	(14,900,000)
Route 54, Route 322 over Cape May Point Branch, Contract B	Atlantic	(784,000)
Route 55, SB Schooner Landing Road to Sherman Avenue	Cumberland	(8,204,000)
Route 57, CR 519 Intersection Improvement	Warren	(600,000)
Route 57, Port Murray Road (CR 629) to Claremont Road	Warren	(3,150,000)
Route 57/182/46, Hackettstown Mobility Improvements	Warren	(500,000)
Route 66, Jumping Brook Road to Bowne Road/ Wayside Road	Monmouth	(1,100,000)
Route 70, East of North Branch Road to CR 539	Burlington, Ocean	(1,200,000)
Route 70, Red Lion Road (CR 685) to Dakota Trail, Pavement	Burlington	(4,000,000)
Route 70, Route 38 to Cropwell Road	Camden, Burlington	(4,000,000)
Route 71, Main Avenue to Cedar Avenue, Pavement	Monmouth	(9,800,000)
Route 71, Wyckoff Road, CR 547	Monmouth	(500,000)
Route 72, East Road	Ocean	(4,700,000)
Route 72, Manahawkin Bay Bridges, Contract 4	Ocean	(7,632,000)
Route 76, Bridges over Route 130	Camden	(1,500,000)
Route 80, EB, Route 23 to Route 19	Passaic	(800,000)
Route 80, Route 15 Interchange	Morris	(3,800,000)
Route 82, Caldwell Avenue to Lehigh Avenue	Union	(600,000)
Route 82, Rahway River Bridge	Union	(1,000,000)
Route 130, CR 545 (Farnsworth Avenue)	Burlington	(500,000)
Route 130, Hollywood Avenue (CR 618)	Salem	(178,000)
Route 130, Van Sciver Parkway to Crafts Creek	Burlington	(12,960,000)
Route 130, Westfield Avenue to Main Street	Mercer, Middlesex	(1,400,000)
Route 130/206, CR 528 (Crosswicks Road) to Route 206 at Amboy Road	Burlington	(700,000)
Route 15 and Berkshire Valley Road (CR 699)	Morris	(300,000)

Route 166, Bridges over Branch of Toms River	Ocean	(750,000)
Route 173, Bridge over Pohatcong Creek	Warren	(4,550,000)
Route 202, First Avenue Intersection Improvements	Somerset	(500,000)
Route 206, Monmouth Road/Juliustown Road Intersection Improvements (CR 537)	Burlington	(950,000)
Route 206, South Broad Street Bridge over Assunpink Creek	Mercer	(750,000)
Route 206, South of Paterson Avenue to South of Pine Road	Sussex	(12,800,000)
Route 206, Southbound Merge Improvements with I-287 Ramp	Somerset	(300,000)
Route 206, Valley Road to Brown Avenue	Somerset	(2,500,000)
Route 206, Whitehorse Circle (CR 533, 524)	Mercer	(200,000)
Route 280, Route 21 Interchange Improvements	Essex, Hudson	(42,150,000)
Route 280, WB Ramp over 1st & Orange Streets, Newark Subway & NJ Transit	Essex	(1,500,000)
Route 287, Interchange 10 Ramp Improvements	Middlesex, Somerset	(500,000)
Route 287, River Road (CR 622), Interchange Improvements	Middlesex	(750,000)
Route 287/78, I-287/202/206 Interchange Improvements	Somerset	(10,000,000)
Route 295/42/I-76, Direct Connection, Contract 3	Camden	(60,000,000)
Route 322, Kings Highway (CR 551)	Gloucester	(800,000)
Route 322, Route 295 to Tomlin Station Road (CR 607)	Gloucester	(900,000)
Route 495, Route 1&9/Paterson Plank Road Bridge	Hudson	(29,933,000)

### ***62 Public Transportation***

Federal Highway Administration .....	\$219,500,000
Federal Transit Administration .....	<u>1,338,808,000</u>
Total Appropriation, Public Transportation .....	<u>\$1,558,308,000</u>

<u>Description</u>	<u>County</u>	<u>Amount</u>
<b><u>Federal Highway Administration</u></b>		
NEC Newark Intermodal	Essex	(\$500,000)
Perth Amboy Intermodal ADA Improvements	Middlesex	(500,000)
Preventive Maintenance-Bus	Various	(63,740,000)
Preventive Maintenance-Rail	Various	(104,760,000)

Rail Rolling Stock Procurement	Various	(50,000,000)
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**Federal Transit Administration**

Cumberland County Bus Program	Cumberland	(1,020,000)
Delco Lead Safe Haven Storage and Re-inspection Facility Project	Various	(179,694,000)
Hoboken Long Slip Flood Protection Project	Various	(144,448,000)
Light Rail Vehicle Rolling Stock	Various	(43,421,000)
Lyndhurst Intermodal ADA Improvements	Bergen	(2,000,000)
NEC Elizabeth Intermodal Station Improvements	Union	(14,450,000)
NEC Improvements	Various	(13,000,000)
NEC Newark Intermodal	Essex	(2,480,000)
NJ TRANSIT Grid Project	Various	(15,300,000)
NJ TRANSIT Raritan River Drawbridge Replacement Project	Various	(444,662,000)
Perth Amboy Intermodal ADA Improvements	Middlesex	(5,423,000)
Preventive Maintenance-Bus	Various	(111,667,000)
Preventive Maintenance-Rail	Various	(202,110,000)
Rail Rolling Stock Procurement	Various	(57,830,000)
Section 5310 Program	Various	(7,200,000)
Section 5311 Program	Various	(4,200,000)
Small/Special Services Program	Various	(100,000)
Train Controls-Wayside Signals, Power & Communication Resiliency	Various	(87,303,000)
Transit Enhancements/Transportation Alternative Program (TAP)/Alternative Transit Improvements (ATI)	Various	(2,500,000)

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), approval by the Joint Budget Oversight Committee of transfers among federal appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

***60 Transportation Programs******64 Regulation and General Management***

05-6070 Multimodal Services.....	<u>\$14,500,000</u>
Total Appropriation, Regulation and General Management .....	<u>\$14,500,000</u>
Special Purpose:	
Motor Carrier Safety Assistance Program .....	(\$3,000,000)

Safety Data Improvement Program.....	(400,000)
Development and Implementation Grant - Federal	
Transit Administration.....	(1,000,000)
Crash Records - National Highway Traffic Safety	
Administration .....	(1,500,000)
Airport Fund.....	(2,000,000)
Boating Infrastructure Program (New Jersey Maritime	
Program) .....	(1,600,000)
New Jersey Maritime Program - Ferry Boat .....	(5,000,000)
Total Appropriation, Department of Transportation .....	<u>\$2,373,787,000</u>

## **82 DEPARTMENT OF THE TREASURY**

### **50 Economic Planning, Development, and Security**

#### **52 Economic Regulation**

54-2019 Utility Regulation .....	\$600,000
56-2014 Energy Resource Management .....	<u>1,377,000</u>
Total Appropriation, Economic Regulation .....	<u>\$1,977,000</u>
Services Other Than Personal.....	(\$1,377,000)
Special Purpose:	
Pipeline Safety (CM1).....	(150,000)
Pipeline Safety (CM2).....	(150,000)
Pipeline Safety (CM3).....	(150,000)
Pipeline Safety (CM4).....	(150,000)

### **70 Government Direction, Management, and Control**

#### **72 Governmental Review and Oversight**

08-2066 Office of the State Comptroller .....	<u>\$4,903,000</u>
Total Appropriation, Governmental Review and Oversight .....	<u>\$4,903,000</u>
Personal Services:	
Salaries and Wages .....	(\$2,953,000)
Employee Benefits .....	(1,358,000)
Special Purpose:	
Medicaid.....	(592,000)

#### **74 General Government Services**

45-2026 Adjudication of Administrative Appeals .....	<u>\$790,000</u>
Total Appropriation, General Government Services.....	<u>\$790,000</u>
Personal Services:	
Salaries and Wages .....	(\$440,000)
Employee Benefits .....	(223,000)
Services Other Than Personal.....	(90,000)
Special Purpose:	

Special Education Matters - Mediators .....(37,000)

**80 Special Government Services**

**82 Protection of Citizens' Rights**

58-2022 Mental Health Advocacy ..... \$223,000

81-2097 Elder Advocacy ..... 1,141,000

Total Appropriation, Protection of Citizens' Rights ..... \$1,364,000

**Personal Services:**

Salaries and Wages .....(\$604,000)

Employee Benefits .....(296,000)

**Special Purpose:**

Medicaid Reimbursement .....(223,000)

Ombudsperson - Older Americans Act Title III.....(43,000)

Money Follows the Person Program - Elder Advocacy .....(198,000)

Total Appropriation, Department of the Treasury ..... \$9,034,000

**98 THE JUDICIARY**

**10 Public Safety and Criminal Justice**

**15 Judicial Services**

03-9720 Civil Courts ..... \$1,000,000

05-9730 Family Courts ..... 38,017,000

07-9740 Probation Services..... 76,696,000

11-9760 Trial Court Services..... 4,362,000

Total Appropriation, Judicial Services..... \$120,075,000

**Personal Services:**

Salaries and Wages .....(\$4,511,000)

Employee Benefits .....(60,000)

Materials and Supplies.....(15,000)

Services Other Than Personal.....(376,000)

**Special Purpose:**

NICS - Civil Name Change Project .....(1,000,000)

Child Support and Paternity Program Title IV-D

(Family Court).....(36,692,000)

NJ State Court Improvement Grant.....(400,000)

State Access and Visitation Program .....(325,000)

Child Support and Paternity Program Title IV-D

(Probation).....(76,696,000)

Total Appropriation, The Judiciary ..... \$120,075,000

Total Appropriation, Federal Funds ..... \$17,323,048,000

Notwithstanding the provisions of any State law or regulation to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to the approval of the Director of the Division of Budget and Accounting: emergency disaster aid funds including grants for preventive measures; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25% of unanticipated grant awards, and up to 25% of increases in previously anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; federal financial aid funds for students attending post-secondary educational institutions in excess of the amount specifically appropriated, and any such grants intended to prevent threats to homeland security up to 100% of previously anticipated or unanticipated grant award amounts for which no State matching funds are required, provided, however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of \$500,000 or less.

For the purposes of federal funds appropriations, “political subdivisions of the State” means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; “discretion” refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and “grants” refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The unexpended balances at the end of the preceding fiscal year of federal funds are appropriated for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1 of the current fiscal year of any unexpended balances which are continued.

Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendations of any department head or the department head’s designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the Director deems improper.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, and within the federal matching funding, in the Division of Medical Assistance and Health Services and Division of Disability Services in the Department of Human Services, and within the Medical Services



for the Aged program classification, and within the federal matching funding, in the Division of Aging Services in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by federal funds awarded by the U.S. Department of Homeland Security or other federal agency, appropriated in the current fiscal year, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. The equipment, goods or services purchased by a local government unit shall be referred to in the grant agreement issued by the State administrative agency administering such funds and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit, the State administrative agency and the Division of Local Government Services in the Department of Community Affairs. Purchases made without public bidding shall be from vendors that shall either (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the New Jersey Domestic Security Preparedness Task Force. All homeland security purchases herein shall continue to be subject to all grant requirements and conditions approved by the State administrative agency. The Director of the Division of Purchase and Property may enter into or participate in purchasing agreements with one or more other states, or political subdivisions or compact agencies thereof, for the purchase of such equipment, goods or services, using monies appropriated under this act, to meet the domestic preparedness and homeland security needs of this State. Such purchasing agreement may provide for the sharing of costs and the methods of payments relating to such purchases. Furthermore, a county government awarding a contract for Homeland Security equipment, goods or services, may, with the approval of the vendor, extend the terms and conditions of the contract to any other county government that wants to purchase under that contract, subject to notice and documentation requirements issued by the Director of the Division of Local Government Services.

Of the amounts appropriated for Income Maintenance Management, amounts may be transferred to the various departments in accordance with the Division of Family Development=s agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the federal funds hereinabove appropriated, there are appropriated to the appropriate executive agencies, subject to the approval of the Director of the Division of Budget and Accounting, such additional federal funds received during this fiscal year pursuant to any federal law authorizing a federal economic stimulus program or any other similar federal program for the purposes, projects, and programs set forth in such law; provided, however, that if the federal law does not delineate the specific purposes, projects, and programs to be funded by the federal funds, the purposes, projects, and programs to be funded by the federal funds shall be subject to the approval of the Joint Budget Oversight Committee, and further provided, however, that the State Treasurer shall report to the President of the Senate, the Speaker of the General Assembly, the Chair of the Senate Budget and Appropriations Committee, and the Chair of the Assembly Budget Committee at least quarterly on the receipt and utilization of all additional federal funds received during this fiscal year pursuant to any federal law authorizing a federal economic stimulus program.

Officials from the appropriate executive agencies are hereby authorized to take such steps, if any, as may be necessary to qualify for, apply for, receive and expend such federal funds and to make such commitments, representations and other agreements as may be required by the federal government to receive federal funds under federal law authorizing the federal economic stimulus program or any other similar federal law. Furthermore, and notwithstanding the provisions of any other law or regulation to the contrary, officials from the appropriate executive agencies may encumber any of these federal funds appropriated pursuant to this provision prior to entering into any contract, grant or other agreement obligating the federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, federal funds provided under the State Energy Program (SEP) and the Energy Efficiency and Conservation Block Grant Program (Block Grant Program), pursuant to the American Recovery and Reinvestment Act, Pub.L. 111-5 and any other similar type of federal stimulus law which may be hereinafter enacted (collectively referred to as ARRA), are appropriated. Subject to the approval of the Director of the Division of Budget and Accounting as set forth below, such appropriations are to include the administrative costs of the respective agencies in admin-

istering the specified programs provided such use is consistent with ARRA and federal approvals. In the event that the administrative costs are not permitted to be paid from the ARRA monies received by the State, there is hereby appropriated from the Clean Energy Fund, subject to the approval of the Director of the Division of Budget and Accounting such amounts as shall be necessary to pay for the administrative costs of the agencies administering the specified programs listed below. Notwithstanding the specific appropriations made below, in the event that the federal funds received under ARRA are not in their entirety or in part allocated to the specific purposes listed below, to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of the appropriations listed below or may be used for such other purposes permitted under ARRA subject to the approval of the Director of the Division of Budget and Accounting and upon the recommendation of the State Treasurer. The federal funds provided pursuant to ARRA with respect to the SEP shall be used only for purposes allowed under part D of Title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.), and the federal funds provided pursuant to ARRA with respect to the Block Grant Program shall be used only for implementation of programs authorized under subtitle E of Title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.). With respect to all federal funds which are appropriated pursuant to this provision, New Jersey Economic Development Authority (NJEDA), New Jersey Housing Mortgage Finance Agency (HMFA), the Office of Energy Savings and the BPU shall prepare and timely submit to the United States Department of Energy (USDOE) the reports required under subsection (c) of section 1512 of Pub.L. 111-5, including without limitation the detailed information required with respect to all projects or activities for which such federal funds were expended or obligated.

a. SEP. SEP monies received by the State under ARRA are hereby appropriated to the Clean Energy Fund and shall be allocated by the Board of Public Utilities (BPU) as follows. The BPU shall enter into memoranda of understanding with the applicable agencies listed below which memoranda of understanding shall provide for the transfer of such monies to the applicable agencies for the purposes listed below.

(1) \$14,216,606 to the NJEDA for a grant and loan program to be developed and administered by the NJEDA to fund public and private renewable energy, energy efficiency and alternative energy projects, with applications prioritized based on the ability to create jobs, reduce greenhouse gas emissions, save or create energy, and provide for innovative technology;

(2) \$20,187,801 for a program to be developed and administered by the BPU for grants to State departments, agencies, authorities and public colleges and universities for renewable and energy efficiency projects at such entities, including but not limited to, wind, solar, or hydro energy, biofuels, geothermal, and energy storage applications, with applications prioritized by an interagency evaluation team consisting of one representative each from each of the following, BPU, NJEDA, Office

of Economic Growth, New Jersey Commission on Science and Technology, and the Office of Energy Savings, based on the ability to create jobs, reduce greenhouse gas emissions, save or create energy, and provide for innovative technology;

(3) \$9,110,306.50 to the HMFA for a program to be developed and administered by the HMFA to provide financing for the construction of solar energy projects on qualified multi-family housing financed through the HMFA, such funds to be leveraged with existing State energy rebate programs and the federal investment tax credit, with grants prioritized based on the ability to create jobs, generate energy, provide benefits to property residents and to meet HMFA timeframes, and with HMFA retaining ownership of all related solar renewable energy certificates for the purpose of establishing a revolving fund to support additional solar energy projects at HMFA-supported residential properties;

(4) \$1,331,402 to the HMFA for a low-interest loan program to be developed and administered by the HMFA for energy efficiency upgrades at single-family and multi-family facilities that are at or below 250% of the area median income (the higher of statewide or county median income) based on a family of four, and affordable multi-family housing owners which meet HMFA's affordability requirements, and which are not eligible for equivalent financing programs offered by the utilities or the Clean Energy Program;

(5) \$15,500,870.50 to the Clean Energy Program for energy efficiency programs administered by the BPU, to be issued to public and private entities on a first-come, first-served basis and specifically targeting customers who are either not currently eligible for Clean Energy Fund incentives or whose energy consumption patterns do not make them likely applicants;

(6) \$6,328,000 to the Office of Energy Savings in the Department of the Treasury for the purposes of energy efficiency and renewable energy programs and projects in State facilities, including State offices, State health facilities and State prisons;

(7) \$4,871,651 to the State Energy Office for implementing energy conservation measures in State-owned and operated facilities; and

(8) \$2,093,363 for grants administered by the BPU to State departments, agencies, authorities and public colleges and universities for energy efficient equipment purposes which will reduce energy demand and greenhouse gas emissions by replacing aging, energy intense equipment with new, more efficient models.

In the event that any of the SEP monies appropriated pursuant to the preceding paragraph are not expended by the date required by the USDOE, the appropriations of such funds pursuant to the preceding paragraph are hereby cancelled, and such unexpended funds are hereby appropriated, subject to the approval of the USDOE and the Director of the Division of Budget and Accounting to the New Jersey Department of the Treasury to establish a revolving energy efficiency project fund (Energy Efficiency Project Fund) for the purposes of funding energy efficiency and renewable energy programs and projects in State facilities, including but not limited to State offices, State health facilities and State prisons. The monies appropriated from the Energy Efficiency Project Fund shall be re-

paid to the Energy Efficiency Project Fund by the department receiving such monies as follows: of the amounts hereinabove appropriated in this Act to each department receiving monies from the Energy Efficiency Project Fund, there is hereby appropriated for deposit in the Energy Efficiency Project Fund an amount equivalent to the annual repayment due to the Energy Efficiency Project Fund or the actual savings achieved, whichever is greater.

b. Block Grant Program. Block Grant monies received by the State under ARRA are hereby appropriated as follows:

(1) \$4,160,700 to the Office of Energy Savings in the Department of the Treasury for the purposes of energy efficiency and renewable energy programs and projects in State facilities, including State offices, State health facilities and State prisons; and

(2) \$10,240,000 to the BPU for grants to cities, counties and other local units of government which are not eligible to receive directly from the federal government funds under the Block Grant Program.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Labor and Workforce Development shall consider consistent with applicable federal law a formal association of community based organizations to be a "local consortium" for the purposes of receiving funding for the delivery of English as a Second Language or Civics education/training.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred among accounts in the Children's System of Care Services program classification. Amounts may also be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Children's System of Care Services program classification in the Department of Children and Families. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The federal grant funds hereinabove appropriated are subject to the following condition: in the event that the agency receiving the funds from the federal government enters into an agreement with another agency as the subgrantee of such federal funds, the funds may be transferred to such subgrantee agency, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, in order to permit flexibility in the management of federal grant funds, amounts appropriated or transferred from such federal funds to State departments as subgrantees of other State departments may be transferred back to an item of appropriation in the original grant recipient department upon completion of the funded activity, subject to the approval of the Director of the Division of Budget and Account-

ing. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the federal funds hereinabove appropriated to the Department of Transportation are subject to the following condition: in order to ensure the continued flow of necessary federal funds for important State and local transportation projects, in the event the Federal Highway Administration (FHWA) objects to the form of the department's request for submission of competitive bids or to the form or contents of related grant agreements funded with federal funds, the department shall make any changes to such requests or contracts as may be determined by the FHWA to be necessary to comply with federal law; and any other department, agency or authority affected by such action is required to take any further actions required in order for it to be in accordance with the changes required by FHWA.

Grand Total Appropriation, All Funds..... \$51,108,256,000

2. All dedicated funds are hereby appropriated for their dedicated purposes. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received, receivable or estimated to be received for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein. The unexpended balances at the end of the preceding fiscal year of such funds, or any portion thereof, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. In the event a person or entity wishes to make a monetary donation to the State for a particular purpose, the head of the State agency or department to which such monetary donation is made is hereby authorized to accept such monetary donation.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: amounts required to refund amounts credited to the State Treasury which do not represent State revenue; amounts received representing insurance to cover losses by fire and other casualties and the unexpended balance at the end of the preceding fiscal year of such amounts; amounts received by any State department or agency from the sale of equipment, when such amounts are received in lieu of trade-in value in the replacement of such equipment; and amounts received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, amounts required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such amounts as may be required to pay interest liabilities to the federal government as required by the Treasury/State agreement pursuant to the provisions of the "Cash Management Improvement Act of 1990," Pub.L. 101-453 (31 U.S.C. s.6501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

7. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from interest earnings of the various bond funds such amounts as may be necessary for the State to comply with the federal "Tax Reform Act of 1986," Pub.L. 99-514 (26 U.S.C. s.1 et seq. as amended), which requires issuers of tax-exempt debt obligations to rebate any arbitrage earnings to the federal government.

8. There are appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting, such amounts as are necessary to pay interest, at the average rate of earnings during the fiscal year from the State's general investments, to those bond funds that have borrowed money from the General Fund or other bond funds and that have insufficient resources to accrue and pay the interest expense on such borrowing.

9. In addition to the amounts hereinabove appropriated, such additional amounts as may be necessary are appropriated to fund the costs of the collection of debts, taxes and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting.

10. There are appropriated from the Legal Services Fund established pursuant to section 6 of P.L.1996, c. 52 (C.22A:2-51), for transfer to the General Fund as State revenue such amounts as are necessary to support the appropriations for the following programs contained in this Act: Legal Services of New Jersey grant, ten judge-ships in the Judiciary, and for Clinical Legal Programs for the Poor at the Rutgers-Camden Law School, the Rutgers-Newark Law School, and Seton Hall Law School.

11. The unexpended balances at the end of the preceding fiscal year in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

12. The unexpended balances at the end of the preceding fiscal year in the Capital Construction accounts for all departments and agencies are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

13. Unless otherwise provided, unexpended balances at the end of the preceding fiscal year in accounts of appropriations enacted subsequent to April 1 of the preceding fiscal year, are appropriated.

14. The unexpended balances at the end of the preceding fiscal year in accounts that are funded by Interfund Transfers are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

15. Notwithstanding any provisions in this act or the provisions of any law or regulation to the contrary, no unexpended balances at the end of the preceding fiscal year are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision. The Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of those instances in which unexpended balances are not appropriated pursuant to this section.

16. The administrative costs of the Special Education Medicaid Initiative (SEMI) and the Medicaid Administrative Claiming (MAC) program, including the participation of a consultant, are appropriated and shall be paid from the revenue received, subject to the approval of the Director of the Division of Budget and Accounting.

17. The following transfer of appropriations rules are in effect for the current fiscal year:

a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, appropriation source, and program code, unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$300,000, to or from any item of appropriation;

(2) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$50,000, to or from any Special Purpose account, as defined by major



object 5, or Grant account, as defined by major object 6, within an item of appropriation, from or to a different item of appropriation;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$50,000, to or from any Special Purpose or Grant account in which the identifying organization code, appropriation source, and program code, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(4) Requests for the transfer of State funds, in amounts greater than \$50,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than \$300,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item, as defined by the program class;

(6) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (4) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance, subject to the approval of the Director of the Division of Budget and Accounting. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than \$300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative or Judicial branches of State government.

To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency or necessity under the Other Interdepartmental Accounts program classification and transfers from the appropriations to the various accounts in the category of Salary Increases and Other Benefits, both in the Interdepartmental Accounts, shall not be subject to legislative approval or disapproval.

18. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefore, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

19. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Message and Recommendations that were proposed for this fiscal year.

20. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Telecommunications, and Related Services and Equipment shall be available to pay for any of these services or equipment without the review of the Office of Information Technology, and compliance with statewide policies and standards and an approved department Information Technology Strategic Plan.

21. If the amount provided in this act for a State Aid payment pursuant to formula is insufficient to meet the full requirements of the formula, all recipients of State Aid shall have their allocation proportionately reduced, subject to the approval of the Director of the Division of Budget and Accounting.

22. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and the director is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be

charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be that officer's duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

23. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as salary increases and other benefits, employee benefits, debt service, rent, telephone, data processing, motor pool, insurance, travel, postage, lease payments on equipment purchases, additions, improvements and equipment, and compensation awards, to credit or transfer to the Department of the Treasury, to an Interdepartmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated or credited thereto, such amounts as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source, or to reimburse the Department of the Treasury, an Interdepartmental account, or the General Fund for reductions made representing statewide savings in the above expense classifications, as the director shall determine. With respect to payment of expenses classified as utilities and maintenance contracts, the Director is empowered and it shall be the Director's duty in the disbursement of funds to credit or transfer to the Department of the Treasury, to an Interdepartmental account, or to the General Fund, as applicable, from any other department or non-State fund source, but not from the Legislature or the Judiciary, out of funds appropriated or credited thereto, such amounts as may be required to cover the costs of such payment attributable to such other department or non-State fund source, or to reimburse the Department of the Treasury, an Interdepartmental account, or the General Fund for reductions made representing statewide savings in these expense classifications, as the director shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

24. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such amounts as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster. In addition, there are appropriated such additional amounts as may be necessary for emergency repairs and reconstruction of State facilities or property, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee. Appropriations referred to the Joint Budget Oversight Committee shall be deemed approved, unless a resolu-

tion of disapproval is adopted within 10 working days of receipt of notification of the proposed appropriation.

25. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

26. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

27. Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Property Tax Relief Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

28. Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Casino Revenue Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Casino Revenue Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

29. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), amounts appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Sea Grant Consortium as if it were a State government agency pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10).

30. Out of the amounts hereinabove appropriated, the Director of the Division of Budget and Accounting is empowered to approve payment of obligations applicable to prior fiscal years, upon the written recommendation of any department head, or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the Director deems improper.

31. Whenever any county, municipality, school district, college, university, or a political subdivision thereof withholds funds from a State agency, or causes a State agency to make payment on behalf of a county, municipality, school district, col-

lege, university or a political subdivision thereof, then the Director of the Division of Budget and Accounting may withhold State aid or grant payments and transfer the same as payment for such funds, as the Director of the Division of Budget and Accounting shall determine.

32. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof.

33. The Director of the Division of Budget and Accounting may, upon application therefore, allot from appropriations made to any official, department, commission or board, an amount to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefore, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefore from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

34. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer amounts sufficient to pay any obligation due and owing in any other department or agency.

35. Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer may transfer from any fund in the State Treasurer's custody, deposited with the State Treasurer pursuant to law, sufficient amounts to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds established pursuant to statutes that provide for interest earnings to accrue to those funds, all such transfers shall be without interest. If the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments and such amounts as are necessary shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

36. Any qualifying State Aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unreserved, undesignated fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

37. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$4,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding \$4,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

38. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided, however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

39. Notwithstanding the provisions of any law or regulation to the contrary, each local school district that participates in the Special Education Medicaid Initiative (SEMI) shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30. The impact of federal claim adjustments may be charged against current year revenue disbursements, subject to the approval of the Director of the Division of Budget and Accounting.

40. Notwithstanding the provisions of any law or regulation to the contrary, each local school district that participates in the Medicaid Administrative Claiming (MAC) initiative shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30.

41. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be \$.31 per mile.

42. State agencies shall prepare and submit a copy of their agency or departmental budget requests for the next ensuing fiscal year to the Director of the Divi-

sion of Budget and Accounting by the deadline and in the manner required by the Director. In addition, State agencies shall prepare and submit a copy of their spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, and updated spending plans on February 1 and May 1 of this fiscal year. The spending plans shall account for any changes in departmental spending which differ from this appropriations act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

43. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for non-State Funds, and accompanying project proposals or grant applications, which require a State match and that may commit or require State support after the grant's expiration.

44. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund in the implementation of this annual appropriations act, there are appropriated from the General Fund such amounts as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth hereinabove. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such amounts as may be required to pay the principal of those short-term notes.

45. The State Treasurer is authorized to issue short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution, and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. The State Treasurer shall give consideration to New Jersey-based vendors in entering into such contracts. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance

to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

46. Notwithstanding the provisions of section 29 of P.L.1983, c.303 (C.52:27H-88), or any law or regulation to the contrary, interest earned in the current fiscal year on balances in the Enterprise Zone Assistance Fund, shall be credited to the General Fund.

47. There is appropriated \$175,000 from the Casino Simulcasting Fund for transfer to the Casino Revenue Fund.

48. In all cases in which language authorizes the appropriation of additional receipts not to exceed a specific amount, and the specific amount is insufficient to cover the amount due for fringe benefits and indirect costs, there are appropriated from receipts such additional amounts as are required to fully cover the amount due for fringe benefits and indirect costs, subject to the approval of the Director of the Division of Budget and Accounting.

49. There are appropriated, from receipts from any structured financing transaction, such amounts as may be necessary to satisfy any obligation incurred in connection with any structured financing agreement, subject to the approval of the Director of the Division of Budget and Accounting. In addition, there are appropriated such amounts as may be necessary to pay costs incurred in connection with any proposed structured financing transaction, subject to the approval of the Director of the Division of Budget and Accounting.

50. Notwithstanding the provisions of any departmental language or statute, receipts in excess of those anticipated or appropriated as provided in the Departmental Revenue Statements (BB-103s) in the budget submission for this fiscal year are not available for expenditure until a comprehensive expenditure plan is submitted to and approved by the Director of the Division of Budget and Accounting.

51. Such amounts as may be necessary are appropriated or transferred from existing appropriations for the purpose of promoting awareness to increase participation in programs that are administered by the State, including but not limited to programs to preserve or promote public health and safety, subject to the approval of the Director of the Division of Budget and Accounting.

52. There are appropriated such additional amounts as may be required to pay the amount of any civil penalty imposed on a State officer, employee or custodian pursuant to section 12 of P.L.2001, c.404 (C.47:1A-11), as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.



53. Receipts from the provision of copies and other materials related to compliance with section 12 of P.L.2001, c.404 (C.47:1A-11), are appropriated for the purpose of offsetting agency and departmental expenses of complying with the public access law, subject to the approval of the Director of the Division of Budget and Accounting.

54. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Universal Service Fund \$67,337,000 for transfer to the General Fund as State revenue.

55. Any qualifying State Aid or Grants-In-Aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Casino Revenue Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unreserved, undesignated fund balance in the Casino Revenue Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

56. In addition to the amounts herein appropriated for University Hospital, there are appropriated such additional amounts as are necessary to maintain the core operating functions of the hospital, subject to the approval of the Director of the Division of Budget and Accounting.

57. The amounts hereinabove appropriated for the University Behavioral Healthcare Centers (UBHC) - Rutgers, the State University - Newark and Piscataway are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care, and, as a condition for such appropriation, Rutgers, the State University - New Brunswick shall be required to provide fiscal reports to the Division of Mental Health and Addiction Services and the Office of the State Comptroller, including all applicable expenses incurred for programs supported in whole or in part with the above appropriations, as well as all applicable revenues generated from the provision of such program services, as well as any other revenues used to support such services, in such a format and frequency as required by the Division of Mental Health and Addiction Services. In addition, the annual audit report and Consolidated Financial Statements for Rutgers, the State University - New Brunswick must include supplemental schedules of Statements of Net Assets and Statements of Revenue, Expenses and Changes in Net Assets for the two UBHC Centers separately and UBHC as a whole.

58. With the exception of disproportionate share hospital revenues that may be received, federal and other funds received for the operation of the University Behavioral Healthcare Centers at Newark and Piscataway are appropriated to Rutgers, the State University - New Brunswick for the operation of the centers.

59. Provided that each of the contributions made during the current fiscal year by University Hospital, Rutgers, the State University and Rowan University and each of their affiliates to the University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund or the Rowan University Self-Insurance Reserve Fund, respectively, are equal to the respective amounts established in memoranda of agreements between the Department of the Treasury and each of University Hospital, Rutgers, the State University and Rowan University and, if after such amounts having been contributed, the receipts deposited within the applicable University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund, and the Rowan University Self-Insurance Reserve Fund, respectively, are insufficient to pay claims expenditures, there are appropriated from the General Fund to the applicable University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund or the Rowan University Self-Insurance Reserve Fund such amounts as may be necessary to pay the remaining claims for the respective institutions, subject to the approval of the Director of the Division of Budget and Accounting.

60. In addition to any amounts hereinabove appropriated to pay debt service on bonds, notes and other obligations by the various independent authorities, payment of which is to be made by the State subject to appropriation pursuant to a contract with the State Treasurer or pursuant to a lease with a State department, there are hereby appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts or leases, as applicable.

61. Such amounts as may be required to initiate the implementation of information systems development or modification during the current fiscal year to support fees, fines or other revenue enhancements, or to initiate cost savings or budget efficiencies that are to be implemented during the subsequent fiscal year, and that are proposed in the Governor's Budget Message and Recommendations for the subsequent fiscal year, shall be transferred between appropriate accounts, subject to the approval of the Director of the Division of Budget and Accounting.

62. Notwithstanding the provisions of any law or regulation to the contrary, no funding shall be provided by any program supported in part or in whole by State funding for erectile dysfunction medications for individuals who are registered on New Jersey's Sex Offender Registry.

63. For the purposes of the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H-24 et seq.), the amounts appropriated to the developmental centers in the Department of Human Services due to opportunities for increased recoveries, amounts carried forward in the State Employees' Health Benefits accounts, and amounts representing balances deemed available in the State Health Benefits Fund

shall be deemed a "Base Year Appropriation" and, notwithstanding the provisions of P.L.1990, c.94 or any other law or regulation to the contrary, in recognition of the historically unprecedented pension payments being made and required to be made by the State, and consistent with the budget cap methodology applicable to New Jersey municipalities, for purposes of calculating the maximum annual appropriation for direct state services, the term "appropriations" shall not include amounts appropriated for State contributions to the pension systems. If funding included in this Act for Salary Increases and Other Benefits - Executive Branch is less than \$40,600,000 there is appropriated sufficient funding to total \$40,600,000. For the purposes of the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H-24 et seq.), any funding provided less than \$40,600,000 shall be deemed a "Base Year Appropriation".

64. The amounts hereinabove appropriated for employee fringe benefits in Inter-departmental Direct State Services and Grants-In-Aid; Department of Education State Aid; and Department of the Treasury State Aid may be transferred between accounts for the same purposes, as the Director of the Division of Budget and Accounting shall determine.

65. Notwithstanding the provisions of P.L.2004, c.68 (C.34:1B-21.16 et seq.) or any law or regulation to the contrary, funds remaining in the Dedicated Cigarette Tax Revenue Fund at the end of the current fiscal year are appropriated from such fund for transfer to the General Fund as State revenue.

66. Unless otherwise provided in this act, all unexpended balances at the end of the preceding fiscal year that are appropriated by this act are appropriated for the same purpose.

67. Notwithstanding the provisions of section 14 of Article 3 of P.L.1944, c.112 (C.52:27B-23) or any law or regulation to the contrary, copies of the budget message shall be made available to the State Library, public libraries, newspapers and citizens of the State only through the State of New Jersey website.

68. There are appropriated such amounts as are necessary, not to exceed \$750,000, to fund costs incurred by the State, including attorneys' costs, in connection with arbitration/litigation relating to claims by participating tobacco manufacturers that they are entitled to reductions in payments they make under the Tobacco Master Settlement Agreement, subject to the approval of the Director of the Division of Budget and Accounting.

69. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as debt service, to credit or transfer among the various departments, as applicable, out of funds appropriated or credited thereto for debt service payments,

such amounts as may be required to cover the costs of such payment attributable to debt service or to reimburse the various departments for reductions made representing Statewide savings resulting from bond retirements or defeasances in debt service accounts, as the director shall determine. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

70. The unexpended balances at the end of the preceding fiscal year in accounts that provide matching State funds in the various departments and agencies are appropriated in order to provide State authority to match federal grants that have project periods extending beyond the current State fiscal year.

71. Notwithstanding the provisions of any law or regulation to the contrary, it is not possible in the current fiscal year to appropriate monies to fund all programs authorized or required by statute. As a result, the Governor=s Budget Message and Recommendations for the current fiscal year recommended, and the Legislature agrees, that either no State funding or less than the statutorily required amount be appropriated for certain of these statutory programs. To the extent that these or other statutory programs have not received all or some appropriations for the current fiscal year in this Appropriations Act which would be required to carry out these statutory programs, such lack of appropriations represents the intent of the Legislature to suspend in full or in part the operation of the statutory programs, including any statutorily imposed restrictions or limitations on the collection of State revenue that is related to the funding of those programs.

72. Notwithstanding the provisions of section 21 of P.L.1983, c.303 (C.52:27H-80), or any other law or regulation to the contrary, crediting of revenues to each account for each enterprise zone in the Enterprise Zone Assistance Fund shall be reduced by the amount of revenues credited from the General Fund into a special account in the Property Tax Relief Fund pursuant to subparagraph b. of paragraph 7 of Section I of Article VIII of the New Jersey Constitution derived from sales tax collected in such enterprise zone.

73. Notwithstanding the provisions of any other law or regulation to the contrary, there is appropriated as revenue to the General Fund the revenue credited in the current fiscal year to each account for each enterprise zone in the Enterprise Zone Assistance Fund attributable to local projects and the local costs for administering the Urban Enterprise Zone program, as defined by section 29 of P.L.1983, c.303 (C.52:27H-88). Further, there is appropriated as revenue to the General Fund the unexpended balances in the portion of the Enterprise Zone Assistance Fund designated for the State costs for administering the Urban Enterprise Zone program, as defined by section 29 of P.L.1983, c.303 (C.52:27H-88), subject to the approval of the Director of the Division of Budget and Accounting.

74. Notwithstanding the provisions of section 16 of Article 3 of P.L.1944, c.112 (C.52:27B-25), or any other law or regulation to the contrary, the Director of the Division of Budget and Accounting shall not be required to allot appropriations on a quarterly basis.

75. The funding by a State department in the Executive Branch for a contract for drug screening tests or other laboratory screening tests shall be conditioned upon the following provision: the State department as part of the contract procurement and award process shall notify the Department of Health (DOH) of the proposed contract and provide an opportunity for DOH to submit a proposal, provided, however, the State Department shall not be required to make the award to DOH if DOH is the lowest bidder as factors other than cost may be considered in the evaluation of the proposals, subject to the approval of the Director of the Division of Budget and Accounting.

76. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey Real Estate Commission, Civil Service Commission, New Jersey Maritime Pilot and Docking Pilot Commission, State Athletic Control Board, Public Employment Relations Commission and Appeal Board, New Jersey State Board of Mediation, New Jersey Racing Commission, Council on Local Mandates, Garden State Preservation Trust, the various State professional boards, the Certified Psychoanalysts Advisory Committee and the Audiology and Speech-Language Pathology Advisory Committee in the Department of Law and Public Safety, shall be subject to the following conditions: 1) the base salary, per diem salary, or any other form of compensation, including that for expenses, for the board members or commissioners paid for out of State funds shall not exceed \$100 per month; and 2) no State funds shall be used to pay for participation in the State Health Benefits Program by board members or commissioners. No other compensation shall be paid; provided, however, that this paragraph shall not apply to the Commissioner/Chief Executive Officer of the State Athletic Control Board, the Chairperson/Chief Executive Officer of the Civil Service Commission, the Chairman of the Public Employment Relations Commission, and any commissioner or board member of any other State board, commission or independent authority who, in addition to being a member of the board or commission also hold a full time staff position for such entity.

77. Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated no grant funds shall be paid to a grantee for the costs of any efforts by the grantee or on behalf of the grantee for lobbying activities.

78. Notwithstanding the provisions of subsection c. of section 145 of P.L.1977, c.110 (C.5:12-145) and section 22 of P.L.1970, c.13 (C.5:9-22) or any law or regulation to the contrary, such amounts as are required are appropriated to the State

Treasurer to publish via the internet reports accounting for the total revenues received in the Casino Revenue Fund and the State Lottery Fund and the specific amounts of money appropriated therefrom for specific expenditures during the preceding fiscal year ending June 30.

79. Notwithstanding the provisions of any law or regulation to the contrary, and in furtherance of the purposes of P.L.2010, c.104 (C.48:23-18 et al.), there are hereby appropriated, subject to the approval of the Director of the Division of Budget and Accounting, such amounts as are necessary for the operation of the New Jersey Public Broadcasting Authority (NJPBA) as required by the Federal Communications Commission (FCC) to maintain the FCC licenses owned by the NJPBA, to oversee any agreements with private operators, and to carry out any other duties and responsibilities that the NJPBA has under P.L.2010, c.104 and as the FCC licensee of broadcast stations, including the costs of employees, office space, equipment, consultants, professional advisors including lawyers, and any other costs determined to be necessary to carry out the NJPBA mission under P.L.2010, c.104 consistent with FCC requirements.

80. Notwithstanding the provisions of sections 5 and 6 of P.L.1990, c.44 (C.52:9H-18 and 52:9H-19) or any other law or regulation to the contrary, there may be transferred from the Surplus Revenue Fund to the General Fund an amount up to the credit made to the Surplus Revenue Fund during the immediately preceding fiscal year, subject to the approval of the Director of the Division of Budget and Accounting.

81. Notwithstanding the provisions of any law or regulation to the contrary, in order to implement the provisions of the Comprehensive Medicaid Waiver as approved on October 2, 2012 by the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS), as well as any amendments or supplements to the Comprehensive Medicaid Waiver (collectively referred to as Waiver): The Commissioner of Human Services shall implement immediately those provisions contained in the Comprehensive Medicaid Waiver approved by the United States Department of Health and Human Services for the Centers for Medicare and Medicaid Services (CMS) and any amendments to such waiver as CMS requires to be implemented pursuant to such waiver and amounts may be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services, the Community and Addictions Services program classifications in the Division of Mental Health and Addiction Services, the Disability Services program classification in the Division of Disability Services, the Purchased Residential Care, Social Supervision and Consultation, and Adult Activities program classifications in the Division of Developmental Disabilities in the Department of Human Services, the Medical Services for the Aged program classification in the Division of Aging Services in the Department of Human Services, the Children's System of

Care Services program classification in the Division of Children's System of Care in the Department of Children and Families. A portion of receipts generated or savings realized in Medical Assistance Grants-In-Aid accounts from Waiver initiatives may be transferred to the Health Services Administration and Management accounts in the Department of Human Services, as determined by the Commissioner of Human Services to be required to fund costs incurred in realizing these additional receipts or savings. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

82. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Human Services, the Department of Children and Families, and the Department of Health are conditioned upon the following provision: In order to ensure federal participation, the State's NJ FamilyCare program shall be administered in accordance with the provisions of the State plan(s) or the Comprehensive Medicaid Waiver, as approved by the federal Centers for Medicare and Medicaid Services, that are or were inserted by the Department into the State plan(s) or the Comprehensive Medicaid Waiver in order to comply with Pub.L. 111-148, Pub.L. 111-152 or with any federal regulations adopted pursuant thereto.

83. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated, to the extent not inconsistent with federal law or regulation, are subject to the following conditions: in recognition of the limited continuing availability of federal American Recovery and Reinvestment Act (ARRA), Pub.L. 111-5, funding during Fiscal Year 2016 and the pending federal deadlines for spending such funds or else forfeiting them back to the federal government, to the maximum extent possible, all available federal ARRA dollars uncommitted as of the effective date of this act shall be spent first, wherever available, in support of qualifying activities before any appropriated State dollars are expended for the same purpose or purposes; and (2) in the event that ARRA dollars are available for use in Fiscal Year 2016, the director of the Division of Budget and Accounting may reserve an amount of excess appropriated State funds.

84. Notwithstanding the provisions of section 8 of P.L.1992, c.160 (C.26:2H-18.58) or any other law or regulation to the contrary, \$175,772,117 is appropriated from the Health Care Subsidy Fund to the Division of Medical Assistance and Health Services to fund the Managed Care Initiative.

85. There are appropriated such amounts, not to exceed \$29,000,000, from the reserve account established for such purpose, for additional operating costs to departments with approved fiscal 2014 fringe exemptions, subject to the approval of

the Director of the Division of Budget and Accounting to offset the loss of fiscal year 2016 federal fringe recoveries for budgeted fiscal 2014 defined benefit pension costs that were later lapsed.

86. This act shall take effect July 1, 2015.



## CHAPTER 64

AN ACT concerning public access to certain Port Authority of New York and New Jersey records and supplementing chapter 1 of Title 32 of the Revised Statutes.

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

1. The Governor is authorized to enter into a supplemental compact or agreement, on behalf of the State of New Jersey, with the State of New York amending the compact of April 30, 1921, between the states of New York and New Jersey, as amended and supplemented, creating the Port Authority of New York and New Jersey as set forth in section 2 of P.L.2015, c.64 (C.32:1-6.4).

**C.32:1-6.4 Port Authority deemed “agency,” “public agency.”**

2. Notwithstanding any law to the contrary, the Port Authority shall be deemed an “agency” and treated as such under the laws of New York, for all purposes under articles 6 and 6-A of the Public Officers Law, and shall be deemed a “public agency” and treated as such under New Jersey, P.L.1963, c.73 (C.47:1A-1 et seq.), pertaining to the disclosure of government records.

**C.32:1-6.5 Severability.**

3. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

4. The Governor is authorized to apply, on behalf of the State of New Jersey, to the Congress of the United States for its consent and approval to the amendments to this compact or agreement provided in section 2 of P.L.2015, c.64 (C.32:1-6.4), but in the absence of such consent and approval, the Port Authority of New York and New Jersey referred to in such supplemental compact or agreement shall have all of the powers which the State of New York and the State of New Jersey may confer upon it without the consent and approval of Congress.

5. This act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect as this act, but if the State of New York has already enacted such legislation, this act shall take effect immediately.

Approved June 26, 2015.

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## CHAPTER 65

AN ACT concerning optometrist prescribing authority and amending P.L.1991, c.385.

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

1. Section 9 of P.L.1991, c.385 (C.45:12-9.11) is amended to read as follows:

**C.45:12-9.11 Prescription restrictions.**

9. a. Whenever in any law there is a requirement or duty with respect to the prescription, administration or dispensing of any drug which applies to any person authorized to prescribe that drug, the same shall apply to an optometrist when prescribing, administering or dispensing a pharmaceutical agent pursuant to R.S.45:12-1, except that an optometrist shall not dispense a prescription as provided for in R.S.45:12-1 in an amount exceeding a 72-hour supply of that prescription unless the prescription is dispensed at no charge to the patient. Subject to the provisions of P.L.1991, c.385 (C.45:12-9.8 et seq.), an optometrist authorized to prescribe, administer, or dispense a pharmaceutical agent shall be permitted to prescribe, administer, and dispense for the purpose of diagnosing and treating deficiencies, deformities, diseases, or abnormalities of the human eye and adnexae pharmaceutical agents classified as Schedule III, IV, and V controlled dangerous substances and, regardless of schedule, pharmaceutical agents containing hydrocodone.

b. Notwithstanding the provisions of subsection a. of this section, an optometrist may dispense a pharmaceutical agent, as provided for in R.S.45:12-1, that is delivered to the eye through a contact lens and may dispense such pharmaceutical agent at a charge to the patient.

2. This act shall take effect immediately.

Approved June 26, 2015.

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## CHAPTER 66

AN ACT concerning the disposal of unused prescription drugs, amending P.L.1991, c.187, and supplementing P.L.2003, c.280 (C.45:14-40 et seq.).

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

1. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to read as follows:

**C.45:9-22.11 Dispensing of drugs to patient limited; exceptions.**

46. A physician or other person authorized by law to prescribe drugs or medicines shall not dispense more than a seven-day supply of drugs or medicines to any patient. The drugs or medicines shall be dispensed at or below the cost the prescriber has paid for the particular drug or medicine, plus an administrative cost not to exceed 10 percent of the cost of the drug or medicine.

The provisions of this section shall not apply to a prescriber:

- a. who dispenses drugs or medicines in a hospital emergency room, a student health center at an institution of higher education, or a publicly subsidized community health center, family planning clinic or prenatal clinic, if the drugs or medicines that are dispensed are directly related to the services provided at the facility;
- b. whose practice is situated 10 miles or more from a licensed pharmacy;
- c. when the prescriber dispenses allergenic extracts and injectables;
- d. when the prescriber dispenses drugs pursuant to an oncological or AIDS protocol;
- e. when the prescriber dispenses salves, ointments or drops; or
- f. when the prescriber dispenses a drug or medicine delivered to the eye through a contact lens.

A prescriber shall furnish to a patient, with each prescription drug or medicine which is a controlled dangerous substance dispensed for that patient pursuant to this section, a copy of the notice prepared by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to section 2 of P.L.2015, c.66 (C.45:9-22.11a).

The provisions of this section shall not apply to a licensed chiropractic physician who dispenses food concentrates, food extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or cell salts, glandular extracts, nutraceuticals, botanicals, homeopathic remedies, and other nutritional supplements.

**C.45:9-22.11a Pharmacy practice site to notify patients how to properly dispose of unused prescription drugs.**

2. a. A pharmacy practice site that dispenses prescription drugs, other than a long-term care pharmacy, shall distribute, with each prescription drug which is a controlled dangerous substance that it dispenses to an individual located in this State, a copy of the notice prepared pursuant to subsection b. of this section. For the purposes of this subsection, "pharmacy practice site" includes only those pharmacy practice sites that are located inside the State.

b. The Division of Consumer Affairs in the Department of Law and Public Safety shall prepare and post on its website a notice, for use by a prescriber pursuant to section 46 of P.L.1991, c.187 (C.45:9-22.11), and which a pharmacy practice site shall utilize for the purposes of subsection a. of this section, to advise customers and patients about:

(1) the availability of drug take-back programs sponsored by a local, State, or federal government agency; and

(2) how to obtain information from the website for those programs concerning where unused prescription drugs may be dropped off for the purpose of ensuring their safe, secure, efficient, and environmentally sound disposal.

3. This act shall take effect on the first day of the seventh month next following the date of enactment, but the Division of Consumer Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved June 26, 2015.

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CHAPTER 67

AN ACT concerning the operation of power vessels and amending P.L.1987, c.453.

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

1. Section 2 of P.L.1987, c.453 (C.12:7-61) is amended to read as follows:

**C.12:7-61 Operation of power vessels, personal watercraft; boat safety course requirements; violations.**

2. a. A person who is under 16 years of age shall not operate a power vessel on the waters of this State, except that:

(1) a person who is under 16 years of age but at least 13 years of age and possesses a certificate certifying that person's successful completion of a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety may operate:

(a) a power vessel powered solely by an electric motor; or

(b) a power vessel which is 12 feet or greater in length and powered by a motor, or combination of motors, of less than 10 horsepower;

(2) A person who is under 16 years of age and has successfully completed an approved boat safety course prior to July 1, 1996 may operate a power vessel on the tidal waters of this State, provided that the person complies with all other requirements of law, rule and regulation;

(3) A person who is under 16 years of age and was issued an operator's license pursuant to section 7 of P.L.1954, c.236 (C.12:7-34.7) before July 1, 1996 may operate a power vessel equipped with an outboard motor until the expiration date of that license; and

(4) A person who is under 16 years of age but at least 13 years of age and who possesses a certificate certifying the person's successful completion of a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, or a person under 16 years of age but at least 13 years of age who is an out-of-State resident or resident of a foreign country who possesses proof of successful completion of a boat safety course as provided in paragraph (2) of subsection b. of this section may operate a power vessel on the tidal and nontidal waters of this State while actually competing in an authorized race held under the auspices of a duly incorporated yacht club or racing association conducted under the rules of a national boat racing association in accordance with rules and regulations prescribed by the New Jersey Boat Regulation Commission in consultation with the Division of State Police in the Department of Law and Public Safety and pursuant to a permit issued by that division. Such permit may include limitations on age, vessel type, and horsepower.

b. As provided in the schedule set forth in section 7 of P.L.2005, c.292 (C.12:7-61.1), as of June 1, 2009, a person who is 16 years of age or older shall not operate a power vessel, including a personal watercraft, on the

waters of this State without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, except that:

- (1) (Deleted by amendment, P.L.2005, c.292).
- (2) an out-of-State resident, or a resident of a foreign country who is 16 years of age or older and who will be in this State for less than 90 days may operate a power vessel on the waters of this State, without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety if the person presents:
  - (i) written proof of successful completion of a boat safety course endorsed or approved by another state, the National Association of State Boating Law Administrators or its successor organization, or the United States Coast Guard;
  - (ii) written proof of successful completion of a boat safety course substantially similar to the boat safety course required pursuant to this section as determined by the Superintendent of State Police; or
  - (iii) a boat safety certificate issued by the state or country in which the person resides;
- (3) a person who is 18 years of age or older may operate on the waters of this State, without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, a rented power vessel that is not a personal watercraft, under the following conditions:
  - (a) the person rents the power vessel from a business engaged in renting power vessels for use on the waters of the State;
  - (b) the person has successfully completed a State-approved pre-rental instruction course provided by the owner or lessor of the power vessel prior to operating the power vessel on the waters of the State; and
  - (c) the owner of the power vessel rental business is experienced in the operation of power vessels and has successfully completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety.
- (4) A person required to take the boat safety course pursuant to this section and section 7 of P.L.2005, c.292 (C.12:7-61.1) who purchases a power vessel that is not a personal watercraft at a boat dealership may operate that power vessel for 30 days without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety provided that the person successfully completes a State-approved pre-purchase instruction course provided by the owner or operator of the boat dealership prior to operating the power vessel, and the

owner or operator of the boat dealership is experienced in the operation of power vessels and has successfully completed a boat safety course approved by the Superintendent of State Police. The State-approved pre-purchase instruction course required by this paragraph shall be a uniform, standardized course developed by the Superintendent of State Police. The State-approved pre-purchase instruction course shall not replace the requirement that a person shall successfully complete an approved boat safety course pursuant to the other provisions of P.L.2005, c.292 (C.12:7-61.1 et al.). The provisions of this paragraph shall not apply to a person purchasing a power vessel from another private party.

(5) A person holding a United States Coast Guard operator's license may operate a power vessel on the waters of this State without having completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety.

The Superintendent of State Police shall establish appropriate guidelines to implement the provisions of this subsection.

c. Except as provided pursuant to section 18 of P.L.1995, c.401 (C.12:7-86), a person shall not operate a personal watercraft on the waters of this State without having successfully completed a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety or a written test pursuant to section 8 of P.L.2005, c.292 (C.12:7-61.2).

d. Whenever a person who is required by this section or by section 7 of P.L.1995, c.401 (C.12:7-76), section 3 or 4 of P.L.1952, c.157 (C.12:7-46 or C.12:7-47), or section 9 of P.L.1986, c.39 (C.12:7-57) to have completed a boat safety course operates a power vessel or personal watercraft, as appropriate, on the waters of this State, that person shall have in possession a certificate certifying that person's successful completion of a boat safety course approved by the superintendent and shall, when requested to do so, exhibit the certificate to a law enforcement or peace officer of this State. Failure of the person to exhibit the certificate is presumptive evidence that the person has not completed an approved boat safety course.

e. A person who violates subsection a., b., c. or d. of this section or who exhibits to a law enforcement or peace officer a certificate of completion of an approved boat safety course of another person is subject to a fine of not less than \$100 nor more than \$500.

f. A person who owns or has control or custody of a power vessel and allows the power vessel to be operated on the waters of this State by a person who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course but who does not possess such certificate is subject to a fine of not more than \$100.

g. A person making application to the Chief Administrator of the New Jersey Motor Vehicle Commission for a power vessel operator's license issued pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) who is required pursuant to the provisions of this section to possess a certificate certifying successful completion of a boat safety course shall submit proof of successful completion of the course or the written examination for experienced boaters with the application. The chief administrator shall not issue a power vessel operator's license to such person who fails to submit this proof. A permanent State of New Jersey boating safety certificate or a temporary boating safety certificate issued on a Division of State Police application for boating safety certificate form shall satisfy this requirement.

2. This act shall take effect immediately.

Approved June 26, 2015.

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## CHAPTER 68

AN ACT concerning county vocational school district school facilities projects, amending N.J.S.18A:54-31, and supplementing P.L.2000, c.72 (C.18A:7G-1 et al.).

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

**C.18A:7G-5a County vocational school district, construction, issuance of bonds by county improvement authority to finance school facilities project.**

1. a. Notwithstanding the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.) or any other section of law to the contrary, the board of education of a county vocational school district may request a county improvement authority to construct a county vocational school district school facilities project and to issue its bonds to finance the local share of a project that is to be financed under section 15 of P.L.2000, c.72 (C.18A:7G-15), or to finance the total costs of a project that is not to be financed under section 15 of P.L.2000, c.72 (C.18A:7G-15). The bonds of a county improvement authority issued to finance the total costs of a county vocational school district school facilities project that is not to be financed under section 15 of P.L.2000, c.72 (C.18A:7F-15) shall be eligible for State debt service aid in accordance with the formula established under section 9 of P.L.2000, c.72 (C.18A:7G-9).



b. A county vocational school district may lease its lands or facilities to the county improvement authority which may construct the school facilities project through a design-build contract. Whenever a school facilities project is constructed by a county improvement authority through a design-build contract: (1) The county improvement authority shall follow the procedures established by the rules and regulations of the New Jersey Schools Development Authority for the procurement of design-build contracts; (2) The county improvement authority shall follow the design requirements and materials and system standards established by the development authority; (3) The provisions of the "Public School Contracts Law," (N.J.S.18A:18A-1 et seq.), and the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), shall not apply; and (4) A county vocational school district shall comply with the procedures for obtaining approval of the project under P.L.2000, c.72 (C.18A:7G-1 et al.), but shall not be required to comply with the provisions of N.J.S.18A:18A-16.

c. The county improvement authority shall lease the county vocational school district school facilities project to the county which shall then lease it for nominal consideration to the county vocational school district for as long as the county improvement authority bonds or refunding bonds are outstanding. Nothing in this section shall be construed to authorize a county to require a county vocational school district to bear any portion of the cost of the debt service on the county improvement authority bonds issued to fund the county vocational school district school facilities project or on any refunding bonds.

d. The county lease payments made to the county improvement authority pursuant to subsection c. of this section shall not be subject to any cap on appropriations or on spending or to any tax levy cap. The county lease payments shall be sufficient to pay debt service on the county improvement authority bonds issued to fund the county vocational school district school facilities project or on any refunding bonds, that remains after the application of any State debt service aid paid on those bonds pursuant to section 9 of P.L.2000, c.72 (C.18A:7G-9). The county lease payments shall be payable over the life of the bonds.

e. When the bonds issued by a county improvement authority are no longer outstanding, the leases and liens of the county and the county improvement authority shall expire and the county vocational school district school facilities project shall be solely vested in the county vocational school district. The county vocational school district shall be responsible for the operation, maintenance, and improvement of the school facility upon the completion of the school facilities project.

2. N.J.S.18A:54-31 is amended to read as follows:

**Raising of moneys for lands or buildings; bond issued.**

18A:54-31. Whenever a board of education of a county vocational school district shall decide that it is necessary to sell bonds to raise money for any capital project, as defined in section 18A:21-1 of this Title, it shall prepare and deliver to each member of the board of school estimate a statement of the amount of money estimated to be necessary for such purpose or purposes.

The board of school estimate shall fix and determine the necessary amount and shall make two certificates thereof, one of which certificates shall be delivered to the board of education and the other to the board of chosen freeholders of the county in which the school district is situate.

The board of chosen freeholders, or the members of a county improvement authority at the request of the board of education pursuant to section 1 of P.L.2015, c.68 (C.18A:7G-5a), may appropriate such amount and borrow such amount for the purpose or purposes aforesaid, and secure the repayment of the sum so borrowed, together with interest thereon, by the issuance of bonds or notes of the county pursuant to the local bond law, notwithstanding any debt limitation or requirement for down payment therein provided for, or by the issuance of bonds or notes of the county improvement authority pursuant to the "county improvement authorities law," P.L.1960, c.183 (C.40:37A-44 et seq.). The proceeds of the sale of such obligations shall be paid to the treasurer of the county vocational school district, or in the case of bonds or notes issued by the county improvement authority to the chief financial officer of the authority if so directed by the treasurer, and shall be paid out only on the warrants or orders of the board of education of the school district, or in the case of bonds or notes issued by the county improvement authority on the orders of the chief financial officer of the authority. The treasurer of the board of education or the chief financial officer of the authority, as applicable, shall in no event disburse such proceeds, except to pay the expenses of issuing and selling such obligations and for the purpose or purposes for which such obligations were issued. If for any reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of education of the county vocational school district may transfer the balance remaining unapplied to the general fund of the school district.

3. This act shall take effect immediately.

Approved June 26, 2015.

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## CHAPTER 69

AN ACT concerning tax credits under the Economic Redevelopment and Growth Grant program for certain mixed-use parking projects, and amending P.L.2009, c.90.

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

1. Section 3 of P.L.2009, c.90 (C.52:27D-489c) is amended to read as follows:

**C.52:27D-489c Definitions relative to economic stimulus.**

3. As used in sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.):

"Applicant" means a developer proposing to enter into a redevelopment incentive grant agreement.

"Ancillary infrastructure project" means structures or improvements that are located within the incentive area but outside the project area of a redevelopment project, including, but not limited to, docks, bulkheads, parking garages, freight rail spurs, roadway overpasses, and train station platforms, provided a developer or municipal redeveloper has demonstrated that the redevelopment project would not be economically viable or promote the use of public transportation without such improvements, as approved by the State Treasurer.

"Authority" means the New Jersey Economic Development Authority established under section 4 of P.L.1974, c.80 (C.34:1B-4).

"Aviation district" means the area within a one-mile radius of the outermost boundary of the "Atlantic City International Airport," established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-24).

"Deep poverty pocket" means a population census tract having a poverty level of 20 percent or more, and which is located within the incentive area and has been determined by the authority to be an area appropriate for development and in need of economic development incentive assistance.

"Developer" means any person who enters or proposes to enter into a redevelopment incentive grant agreement pursuant to the provisions of section 9 of P.L.2009, c.90 (C.52:27D-489i), or its successors or assigns, including but not limited to a lender that completes a redevelopment project, operates a redevelopment project, or completes and operates a redevelopment project. A developer also may be a municipal redeveloper as defined herein.

"Director" means the Director of the Division of Taxation in the Department of the Treasury.

"Disaster recovery project" means a redevelopment project located on property that has been wholly or substantially damaged or destroyed as a result of a federally-declared disaster, and which is located within the incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance.

"Distressed municipality" means a municipality that is qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality identified by the Director of the Division of Local Government Services in the Department of Community Affairs to be facing serious fiscal distress, a SDA municipality, or a municipality in which a major rail station is located.

"Eligibility period" means the period of time specified in a redevelopment incentive grant agreement for the payment of reimbursements to a developer, which period shall not exceed 20 years, with the term to be determined solely at the discretion of the applicant.

"Eligible revenue" means the property tax increment and any other incremental revenues set forth in section 11 of P.L.2009, c.90 (C.52:27D-489k), except in the case of a Garden State Growth Zone, in which such property tax increment and any other incremental revenues are calculated as those incremental revenues that would have existed notwithstanding the provisions of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

"Garden State Growth Zone" or "growth zone" means the four New Jersey cities with the lowest median family income based on the 2009 American Community Survey from the US Census, (Table 708. Household, Family, and Per Capita Income and Individuals, and Families Below Poverty Level by City: 2009); or a municipality which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority.

"Highlands development credit receiving area or redevelopment area" means an area located within an incentive area and designated by the Highlands Council for the receipt of Highlands Development Credits under the Highlands Transfer Development Rights Program authorized under section 13 of P.L.2004, c.120 (C.13:20-13).

"Incentive grant" means reimbursement of all or a portion of the project financing gap of a redevelopment project through the State or a local Economic Redevelopment and Growth Grant program pursuant to section 4 or section 5 of P.L.2009, c.90 (C.52:27D-489d or C.52:27D-489e).

"Infrastructure improvements in the public right-of-way" mean public structures or improvements located in the public right of way that are located within a project area or that constitute an ancillary infrastructure project, either of which are dedicated to or owned by a governmental body or agency upon completion, or any required payment in lieu of such structures, improvements or projects or any costs of remediation associated with such structures, improvements or projects, and that are determined by the authority, in consultation with applicable State agencies, to be consistent with and in furtherance of State public infrastructure objectives and initiatives.

"Low-income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

"Major rail station" means a railroad station located within a qualified incentive area which provides access to the public to a minimum of six rail passenger service lines operated by the New Jersey Transit Corporation.

"Mixed use parking project" means a redevelopment project undertaken by a municipal redeveloper, the parking component of which shall constitute 51 percent or more of any of the following: a. the total square footage of the entire mixed use parking project; b. the estimated revenues of the entire mixed use parking project; or c. the total construction cost of the entire mixed use parking project.

"Moderate-income housing" means housing affordable, according to United States Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

"Municipal redeveloper" means an applicant for a redevelopment incentive grant agreement, which applicant is: a. a municipal government, a municipal parking authority, or a redevelopment agency acting on behalf of a municipal government as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3); or b. a developer of a mixed use parking project, provided

that the parking component of the mixed use parking project is operated and maintained by a municipal parking authority for the term of any financial assistance granted pursuant to P.L.2015, c.69.

"Municipal Revitalization Index" means the 2007 index by the Office for Planning Advocacy within the Department of State measuring or ranking municipal distress.

"Non-parking component" means that portion of a mixed use parking project not used for parking, together with the portion of the costs of the mixed use parking project, including but not limited to the footings, foundations, site work, infrastructure, and soft costs that are allocable to the non-parking use.

"Parking component" means that portion of a mixed use parking project used for parking, together with the portion of the costs of the mixed use parking project, including but not limited to the footings, foundations, site work, infrastructure, and soft costs that are allocable to the parking use.

"Project area" means land or lands located within the incentive area under common ownership or control including through a redevelopment agreement with a municipality, or as otherwise established by a municipality or a redevelopment agreement executed by a State entity to implement a redevelopment project.

"Project cost" means the costs incurred in connection with the redevelopment project by the developer until the issuance of a permanent certificate of occupancy, or until such other time specified by the authority, for a specific investment or improvement, including the costs relating to receiving Highlands Development Credits under the Highlands Transfer Development Rights Program authorized pursuant to section 13 of P.L.2004, c.120 (C.13:20-13), lands, buildings, improvements, real or personal property, or any interest therein, including leases discounted to present value, including lands under water, riparian rights, space rights and air rights acquired, owned, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, any environmental remediation costs, plus costs not directly related to construction, of an amount not to exceed 20 percent of the total costs, capitalized interest paid to third parties, and the cost of infrastructure improvements, including ancillary infrastructure projects, and, for projects located in a Garden State Growth Zone only, the cost of infrastructure improvements including any ancillary infrastructure project and the amount by which total project cost exceeds the cost of an alternative location for the redevelopment project, but excluding any particular costs for which the project has received federal, State, or local funding.

"Project financing gap" means: a. the part of the total project cost, including return on investment, that remains to be financed after all other sources of capital have been accounted for, including, but not limited to, developer-contributed capital, which shall not be less than 20 percent of the total project cost, which may include the value of any existing land and improvements in the project area owned or controlled by the developer, and the cost of infrastructure improvements in the public right-of-way, subject to review by the State Treasurer, and investor or financial entity capital or loans for which the developer, after making all good faith efforts to raise additional capital, certifies that additional capital cannot be raised from other sources on a non-recourse basis; and b. the amount by which total project cost exceeds the cost of an alternative location for the out-of-State redevelopment project.

"Project revenue" means all rents, fees, sales, and payments generated by a project, less taxes or other government payments.

"Property tax increment" means the amount obtained by:

- a. multiplying the general tax rate levied each year by the taxable value of all the property assessed within a project area in the same year, excluding any special assessments; and
- b. multiplying that product by a fraction having a numerator equal to the taxable value of all the property assessed within the project area, minus the property tax increment base, and having a denominator equal to the taxable value of all property assessed within the project area.

For the purpose of this definition, "property tax increment base" means the aggregate taxable value of all property assessed which is located within the redevelopment project area as of October 1st of the year preceding the year in which the redevelopment incentive grant agreement is authorized.

"Qualified incubator facility" means a commercial building located within an incentive area: which contains 100,000 or more square feet of office, laboratory, or industrial space; which is located near, and presents opportunities for collaboration with, a research institution, teaching hospital, college, or university; and within which, at least 75 percent of the gross leasable area is restricted for use by one or more technology startup companies during the commitment period.

"Qualified residential project" means a redevelopment project that is predominantly residential and includes multi-family residential units for purchase or lease, or dormitory units for purchase or lease, having a total project cost of at least \$17,500,000, if the project is located in any municipality with a population greater than 200,000 according to the latest federal decennial census, or having a total project cost of at least \$10,000,000 if the project is located in any municipality with a population less than 200,000

according to the latest federal decennial census, or is a disaster recovery project, or having a total project cost of \$5,000,000 if the project is in a Garden State Growth Zone.

"Qualifying economic redevelopment and growth grant incentive area" or "incentive area" means:

- a. an aviation district;
- b. a port district;
- c. a distressed municipality; or
- d. an area (1) designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as:
  - (a) Planning Area 1 (Metropolitan);
  - (b) Planning Area 2 (Suburban); or
  - (c) Planning Area 3 (Fringe Planning Area);(2) located within a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21);
- (3) located within any land owned by the New Jersey Sports and Exposition Authority, established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack Meadowlands District as delineated in section 4 of P.L.1968, c.404 (C.13:17-4);
- (4) located within a regional growth area, a town, village, or a military and federal installation area designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);
- (5) located within the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or in a highlands development credit receiving area or redevelopment area;
- (6) located within a Garden State Growth Zone;
- (7) located within land approved for closure under any federal Base Closure and Realignment Commission action; or
- (8) located only within the following portions of the areas designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) is located within:



(a) a designated center under the State Development and Redevelopment Plan;

(b) a designated growth center in an endorsed plan until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition as it pertains to Statewide planning areas;

(c) any area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) or in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14);

(d) any area on which a structure exists or previously existed including any desired expansion of the footprint of the existing or previously existing structure provided such expansion otherwise complies with all applicable federal, State, county, and local permits and approvals;

(e) the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands development credit receiving area or redevelopment area; or

(f) any area on which an existing tourism destination project is located.

"Qualifying economic redevelopment and growth grant incentive area" or "incentive area" shall not include any property located within the preservation area of the Highlands Region as defined in the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.).

"Redevelopment incentive grant agreement" means an agreement between: a. the State and the New Jersey Economic Development Authority and a developer; or b. a municipality and a developer, or a municipal ordinance authorizing a project to be undertaken by a municipal redeveloper, under which, in exchange for the proceeds of an incentive grant, the developer agrees to perform any work or undertaking necessary for a redevelopment project, including the clearance, development or redevelopment, construction, or rehabilitation of any structure or improvement of commercial, industrial, residential, or public structures or improvements within a qualifying economic redevelopment and growth grant incentive area or a transit village.

"Redevelopment project" means a specific construction project or improvement, including lands, buildings, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, leased, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, undertaken by a developer, owner or tenant, or both, within a project area and any ancillary infrastructure project including infrastructure improvements in the public right of way, as set forth in an application to be made to the authority. The use of the term "redemption project" in sections 3 through 18 of

P.L.2009, c.90 (C.52:27D-489c et al.) shall not be limited to only redevelopment projects located in areas determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) but shall also include, but not be limited to, any work or undertaking in accordance with the "Redevelopment Area Bond Financing Law," sections 1 through 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.) or other applicable law, pursuant to a redevelopment plan adopted by a State entity, or as described in the resolution adopted by a public entity created by State law with the power to adopt a redevelopment plan or otherwise determine the location, type and character of a redevelopment project or part of a redevelopment project on land owned or controlled by it or within its jurisdiction, including but not limited to, the New Jersey Meadowlands Commission established pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), the New Jersey Sports and Exposition Authority established pursuant to P.L.1971 c.137 (C.5:10-1 et seq.) and the Fort Monmouth Economic Revitalization Authority created pursuant to P.L.2010, c.51 (C.52:27I-18 et seq.).

"Redevelopment utility" means a self-liquidating fund created by a municipality pursuant to section 12 of P.L.2009, c.90 (C.52:27D-489I) to account for revenues collected and incentive grants paid pursuant to section 11 of P.L.2009, c.90 (C.52:27D-489k), or other revenues dedicated to a redevelopment project.

"Revenue increment base" means the amounts of all eligible revenues from sources within the redevelopment project area in the calendar year preceding the year in which the redevelopment incentive grant agreement is executed, as certified by the State Treasurer for State revenues, and the chief financial officer of the municipality for municipal revenues.

"SDA district" means an SDA district as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3).

"SDA municipality" means a municipality in which an SDA district is situate.

"Technology startup company" means a for profit business that has been in operation fewer than five years and is developing or possesses a proprietary technology or business method of a high-technology or life science-related product, process, or service which the business intends to move to commercialization.

"Tourism destination project" means a redevelopment project that will be among the most visited privately owned or operated tourism or recreation sites in the State, and which is located within the incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance.

"Transit project" means a redevelopment project located within a 1/2-mile radius, or one-mile radius for projects located in a Garden State Growth Zone, surrounding the mid-point of a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station platform area, including all light rail stations.

"Transit village" means a community with a bus, train, light rail, or ferry station that has developed a plan to achieve its economic development and revitalization goals and has been designated by the New Jersey Department of Transportation as a transit village.

"Urban transit hub" means an urban transit hub, as defined in section 10 of P.L.2007, c.346 (C.34:1B-208), that is located within an eligible municipality, as defined in section 10 of P.L.2007, c.346 (C.34:1B-208), or all light rail stations and property located within a one-mile radius of the mid-point of the platform area of such a rail, bus, or ferry station if the property is in a qualified municipality under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.).

"Vacant commercial building" means any commercial building or complex of commercial buildings having over 400,000 square feet of office, laboratory, or industrial space that is more than 70 percent unoccupied at the time of application to the authority or is negatively impacted by the approval of a "qualified business facility," as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208), or any vacant commercial building in a Garden State Growth Zone having over 35,000 square feet of office, laboratory, or industrial space, or over 200,000 square feet of office, laboratory, or industrial space in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties available for occupancy for a period of over one year.

"Vacant health facility project" means a redevelopment project where a health facility, as defined by section 2 of P.L.1971, c.136 (C.26:2H-2), currently exists and is considered vacant. A health facility shall be considered vacant if at least 70 percent of that facility has not been open to the public or utilized to serve any patients at the time of application to the authority.

2. Section 6 of P.L.2009, c.90 (C.52:27D-489f) is amended to read as follows:

**C.52:27D-489f Payment to developer from State.**

6. a. Up to the limits established in subsection b. of this section and in accordance with a redevelopment incentive grant agreement, beginning upon the receipt of occupancy permits for any portion of the redevelopment project, or upon such other event evidencing project completion as set forth

in the incentive grant agreement, the State Treasurer shall pay to the developer incremental State revenues directly realized from businesses operating on or at the site of the redevelopment project from the following taxes: the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et seq.), the tax imposed on marine insurance companies pursuant to R.S.54:16-1 et seq., the tax imposed on insurers generally, pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), the public utility franchise tax, public utilities gross receipts tax and public utility excise tax imposed on sewerage and water corporations pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.), those tariffs and charges imposed by electric, natural gas, telecommunications, water and sewage utilities, and cable television companies under the jurisdiction of the New Jersey Board of Utilities, or comparable entity, except for those tariffs, fees, or taxes related to societal benefits charges assessed pursuant to section 12 of P.L.1999, c.23 (C.48:3-60), any charges paid for compliance with the "Global Warming Response Act," P.L.2007, c.112 (C.26:2C-37 et seq.), transitional energy facility assessment unit taxes paid pursuant to section 67 of P.L.1997, c.162 (C.48:2-21.34), and the sales and use taxes on public utility and cable television services and commodities, the tax derived from net profits from business, a distributive share of partnership income, or a pro rata share of S corporation income under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., the tax derived from a business at the site of a redevelopment project that is required to collect the tax pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), the tax imposed pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.) from the purchase of furniture, fixtures and equipment, or materials for the remediation, the construction of new structures at the site of a redevelopment project, the hotel and motel occupancy fee imposed pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1), or the portion of the fee imposed pursuant to section 3 of P.L.1968, c.49 (C.46:15-7) derived from the sale of real property at the site of the redevelopment project and paid to the State Treasurer for use by the State, that is not credited to the "Shore Protection Fund" or the "Neighborhood Preservation Nonlapsing Revolving Fund" ("New Jersey Affordable Housing Trust Fund") pursuant to section 4 of P.L.1968, c.49 (C.46:15-8). Any developer shall be allowed to assign their ability to apply for the tax credit under this subsection to a non-profit organization with a mission dedicated to attracting investment and completing development and redevelopment projects in a Garden State Growth Zone. The non-profit organization may make an application on behalf of a developer which meets the requirements for the tax credit, or a group of non-qualifying de-

velopers, such that these will be considered a unified project for the purposes of the incentives provided under this section.

b. (1) Up to an average of 75 percent of the projected annual incremental revenues or 85 percent of the projected annual incremental revenues in a Garden State Growth Zone may be pledged towards the State portion of an incentive grant.

(2) In the case of a qualified residential project, if the authority determines that the estimated amount of incremental revenues pledged towards the State portion of an incentive grant is inadequate to fully fund the amount of the State portion of the incentive grant, then in lieu of an incentive grant based on such incremental revenue, the developer shall be awarded tax credits equal to the full amount of the incentive grant.

(3) In the case of a mixed use parking project, if the authority determines that the estimated amount of the incremental revenues pledged towards the State portion of an incentive grant is inadequate to fully fund the amount of the State portion of the incentive grant, then, in lieu of an incentive grant based on such incremental revenue, a municipal redeveloper shall be awarded tax credits equal to the full amount of the incentive grant.

The value of all credits approved by the authority pursuant to paragraph (2) or this paragraph shall not exceed \$600,000,000, of which:

(a) \$250,000,000 shall be restricted to qualified residential projects within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem counties, of which \$175,000,000 of credits shall be restricted to the following categories of projects: (i) qualified residential projects located in a Garden State Growth Zone located within the aforementioned counties, (ii) mixed use parking projects located in a Garden State Growth Zone or urban transit hub located within the aforementioned counties, and \$75,000,000 of credits shall be restricted to qualified residential projects in municipalities with a 2007 Municipal Revitalization Index of 400 or higher as of the date of enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.) and located within the aforementioned counties;

(b) \$250,000,000 shall be restricted to the following categories of projects: (i) qualified residential projects located in urban transit hubs that are commuter rail in nature that otherwise do not qualify under subparagraph (a) of this paragraph, (ii) qualified residential projects located in Garden State Growth Zones that do not qualify under subparagraph (a) of this paragraph, (iii) mixed use parking projects located in urban transit hubs or Garden State Growth Zones that do not qualify under subparagraph (a) of this paragraph, provided however, an urban transit hub shall be allocated no more than

\$25,000,000 for mixed use parking projects, (iv) qualified residential projects which are disaster recovery projects that otherwise do not qualify under subparagraph (a) of this paragraph, and (v) qualified residential projects in SDA municipalities located in Hudson County that were awarded State Aid in State Fiscal Year 2013 through the Transitional Aid to Localities program and otherwise do not qualify under subparagraph (a) of this paragraph, and \$25,000,000 of credits shall be restricted to mixed use parking projects in Garden State Growth Zones which have a population in excess of 125,000 and do not qualify under subparagraph (a) of this paragraph;

(c) \$75,000,000 shall be restricted to the following categories of projects: (i) qualified residential projects located in distressed municipalities, deep poverty pockets, highlands development credit receiving areas or redevelopment areas, otherwise not qualifying pursuant to subparagraph (a) or (b) of this paragraph, and (ii) mixed use parking projects that do not qualify under subparagraph (a) or (b) of this paragraph, which include a vacant commercial building located wholly or partially within a distressed municipality, and which are used by an independent institution of higher education, a school of medicine, a nonprofit hospital system, or any combination thereof; and

(d) \$25,000,000 shall be restricted to qualified residential projects that are located within a qualifying economic redevelopment and growth grant incentive area otherwise not qualifying under subparagraph (a), (b), or (c) of this paragraph.

(e) For subparagraphs (a) through (d) of this paragraph, not more than \$40,000,000 of credits shall be awarded to any qualified residential project in a deep poverty pocket or distressed municipality and not more than \$20,000,000 of credits shall be awarded to any other qualified residential project. The developer of a qualified residential project seeking an award of credits towards the funding of its incentive grant shall submit an incentive grant application prior to July 1, 2016 and if approved after the effective date of P.L.2013, c.161 shall submit a temporary certificate of occupancy for such project no later than July 28, 2018. Applications for tax credits pursuant to this subsection relating to an ancillary infrastructure project or infrastructure improvement in the public right of way, or both, shall be accompanied with a letter of support relating to the project or improvement by the governing body or agency in which the project is located. Credits awarded to a developer pursuant to this subsection shall be subject to the same financial and related analysis by the authority, the same term of the grant, and the same mechanism for administering the credits, and shall be utilized or transferred by the developer as if such credits had been

awarded to the developer pursuant to section 35 of P.L.2009, c.90 (C.34:1B-209.3) for qualified residential projects thereunder. No portion of the revenues pledged pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.) shall be subject to withholding or retainage for adjustment, in the event the developer or taxpayer waives its rights to claim a refund thereof.

(4) A developer may apply to the Director of the Division of Taxation in the Department of the Treasury and the chief executive officer of the authority for a tax credit transfer certificate, if the developer is awarded a tax credit pursuant to paragraph (2) or paragraph (3) of this subsection, covering one or more years, in lieu of the developer being allowed any amount of the credit against the tax liability of the developer. The tax credit transfer certificate, upon receipt thereof by the developer from the director and the chief executive officer of the authority, may be sold or assigned, in full or in part, to any other person that may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The certificate provided to the developer shall include a statement waiving the developer's right to claim that amount of the credit against the taxes that the developer has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed under this paragraph shall not be exchanged for consideration received by the developer of less than 75 percent of the transferred credit amount before considering any further discounting to present value that may be permitted. Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability shall be subject to the same limitations and conditions that apply to the use of the credit by the developer who originally applied for and was allowed the credit.

c. All administrative costs associated with the incentive grant shall be assessed to the applicant and be retained by the State Treasurer from the annual incentive grant payments.

d. The incremental revenue for the revenues listed in subsection a. of this section shall be calculated as the difference between the amount collected in any fiscal year from any eligible revenue source included in the State redevelopment incentive grant agreement, less the revenue increment base for that eligible revenue.

e. The municipality is authorized to collect any and all information necessary to facilitate grants under this program and remit that information, as may be required from time to time, in order to assist in the calculation of incremental revenue.

3. Section 8 of P.L.2009, c.90 (C.52:27D-489h) is amended to read as follows:

**C.52:27D-489h Incentive grant application form, procedure.**

8. a. (1) The authority, in consultation with the State Treasurer, shall promulgate an incentive grant application form and procedure for the Economic Redevelopment and Growth Grant program.

(2) (a) The Local Finance Board, in consultation with the authority, shall develop a minimum standard incentive grant application form for municipal Economic Redevelopment and Growth Grant programs.

(b) Through regulation, the authority shall establish standards for redevelopment projects seeking State or local incentive grants based on the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-efficient technology, and non-renewable resources in order to reduce environmental degradation and encourage long-term cost reduction.

b. Within each incentive grant application, a developer shall certify information concerning:

(1) the status of control of the entire redevelopment project site;

(2) all required State and federal government permits that have been issued for the redevelopment project, or will be issued pending resolution of financing issues;

(3) local planning and zoning board approvals, as required, for the redevelopment project;

(4) estimates of the revenue increment base, the eligible revenues for the project, and the assumptions upon which those estimates are made.

c. (1) With regard to State tax revenues proposed to be pledged for an incentive grant the authority and the State Treasurer shall review the project costs, evaluate and validate the project financing gap estimated by the developer, and conduct a State fiscal impact analysis to ensure that the overall public assistance provided to the project, except with regards to a qualified residential project or a mixed use parking project, will result in net benefits to the State including, without limitation, both direct and indirect economic benefits and non-financial community revitalization objectives, including but not limited to, the promotion of the use of public transportation in the case of the ancillary infrastructure project portion of any transit project.

(2) With regard to local incremental revenues proposed to be pledged for an incentive grant the authority and the Local Finance Board shall review the project costs, and except with respect to an application by a mu-



municipal redeveloper, evaluate and validate the project financing gap projected by the developer, and conduct a local fiscal impact analysis to ensure that the overall public assistance provided to the project, except with regards to a qualified residential project or a mixed use parking project, will result in net benefits to the municipality wherein the redevelopment project is located including, without limitation, both direct and indirect economic benefits and non-financial community revitalization objectives, including but not limited to, the promotion of the use of public transportation in the case of the ancillary infrastructure project portion of any transit project.

(3) The authority, State Treasurer, and Local Finance Board may act cooperatively to administer and review applications, and shall consult with the Office of State Planning on matters concerning State, regional, and local development and planning strategies.

(4) The costs of the aforementioned reviews shall be assessed to the applicant as an application fee.

(5) A developer who has already applied for an incentive grant award prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), but who has not yet been approved for such grant, or has not executed an agreement with the authority, may proceed under that application or seek to amend such application or reapply for an incentive grant award for the same project or any part thereof for the purpose of availing itself of any more favorable provisions of the Economic Redevelopment and Growth Grant program established pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), except that projects with costs exceeding \$200,000,000 shall not be eligible for revised percentage caps under subsection d. of section 19 of P.L.2013, c.161 (C.52:27D-489i).

4. Section 9 of P.L.2009, c.90 (C.52:27D-489i) is amended to read as follows:

**C.52:27D-489i Certain grant agreements permitted.**

9. a. The authority is authorized to enter into a redevelopment incentive grant agreement with a developer for any redevelopment project located within a qualifying economic redevelopment and growth grant incentive area that does not qualify as such area solely by virtue of being a transit village.

b. The decision whether or not to enter into a redevelopment incentive grant agreement is solely within the discretion of the authority and the State Treasurer, provided that they both agree to enter into an agreement.

c. The Chief Executive Officer of the authority, in consultation with the State Treasurer shall negotiate the terms and conditions of any redevelopment incentive grant agreement on behalf of the State.

d. (1) The redevelopment incentive grant agreement shall specify the maximum amount of project costs, the amount of the incentive grant to be awarded the developer, the frequency of payments, and the eligibility period, which shall not exceed 20 years, during which reimbursement will be granted, and for a project receiving an incentive grant in excess of \$50 million, the amount of the negotiated repayment amount to the State, which may include, but not be limited to, cash, equity, and warrants. Except for redevelopment incentive grant agreements with a municipal redeveloper, or with the developer of a redevelopment project solely with respect to the cost of infrastructure improvements in the public right-of-way including any ancillary infrastructure project in the public right-of-way, in no event shall the base amount of the combined reimbursements under redevelopment incentive grant agreements with the State or municipality exceed 20 percent of the total project cost, except in a Garden State Growth Zone, which shall not exceed 30 percent.

(2) The authority shall be permitted to increase the amount of the reimbursement under the redevelopment incentive grant agreement with the State by up to 10 percent of the total project cost if the project is:

(a) located in a distressed municipality which lacks adequate access to nutritious food in the judgment of the Chief Executive Officer of the authority and will include either a supermarket or grocery store with a minimum of 15,000 square feet of selling space devoted to the sale of consumable products or a prepared food establishment selling only nutritious ready to serve meals;

(b) located in a distressed municipality which lacks adequate access to health care and health services in the judgment of the Chief Executive Officer of the authority and will include a health care and health services center with a minimum of 10,000 square feet of space devoted to the provision of health care and health services;

(c) located in a distressed municipality which has a business located therein that is required to respond to a request for proposal to fulfill a contract with the federal government as set forth in subsection d. of section 3 of P.L.2011, c.149 (C.34:1B-244);

(d) a transit project;

(e) a qualified residential project in which at least 10 percent of the residential units are constructed as and reserved for moderate income housing;

(f) located in a highlands development credit receiving area or redevelopment area;

- (g) located in a Garden State Growth Zone;
- (h) a disaster recovery project;
- (i) an aviation project;
- (j) a tourism destination project; or
- (k) substantial rehabilitation or renovation of an existing structure or structures.

(3) The maximum amount of any redevelopment incentive grant shall be equal to up to 30 percent of the total project costs, except for projects located in a Garden State Growth Zone, in which case the maximum amount of any redevelopment incentive grant shall be equal to up to 40 percent of the total project costs. Notwithstanding anything to the contrary contained within this section, the maximum amount of any redevelopment incentive grant with respect to a mixed use parking project shall be up to 100 percent of the total project costs allocable to the parking component of the project, and shall be up to 40 percent of the total project costs allocable to the non-parking component of the project.

e. Except in the case of a qualified residential project or a mixed use parking project, the authority and the State Treasurer may enter into a redevelopment incentive grant agreement only if they make a finding that the State revenues to be realized from the redevelopment project will be in excess of the amount necessary to reimburse the developer for its project financing gap. This finding may be made by an estimation based upon the professional judgment of the Chief Executive Officer of the authority and the State Treasurer.

f. In deciding whether or not to recommend entering into a redevelopment incentive grant agreement and in negotiating a redevelopment agreement with a developer, the Chief Executive Officer of the authority shall consider the following factors:

- (1) the economic feasibility of the redevelopment project;
- (2) the extent of economic and related social distress in the municipality and the area to be affected by the redevelopment project or the level of site specific distress to include dilapidated conditions, brownfields designation, environmental contamination, pattern of vacancy, abandonment, or under utilization of the property, rate of foreclosures, or other site conditions as determined by the authority;
- (3) the degree to which the redevelopment project will advance State, regional, and local development and planning strategies;
- (4) the likelihood that the redevelopment project shall, upon completion, be capable of generating new tax revenue in an amount in excess of the amount necessary to reimburse the developer for project costs incurred as provided in the redevelopment incentive grant agreement, provided, howev-

er, that any tax revenue generated by a redevelopment project that is a disaster recovery project shall be considered new tax revenue even if the same or more tax revenue was generated at or on the site prior to the disaster;

(5) the relationship of the redevelopment project to a comprehensive local development strategy, including other major projects undertaken within the municipality;

(6) the need of the redevelopment incentive grant agreement to the viability of the redevelopment project or the promotion of the use of public transportation; and

(7) the degree to which the redevelopment project enhances and promotes job creation and economic development or the promotion of the use of public transportation.

g. (1) A developer that has entered into a redevelopment incentive grant agreement with the authority and the State Treasurer pursuant to this section may, upon notice to and consent of the authority and the State Treasurer, pledge, assign, transfer, or sell any or all of its right, title and interest in and to such agreements and in the incentive grants payable thereunder, and the right to receive same, along with the rights and remedies provided to the developer under such agreement. Any such assignment shall be an absolute assignment for all purposes, including the federal bankruptcy code.

(2) Any pledge of incentive grants made by the developer shall be valid and binding from the time when the pledge is made and filed in the records of the authority. The incentive grants so pledged and thereafter received by the developer shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the developer irrespective of whether the parties have notice thereof. Neither the redevelopment incentive grant agreement nor any other instrument by which a pledge under this section is created need be filed or recorded except with the authority.

5. This act shall take effect immediately.

Approved July 6, 2015.

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## CHAPTER 70

AN ACT concerning emergency medical services and supplementing P.L.1984, c.146 (C.26:2K-7 et seq.).

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

**C.26:2K-12.1 Hospitals in certain municipalities, requirements for provision of emergency medical services.**

1. a. (1) A hospital which has been issued a certificate of need by the Department of Health to operate a Level 1 trauma center shall be exclusively authorized to develop and maintain advanced life support services in the municipality in which the trauma center is located, and shall have the right of first refusal to provide both advanced life support and basic life support services in the municipality, provided that the services are provided at no charge to the municipality, and the municipality does not provide basic life support services as a municipal service or as part of a shared services agreement.

(2) A hospital that develops and maintains advanced life support services pursuant to paragraph (1) of this subsection shall be subject to the same level of oversight by the Department of Health as would apply to an entity that holds a certificate of need for advanced life support services, as provided by regulation at N.J.A.C.8:33.

b. A hospital which has been issued a certificate of need by the Department of Health to operate a Level 1 trauma center shall have the right to apply under expedited review to provide advanced life support services in additional municipalities in which an acute care hospital that, as of July 1, 2015, is part of the same health system as the Level 1 trauma center is located, provided such application for expedited review is submitted on or before December 31, 2016.

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

Approved July 6, 2015.

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CHAPTER 71

AN ACT concerning snow accumulation over fire hydrants, and supplementing chapter 65 of Title 40 of the Revised Statutes.

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

**C.40:65-12.1 Definitions relative to snow removal from fire hydrants.**

1. a. As used in P.L.2015, c.71 (C.40:65-12.1 et seq.):

“Director” means the Director of the Division of Fire Safety in the Department of Community Affairs.

“Division” means the Division of Fire Safety in the Department of Community Affairs.

“Hydrant locator pole” means a pole installed on, or adjacent to, as appropriate, a fire hydrant to enable the hydrant to be located when covered in snow.

“Snow coverage” means the initial complete coverage of the fire hydrant as a result of natural precipitation or street clearing activities.

b. On or before the first day of the twelfth month next following the operative date of P.L.2015, c.71 (C.40:65-12.1 et seq.), the governing body of every municipality may:

(1) install, or cause to be installed, a hydrant locator pole on every working fire hydrant within municipal boundaries. The hydrant locator pole shall be maintained in compliance with rules and regulations adopted by the director;

(2) adopt an ordinance or resolution, as applicable, requiring the owner of any real property abutting any fire hydrant to clear such fire hydrant of snow, within 24 hours of snow coverage, in compliance with rules and regulations adopted by the director; or

(3) adopt an ordinance or resolution, as applicable, directing the municipality itself, or any department thereof, to clear all fire hydrants of snow, within 24 hours of snow coverage, in compliance with rules and regulations adopted by the director.

c. If a party responsible for fire hydrant clearance under subsection b. of this section fails to perform the required clearance within the specified time, the municipality, or any department thereof, may perform the clearance and bill the responsible party no more than \$75 for the service.

**C.40:65-12.2 Rules, regulations.**

2. On or before the first day of the sixth month next following enactment of P.L.2015, c.71 (C.40:65-12.1 et seq.), the director, in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt and promulgate such rules and regulations as may be necessary for the implementation of this act, including guidance for the acceptable physical characteristics of hydrant locator poles, maintenance requirements for such poles, and snow removal standards.

3. This act shall take effect immediately, but section 1 shall remain inoperative until the first day of the sixth month next following enactment.

Approved July 6, 2015.

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CHAPTER 72

AN ACT concerning the Meadowlands Regional Commission and amending P.L.2015, c.19.

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

1. Section 2 of P.L.2015, c.19 (C.5:10A-2) is amended to read as follows:

**C.5:10A-2 Findings, declarations relative to the “Hackensack Meadowlands Agency Consolidation Act.”**

2. The Legislature finds and declares that:

a. The New Jersey Meadowlands Commission is currently the zoning and planning agency for a 30.4 square-mile area covering parts of 14 municipalities in Bergen and Hudson Counties in New Jersey. The New Jersey Meadowlands Commission, created in 1969, was charged with the development and redevelopment of the Hackensack Meadowlands in an orderly and comprehensive fashion, with special consideration to the ecological and environment challenges facing the Hackensack Meadowlands.

b. During the past 45 years, the New Jersey Meadowlands Commission has successfully provided for orderly comprehensive development, solid waste management, and environmental protection within the Hackensack Meadowlands, as well as guiding the investment of tens of millions of dollars in development, municipal services, and significant infrastructure projects, among other things.

c. There are several vital components necessary for the continuation and expansion of the comprehensive plan for the economic development growth of the Hackensack Meadowlands. Among them are infrastructure improvements, transportation, tourism, the completion of the development of the sport complex site, the delivery of municipal services, flood control, and the continuance of the Intermunicipal Tax Sharing Program, which is the fiscal underpinning of the district’s master plan.

d. The New Jersey Sports and Exposition Authority has promoted the holding of athletic contests, horse racing, and other spectator sporting events, trade shows, and other expositions in the State.

e. The 750 acres of the New Jersey Sports and Exposition Authority complex in the Hackensack Meadowlands is a significant economic stimulant to the development of the meadowlands. The New Jersey Sports and Exposition Authority's ability to plan, construct, and maintain its holdings in the sports complex has been an extraordinary feat, making it a premier sporting facility.

f. It is also appropriate and necessary to recognize the consistent impact of the Hackensack Meadowlands on tourist related activities and development, including retail, sports, and entertainment venues constructed at New Jersey Sports and Exposition Authority properties with support from private investment.

g. The authority and powers of the New Jersey Sports and Exposition Authority and the New Jersey Meadowlands Commission should be reviewed and amended to reflect the issues of the day so as to adequately address the evolving economic and environmental issues in the Hackensack Meadowlands.

h. In order to more effectively address the modern needs of the Hackensack Meadowlands, the Legislature finds that the two agencies with the common interest of promoting the economic growth of the meadowlands and northern New Jersey, the New Jersey Sports and Exposition Authority and the New Jersey Meadowlands Commission, should be consolidated to promote efficiency of operation, cost effectiveness, and the elimination of unnecessary government bureaucracy.

i. Nothing in P.L.2015, c.19 (C.5:10A-1 et al.) is intended to revise, limit, or nullify the rights of the New Jersey Sports and Exposition Authority under the provisions of P.L.1971, c.137 (C.5:10-1 et seq.) or other applicable laws. In the case of any conflict between P.L.1971, c.137 (C.5:10-1 et seq.) and the provisions of P.L.1968, c.404 (C.13:17-1 et seq.) or P.L.1971, c.137 (C.5:10-1 et seq.) and P.L.2015, c.19 (C.5:10A-1 et al.), the provisions of P.L.1971, c.137 (C.5:10-1 et seq.) shall control.

j. Except as expressly provided in P.L.2015, c.19 (C.5:10A-1 et al.) nothing is intended to revise, limit, or nullify the rights of the New Jersey Meadowlands Commission under P.L.1968, c.404 (C.13:17-1 et seq.). In the case of any conflict between P.L.1968, c.404 (C.13:17-1 et seq.) and the provisions of P.L.2015, c.19 (C.5:10A-1 et al.) the provisions of P.L.2015, c.19 (C.5:10A-1 et al.) shall control.

k. Notwithstanding anything in P.L.2015, c.19 (C.5:10A-1 et al.) to the contrary, sections 8 through 16, 18, 23, 24, 25, 29 through 48, and 74 of P.L.2015, c.19 (C.5:10A-1 et al.) shall not apply to the sports complex or



adversely affect the rights, benefits, entitlements, contracts, agreements, liabilities, responsibilities, or obligations upon existing developers or ground tenants within the sports complex or any other project of the New Jersey Sports and Exposition Authority, wherever located, as of the date of enactment of P.L.2015, c.19 (C.5:10A-1 et al.), and with respect to the sports complex, the rights and powers of the commission shall only be those set forth in P.L.1971, c.137 (C.5:10-1 et seq.).

2. Section 3 of P.L.2015, c.19 (C.5:10A-3) is amended to read as follows:

**C.5:10A-3 Definitions relative to the "Hackensack Meadowlands Agency Consolidation Act."**

3. As used in sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.):  
"Adjustment year" means the year in which the respective obligations of the intermunicipal account and the constituent municipalities of the district are due and payable.

"Apportionment rate" means a rate determined as follows:

(1) The total property taxes levied for local, school, and veterans' and senior citizens' purposes by a constituent municipality, as certified pursuant to R.S.54:4-52, in the comparison year after the meadowlands adjustment payment made in that comparison year has been subtracted or added, as the case may be, divided by

(2) The aggregate true value of all taxable real property, exclusive of Class II railroad property, located in the municipality, both within and without the district, in the comparison year, as determined by the Director of the Division of Taxation in the Department of the Treasury on October 1 of the comparison year, pursuant to section 2 of P.L.1954, c.86 (C.54:1-35.2), or as modified by the tax court. If a tax appeal is resolved after calculations are finalized for an adjustment year, the next year's calculations must show a retroactive correction for the applicable preceding two years.

"Area in need" means an area whose redevelopment is necessary to effectuate the public purposes described herein, as determined by the commission. An area designated as "in need" may contain lands, buildings, or improvements which, of themselves, are not detrimental to the public health, safety, or welfare, but nevertheless must be included in the area designated as "in need," with or without change in condition, for the effective redevelopment of the area of which they are a part. An area designated by the commission as a "redevelopment area" pursuant to the "Redevelopment Area Bond Financing Law," P.L.2001, c.310 (C.40A:12A-64 et seq.) shall

also be deemed to constitute an area in need for purposes of P.L.2015, c.19 (C.5:10A-1 et al.) and shall also be deemed to constitute an "area in need of redevelopment" for purposes of the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.).

"Base year" means 1970.

"Bonds" means any bonds, notes, interim certificates, debentures, or other obligations, issued by the commission pursuant to sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.).

"Commission" means the New Jersey Sports and Exposition Authority, which may be referred to as the "Meadowlands Regional Commission," as established by P.L.1971, c.137 (C.5:10-1 et seq.), P.L.1968, c.404 (C.13:17-1 et seq.), and section 6 of P.L.2015, c.19 (C.5:10A-6).

"Committee" means the Hackensack Meadowlands Municipal Committee established pursuant to the "Hackensack Meadowlands Redevelopment Act," P.L.1968, c.404 (C.13:17-1 et seq.).

"Comparison year" means the second calendar year preceding the adjustment year.

"Constituent municipalities" means the municipalities of Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, South Hackensack, and Teterboro in Bergen county; and Jersey City, Kearny, North Bergen, and Secaucus in Hudson county.

"District" means the Hackensack Meadowlands District, the area delineated within section 5 of P.L.2015, c.19 (C.5:10A-5).

"Hackensack meadowlands" means the Hackensack Meadowlands District as established by section 5 of P.L.2015, c.19 (C.5:10A-5).

"Hotel" means a building or portion of it, which is regularly used for the lodging of guests and is subject to taxation pursuant to the "Hotel Occupancy Tax Act," P.L.1981, c.77 (C.40:48E-1 et seq.).

"Improvement" means (1) the laying out, opening, construction, widening, straightening, enlargement, extension, alteration, changing of location, grading, paving, or otherwise improving, a street, alley, or public highway; (2) curbing or guttering of a sidewalk along a street, alley, or highway; (3) construction and improvement of bridges and viaducts; (4) construction, enlargement, or extension of a sewer or drain or of a sewerage or drainage system including, but not limited to, such systems under streets, alleys, or public highways, or works for the sanitary disposal of sewerage or drainage; (5) the installation of service connections to water and other utility works, including the laying, construction, or placing of mains, conduits, or cables under or along a street, alley, or highway; (6) the construction, enlargement, or extension of water mains or water distribution works; (7) extension of

landfills or other facilities for the disposal of solid wastes; (8) the installation of lighting standards, appliances, and appurtenances required for the illumination of streets; (9) the widening, deepening, or improvement of, the removal of obstructions in, and the construction, enlargement, and extension of any waterway, or of enclosing walls, or of a pipe or conduit along a water course; (10) the development and improvement of parks, recreational facilities, and flood control structures; (11) environmental enhancements and remediation; and (12) the construction of buildings and other structures.

“Intermunicipal account” means the device established and administered by the commission to record all of the transactions made for the purpose of calculating the meadowlands adjustment payment for each constituent municipality, and to act as the clearinghouse for the transfer of the meadowlands adjustment payments among the constituent municipalities as required by section 59 of P.L.2015, c.19 (C.5:10A-59).

“Master plan” means the comprehensive plan for the district prepared and adopted by the commission.

“Meadowlands adjustment payment” means the amount that is payable by each constituent municipality to the intermunicipal account, or the amount that is payable by the intermunicipal account to each municipality, as the commission shall determine the case to be.

“Owner” means all persons having any title or interest in any property, rights, easements, and interests authorized to be acquired, assessed, or regulated by sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.).

“Person” means all individuals, partnerships, associations, private or municipal corporations, and all political subdivisions of the State.

“Project” means any application for development, plan, work, or undertaking by the commission, constituent municipality, or redeveloper, pursuant to the master plan or a redevelopment plan.

“Project area” means all or a portion of a redevelopment area.

“Redeveloper” means any person, firm, corporation, or public or private agency that engages in development, redevelopment, or improvement of an area or any part thereof under the provisions of P.L.1971, c.137 (C.5:10-1 et seq.), P.L.1968, c.404 (C.13:17-1 et seq.), and sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.), or in the construction of any project pursuant to the master plan or redevelopment plan.

“Redevelopment” means planning, development, and redevelopment; the rehabilitation of any improvements; conservation or rehabilitation work; the construction and provision for construction of projects; or the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for such projects or other public purposes incidental or

appurtenant thereto, in accordance with the master plan or any part thereof, or a redevelopment plan.

“Redevelopment plan” means a plan adopted by the commission, applicable to an area in need, for a redevelopment project or projects, which shall conform to the master plan and which, with respect to the sports complex, shall include and incorporate its master plans and which shall be deemed to grant the commission control over the lands, projects and properties that are subject to the redevelopment plan. A redevelopment plan adopted pursuant to P.L.2015, c.19 (C.5:10A-1 et al.) shall also be deemed to constitute a redevelopment plan for purposes of the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et al.).

“Resident enrollment” means the number of full-time pupils who are residents of the school district and who are enrolled in day schools on the last day of September during the school year in which calculation of aid is made and are attending the public schools of the school district or a school district or State teachers’ college demonstration school in which the school district of residence pays tuition; school district may count in its enrollment any pupil regularly attending, on a full-time basis, a county vocational school in the same county, for which the school district pays tuition.

“Site plan” means a plan for an existing lot or plot or a subdivided lot on which is shown topography, location of all existing or proposed buildings, structures, drainage facilities, roads, rights-of-way, easements, parking areas, together with any other information, and at such a scale as may be required by a commission site plan review and approval resolution.

“Solid waste” means garbage, refuse, and other discarded materials resulting from industrial, commercial, and agricultural operations, and from domestic and community activities, and all other waste materials, including liquids, except for source separated recyclable materials or source separated food waste collected by livestock producers approved by the State Department of Agriculture to collect, prepare, and feed such wastes to livestock on their own farms.

“Solid waste and recycling facilities” means the plants, structures, and other real and personal property acquired, constructed, or operated, or to be acquired, constructed, or operated by the commission, as hereinafter provided, including landfills or other plants or facilities for the treatment of recycling materials and disposal of solid waste.

“Sports complex” means the 750 acre sports and exposition site located in the Borough of East Rutherford under the jurisdiction of the New Jersey Sports and Exposition Authority as of the effective date of P.L.2015, c.19 (C.5:10A-1 et al.) and such additional property that is owned and controlled

by the sports authority as may be designated by the commission from time to time as a part of the sports complex. The sports complex shall be considered a “qualified incentive area” for the purposes of P.L.2011, c.149 (C.34:1B-242 et seq.) and a “qualifying economic redevelopment and growth grant incentive area” for the purposes of P.L.2009, c.90 (C.52:27D-489a et al.).

“Special assessment” means an assessment for benefits accruing from the construction of improvements by or at the direction of the commission.

“Subdivision” means the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development except that the following divisions shall not be considered subdivisions; provided, however, that no new streets or roads are involved; divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property pursuant to court order.

3. Section 5 of P.L.2015, c.19 (C.5:10A-5) is amended to read as follows:

**C.5:10A-5 Districts delineated.**

5. a. Except as otherwise provided, the commission shall carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.) within the following district:

Beginning at a point on Hendricks Causeway at its junction with the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch in Ridgely;

Thence southerly along the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch to its junction with the Fairview-Ridgely Municipal boundary;

Thence westerly along the Fairview-Ridgely Municipal boundary to its junction with the Fairview-North Bergen Municipal boundary;

Thence easterly along the Fairview-North Bergen Municipal boundary to its junction with the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch;

Thence southerly along the tracks of the Erie-Lackawanna Railroad--Northern Railroad of New Jersey Branch to its junction with Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;

Thence southerly along Tonnelle Avenue (U.S. Route 1 and 9) to its intersection with the Pulaski Skyway;

Thence westerly along a line formed by the Pulaski Skyway to a point where the Port Authority Trans-Hudson tracks pass under the Pulaski Skyway;

Thence westerly along the Port Authority Trans-Hudson tracks to their intersection with the Harrison-Kearny Municipal Boundary;

Thence northwesterly along the Harrison-Kearny Municipal Boundary, as it jogs and curves, to its intersection with the Erie-Lackawanna Railroad, Harrison-Kingsland connecting branch of the Morris and Essex Division;

Thence northerly along the tracks of the Erie-Lackawanna Railroad, Harrison-Kingsland connecting branch of the Morris and Essex Division to its junction with Orient Way in Lyndhurst;

Thence northerly along Orient Way to its junction with Valley Brook Avenue-Smith Street;

Thence easterly along Smith Street to its junction with Madison Street;

Thence northerly along Madison Street to its junction with Evergreen Place;

Thence westerly along Evergreen Place to its junction with Meadow Road;

Thence northerly along Meadow Road to its junction with Rutherford Avenue;

Thence northerly along a straight line drawn between the intersection of Rutherford Avenue and Meadow Road and the junction of Union Avenue and Erie-Lackawanna-New Jersey and New York Railroad;

Thence northerly along the tracks of the Erie-Lackawanna-New Jersey and New York Railroad to its intersection with the Wood-Ridge-Carlstadt municipal boundary;

Thence easterly along the Wood-Ridge-Carlstadt municipal boundary to its intersection with the Moonachie-Wood-Ridge municipal boundary;

Thence northerly and westerly along the Moonachie-Wood-Ridge municipal boundary to its intersection with the Hasbrouck Heights-Moonachie municipal boundary;

Thence easterly and northerly along the Hasbrouck Heights-Moonachie municipal boundary to its intersection with the Moonachie-Teterboro municipal boundary;

Thence westerly and northerly along the Hasbrouck Heights-Teterboro municipal boundary to its intersection with U. S. Route 46;

Thence easterly along U. S. Route 46 to its intersection with the Teterboro-Little Ferry municipal boundary;

Thence southerly along the Teterboro-Little Ferry municipal boundary to its intersection with the Moonachie-Little Ferry boundary;

Thence southerly along the Moonachie-Little Ferry municipal boundary to its intersection with Red Neck Road;

Thence southerly along Red Neck Road to its junction with Moonachie Avenue in Moonachie;

Thence easterly along Moonachie Avenue to its junction with Moonachie Road;

Thence northerly along Moonachie Road to its junction with Maple Street;

Thence easterly along Maple Street approximately 930 feet to its intersection with the Transcontinental gas pipeline;

Thence northeasterly along a straight line drawn between the intersection of Maple Street and the Transcontinental gas pipeline and the intersection of Bertolotto Avenue and the Moonachie-Little Ferry Municipal boundary (Losen Slofe Creek);

Thence easterly along Bertolotto Avenue to its junction with Eckel Road;

Thence southerly along 5th Street to its junction with Mansfield Avenue;

Thence easterly along Columbus Avenue to its junction with Mehrhof Road;

Thence northerly along Mehrhof Road to its junction with Washington Avenue;

Thence easterly and northerly along Washington Avenue to its junction with Main Street;

Thence easterly along Main Street extended to the Little Ferry-Ridgefield Park Municipal boundary; (The middle of the Hackensack River);

Thence southerly along the Little Ferry-Ridgefield Park Municipal boundary (in the middle of the Hackensack River) to its intersection with the Ridgefield Park-Ridgefield Municipal boundary;

Thence easterly along the Ridgefield Park-Ridgefield Municipal boundary (in the middle of Overpeck Creek) to its intersection with Bergen Turnpike;

Thence southerly along Bergen Turnpike to its junction with Hendricks Causeway;

Thence southeasterly along Hendricks Causeway to its junction with the tracks of the Lackawanna Railroad--Northern Branch, the point of beginning.

b. The commission shall not carry out the purposes of P.L.1968, c.404 (C.13:17-1 et seq.) or sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.), take any action, or have any jurisdiction within the following district:

Beginning at a point on Old New Jersey Route 3 (New Jersey Route 153) (Paterson Plank Road) at its junction with County Avenue in Secaucus;

Thence southerly along County Avenue to its junction with Secaucus Road;

Thence westerly along Secaucus Road a distance of 1,321 feet, more or less, to its junction with Private Road;

Thence northerly along a straight line drawn between the intersection of Secaucus Road and the aforementioned Private Road and the intersection of Pandolfi Avenue-Golden Avenue in Secaucus;

Thence westerly along Pandolfi Avenue to its junction with 5th Street;

Thence southerly along 5th Street to its junction with Mansfield Avenue;

Thence westerly along Mansfield Avenue to its junction with Walter Place;

Thence northerly along Walter Place to its junction with Mansfield Avenue;

Thence westerly along Mansfield Avenue to its junction with 9th Street;

Thence northerly along 9th Street to its junction with Grace Street;

Thence easterly along Grace Street to its junction with Eighth Street;

Thence northerly along Eighth Street to its junction with Old New Jersey Route 3 (Route 153);

Thence easterly along Old New Jersey Route 3 (Route 153) to its junction with Paterson Plank Road;

Thence easterly continuing along Old New Jersey Route 3 (Route 153) (Paterson Plank Road) to its junction with County Avenue, the point of beginning.

c. The commission shall not carry out the purposes of P.L.1968, c.404 (C.13:17-1 et seq.) or sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.), take any action, or have any jurisdiction within the following district:

Beginning at a point on Maple Avenue at its junction with 7th Street in Secaucus;

Thence northerly and easterly along 7th Street to its junction with Paterson Plank Road;

Thence northerly along Paterson Plank Road to its junction with Farm Road;

Thence northerly along Farm Road to its junction with Meadow Lane;

Thence easterly along Meadow Lane to its junction with Stonewall Lane and Mill Ridge Road;

Thence easterly along Mill Ridge Road to its junction with Koelle Boulevard;

Thence southerly along Koelle Boulevard to its junction with Huber Street;

Thence westerly along Huber Street to its junction with Radio Avenue;

Thence southerly on Radio Avenue to its junction with Pikeview Terrace;

Thence westerly and northerly along Pikeview Terrace to its intersection with Lausecker Lane;



Thence westerly along Lausecker Lane to its junction with Paterson Plank Road;

Thence southerly along Paterson Plank Road to its junction with Maple Street;

Thence westerly along Maple Street to its junction with 7th Street, the point of beginning.

4. Section 4 of P.L.2015, c.19 (C.5:10A-4) is amended to read as follows:

**C.5:10A-4 References mean and refer to the New Jersey Sports and Exposition Authority.**

4. On and after the effective date of P.L.2015, c.19 (C.5:10A-1 et al.), any reference in any law, rule, regulation, order, contract, or document to the Hackensack Meadowlands Development Commission or the New Jersey Meadowlands Commission shall mean and refer to the New Jersey Sports and Exposition Authority as established by section 4 of P.L.1971, c.137 (C.5:10-4), as modified by P.L.2015, c.19 (C.5:10A-1 et al.), also referred to herein as the “commission.”

5. Section 6 of P.L.2015, c.19 (C.5:10A-6) is amended to read as follows:

**C.5:10A-6 New Jersey Meadowlands Commission dissolved.**

6. The New Jersey Meadowlands Commission, established pursuant to section 5 of P.L.1968, c.404 (C.13:17-5) is dissolved. All property, funds, and assets of the New Jersey Meadowlands Commission are vested in and belong to the New Jersey Sports and Exposition Authority, which, in addition to the powers and authority vested in it pursuant to P.L.1971, c.137 (C.5:10-1 et seq.), shall carry out the purposes of P.L.1968, c.404 (C.13:17-1 et seq.) and P.L.2015, c.19 (C.5:10A-1 et al.). All regulations, adjudications, orders, permits, and other approvals issued by the New Jersey Meadowlands Commission, and all contracts, agreements, bonds, notes, and other obligations incurred by the New Jersey Meadowlands Commission pursuant to P.L.1968, c.404 (C.13:17-1 et seq.) prior to the effective date of P.L.2015, c.19 (C.5:10A-1 et al.) shall remain in effect, and all applications pending before the New Jersey Meadowlands Commission on the effective date of P.L.2015, c.19 (C.5:10A-1 et al.) shall continue to be pending before the New Jersey Sports and Exposition Authority.

6. Section 7 of P.L.2015, c.19 (C.5:10A-7) is amended to read as follows:

**C.5:10A-7 Additional powers of commission.**

7. In addition to any powers established pursuant to section 5 of P.L.1971, c.137 (C.5:10-5), the commission, as defined by section 4 of P.L.2015, c.19 (C.5:10A-4), shall have the following powers:

a. To enter upon any building or property in order to conduct investigations, examinations, and surveys necessary to carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.);

b. To prepare, adopt, and implement a master plan for the physical development of all lands, or a portion thereof, lying within the district, and to adopt and enforce regulations, codes, and standards for the effectuation of such plan;

c. To undertake any development or other project or improvement as it finds necessary to redevelop and improve the land within the district;

d. To recover by special assessments the cost of improvements from the increase of property values attributable to such improvements;

e. Generally to establish, charge, and collect rates, fees, and other charges for the use of any facilities operated and maintained by the commission, and to collect fees as otherwise established by law, rule, or regulation;

f. To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the commission to carry out its responsibilities;

g. To plan, establish, and implement programs promoting and facilitating economic development opportunities in the district;

h. To review and regulate plans for any subdivision or development within the district;

i. To cause to be prepared plans, specifications, designs, and estimates of costs for the construction of projects and improvements under the provisions of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.), and to modify such plans, specifications, designs, or estimates;

j. To determine the existence of areas in need of redevelopment or rehabilitation and to approve or undertake redevelopment projects therein;

k. To provide solid waste disposal and recycling facilities for the treatment of solid waste;

l. To assist and coordinate shared services among the constituent municipalities of the district and to enter into, from time to time, contracts with one or more municipalities, counties, or other public agencies for the opera-

tion of public improvements, works, facilities, services, or undertakings of such municipalities, counties, or agencies, or of the commission;

m. To consult with the Department of Environmental Protection as to the necessary steps to develop plans and undertake flood control projects and to maintain and construct necessary flood control structures and ditches;

n. To take any action necessary for the purpose of promoting and marketing tourism, entertainment, sports, and all related activities within the district or at any other location owned or operated by the commission. The commission may create a not-for-profit entity that will implement this function;

o. To preserve and protect the environment of the district and to provide programs for environmental education that benefit schools and the general public;

p. To create a transportation planning district and develop strategies to improve regional comprehensive planning;

q. To receive and accept, from any federal or other public agency or governmental entity, grants or loans for, or in aid of, the planning or construction of any project or improvement, or the acquisition of any property, and to receive and accept aid or contributions from any other source, of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants, loans, and contributions may be made, and to enter into co-operative agreements with the federal government, or any other public or governmental agency, for the performance of such acts as may be necessary and proper for the reclamation of the Hackensack meadowlands and to comply with established requirements for such participation;

r. To establish engineering standards and a building code specifying the maximum weight, size, and density of all buildings and structures to be placed on any land within its jurisdiction;

s. To conduct examinations and investigations, hear testimony, and take proof, under oath at public and private hearings, of any material matter, require attendance of witnesses and the production of books and papers, and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;

t. To subordinate, waive, sell, assign, or release any right, title, claim, lien, or demand, however acquired, including any equity or right of redemption; to foreclose, sell, or assign any mortgage held by it, or any interest in real or personal property; and to purchase at any sale upon such terms and at such prices as it determines to be reasonable and to take title to property, real, personal, or mixed, so acquired, and to sell, exchange, assign, convey, lease, mortgage, or otherwise dispose of any such property, subject to such

conditions and restrictions as it deems necessary to carry out the purposes of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.); and

u. To collect, and disburse, the assessments authorized in section 85 of P.L.2015, c.19 (C.5:10A-85), for the purposes set forth in that section.

7. Section 9 of P.L.2015, c.19 (C.5:10A-9) is amended to read as follows:

**C.5:10A-9 Submission to the committee prior to final action.**

9. a. The commission shall submit to the municipal committee established pursuant to section 7 of P.L.1968, c.404 (C.13:17-7) for review, prior to final action thereon, codes and standards formulated by the commission, the district master plan and amendments thereto, development and redevelopment plans, and improvement plans. The commission may also submit to the committee any other matter which the commission deems advisable. The committee may also coordinate shared services and cooperative agreements among the constituent municipalities and conduct studies and provide reports to the commission regarding issues which impact the constituent municipalities.

b. The committee shall review matters submitted to it by the commission pursuant to this section and shall indicate its position, in writing, to the commission. Failure of the committee to convey to the commission its position within 30 days of the receipt of any matter referred to the committee shall constitute approval of the proposed action of the commission; provided, however, that the committee shall have 120 days after receipt of a major revision of the master plan to convey its position, in writing, to the commission.

c. The commission shall not take action on any matter required to be submitted to the committee, which matter has been formally rejected by the committee, except by an affirmative vote of the majority of the members of the commission.

8. Section 10 of P.L.2015, c.19 (C.5:10A-10) is amended to read as follows:

**C.5:10A-10 Master plan.**

10. a. After a public hearing and pursuant to the procedures hereinafter provided, the commission shall prepare, or cause to be prepared, and adopt a master plan, or portion thereof, for the physical development of all lands lying within the district. The master plan may include proposals for various stages for the future development of the district. The commission may amend the master plan in accordance with the procedures established herein. The master plan shall include a report presenting the objectives, as-

sumptions, standards, and principles, as set forth in the master plan. The master plan shall be a composite of the one or more written proposals recommending the physical development of the lands within the district, in its entirety or a portion thereof, which the commission shall prepare after meetings with the governing bodies of the constituent municipalities and affected counties, and any agencies and instrumentalities thereof.

b. In preparing the master plan or any portion thereof or amendment thereto the commission shall consider the existing patterns of the development in constituent municipalities, and any master plan or other plan of development adopted by any constituent municipality prior to the effective date of P.L.2015, c.19 (C.5:10A-1 et al.), or prior to the preparation of the master plan by the commission.

c. In preparing the master plan or any portion thereof or amendment thereto, the commission shall consult with any federal or State agency having an interest in the district. At least 60 days prior to taking any action relating to the district, any interested agency shall file with the commission any proposed plans for the commission's review and recommendation.

d. A master plan examination and revision shall be conducted by the commission every 10 years, the first of which shall be conducted 10 years from the date on which the first master plan was adopted by the commission pursuant to this section. The master plan in effect on the effective date of P.L.2015, c.19 (C.5:10A-1 et al.) shall remain in effect until the commission's next examination and revision, which shall be within five years of the effective date of P.L.2015, c.19 (C.5:10A-1 et al.). The master plans in effect on the effective date of P.L.2015, c.19 (C.5:10A-1 et al.) shall not apply to the sports complex, which shall be subject to the master plan adopted by the New Jersey Sports and Exposition Authority as of the effective date of P.L.2015, c.19 (C.5:10A-1 et al.).

e. The master plan shall include provisions or criteria for the location and use of buildings, structures, facilities, and land for solid waste disposal and recycling, and may include provisions for:

- (1) the use of land and buildings, residential, commercial, industrial, park, and other like purposes;
- (2) service-water supply, utilities, sewerage, and other like matters;
- (3) transportation, streets, parking, public transit lines and stations, both above and below ground level, freight facilities, airports, harbors, channels, docks, and wharves, and other like matters;
- (4) housing, including affordable housing, residential standards, clearance, redevelopment, rehabilitation, conservation, and other like matters;
- (5) water, soil conservation, flood control, and other like matters;

(6) public and semipublic facilities including but not limited to civic centers, schools, libraries, parks, playgrounds, fire houses, police buildings, hospitals, and other like matters;

(7) the distribution and density of population;

(8) planned unit development;

(9) community appearance;

(10) financing and programming capital improvements;

(11) plan and develop facilities for tourism, sports, and entertainment; and

(12) other related elements of growth and development, including the social implications of any proposed development, and advances in technology related to any subject included in the plan.

f. In accordance with sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.), and in addition to any other law, rule, or regulation concerning affordable housing, the master plan may also include codes and standards covering land use, comprehensive zoning, subdivisions, building construction and design, housing, and the control of air and water pollution, and other subjects necessary to carry out the plan or to undertake a workable program of community improvement. No codes or standards concerning building construction and design shall be promulgated without the certificate of the chief engineer or equivalent official of the commission that the proposed codes and standards meet the engineering standards adopted by the commission. No municipality shall adopt, and no municipal official shall enforce, any code which is inconsistent with the code contained in the master plan insofar as such code applies to property within the district; provided, however, that the governing body or other appropriate body of each constituent municipality may adopt zoning ordinances and any other codes or standards, which it is authorized by the laws of this State to adopt, for lands within the boundaries of said municipality which are subject to the jurisdiction of the commission and which will effectuate the purposes of the commission's master plan.

9. Section 11 of P.L.2015, c.19 (C.5:10A-11) is amended to read as follows:

**C.5:10A-11 Municipality; authority to approve, reject applications.**

11. a. A constituent municipality that adopts and maintains the commission's master plan, zoning regulations, codes, and standards shall review and approve or reject applications for the development, improvement, redevelopment, construction, or reconstruction on land in the district, except as otherwise provided in P.L.2015, c.19 (C.5:10A-1 et al.), upon the commis-

sion's determination that the master plan, zoning regulations, codes, and standards adopted by the constituent municipality conform in all material respects to those of the commission. If the commission does not respond to a constituent municipality's request for a determination of conformance within 120 days of the commission receiving the municipality's request, the municipality shall be deemed in conformance. The municipality shall provide the commission all documentation, plans, and information regarding all applications. All fees generated by these applications and approvals shall be retained by the municipality.

b. For those constituent municipalities that do not adopt the commission's master plan, zoning regulations, codes, and standards, the commission shall have the sole authority to issue zoning approvals.

c. Any constituent municipality which undertakes projects for public recreation, public safety, and the general welfare of its citizens will not be required to file an application with the commission. The codes and standards of that municipality shall apply. All documentation plans and necessary information regarding the project shall be submitted to the commission upon completion of the project.

d. Any project which requires a use variance pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70) or special exception from any provision of the commission's master plan or zoning regulations must be submitted directly to the commission for review and approval or rejection. Any project which requires a bulk variance pursuant to subsection c. of section 57 of P.L.1975, c.291 (C.40:55D-70) or approval for a minor subdivision, as defined by section 3.2 of P.L.1975, c.291 (C.40:55D-5), may be approved by the appropriate board of a constituent municipality.

e. The commission shall maintain jurisdiction over any project that is subject to the jurisdiction of the New Jersey Board of Public Utilities, including, but not limited to, projects proposed by a public utility for the maintenance, operation, rehabilitation, preservation, construction, reconstruction, repair, or upgrade of transmission and distribution lines, rights of way, or systems that ensure safe, adequate, and reliable service.

f. Notwithstanding subsections a. through e. of this section, the commission shall maintain sole jurisdiction over any project it deems, in its sole discretion, to be vital to the public safety, general welfare, development, or redevelopment of the district.

10. Section 19 of P.L.2015, c.19 (C.5:10A-19) is amended to read as follows:

**C.5:10A-19 Safeguarding of environmental resources of district.**

19. In addition to any powers established pursuant to section 5 of P.L.1971, c.137 (C.5:10-5), and the powers established pursuant to section 7 of P.L.2015, c.19 (C.5:10A-7), the commission shall endeavor to safeguard the environmental resources of the district and provide quality public recreation and educational opportunities. The commission may:

- a. Target and prioritize potential preservation sites for acquisition, deed restriction, and conservation easements, including large tracts of wetlands sites;
- b. Preserve wetlands to protect wildlife, water quality, and flood storage value;
- c. Review preservation sites for potential wetland enhancement and mitigation;
- d. Improve connections among the district's trails and habitats, reducing fragmentation;
- e. Identify missing links in the existing trail system, as well as key locations for connecting to wildlife viewing stations, environmental venues, boat launches, docks, and other active and passive recreational attractions;
- f. Increase both active and passive recreational uses;
- g. Eliminate or control the presence of other invasive plant and animal species;
- h. Maintain and improve targeted habitats relative to breeding, wintering, feeding, and other wildlife activities;
- i. Maintain the value of the Hackensack meadowlands as an urban sanctuary for birds using the Atlantic Flyway;
- j. Seek available funding for land acquisition, protection, and management of wildlife preserves;
- k. Maintain and restore the ecology of the waterways, including the estuary, shorelines, and nursery habitat for fish;
- l. Continue monitoring water quality by collecting and analyzing data to determine trends, document improvements, and assess the need for additional, or more stringent, measures;
- m. The provisions of section 6 of P.L.1984, c.128 (C.13:17-6.1), or any other law, rule, or regulation regarding purchases, contracts, or agreements to the contrary notwithstanding, at the request of the Commissioner of Environmental Protection, evaluate, approve, and implement any plan or plans for the further preservation, development, enhancement, or improvement of Liberty State Park and the buildings, structures, properties, and appurtenances related thereto, or incidental to, necessary for, or complementary to the park. The commission may avail itself of any plans under review by the Depart-



ment of Environmental Protection from any source that may promote expanded and diverse recreational, cultural, and educational opportunities for visitors to Liberty State Park and provide greater access to park facilities. Any approved plans shall constitute a project of the commission, but shall not be adopted as part of the master plan. Any plans approved by the commission shall be subject to the provisions of P.L.1981, c.447 and subject to approval or disapproval by the Commissioner of Environmental Protection. In evaluating any plan, the Commissioner shall prepare an assessment of environmental impacts on the plan, and how those impacts, if any, may be avoided, minimized, or mitigated. At least one public hearing in connection with plans under consideration by the commission shall be held at Liberty State Park. Nothing in this subsection shall be construed to transfer ownership of any of the property of Liberty State Park to the commission or any other person; and

n. Operate a not-for-profit organization which shall continue research opportunities of the Meadowlands Environmental Research Institute.

11. Section 20 of P.L.2015, c.19 (C.5:10A-20) is amended to read as follows:

**C.5:10A-20 Strategies, funding for flood control in infrastructure.**

20. The commission may develop strategies and seek funding for flood control infrastructure based on flood modeling for the district and surrounding areas.

a. The commission may:

(1) identify all drainage basins in the district and any drainage areas that directly impact the district; and

(2) develop strategies to address the major causes of flooding.

b. The commission may maintain flood control infrastructure that it constructed.

12. Section 21 of P.L.2015, c.19 (C.5:10A-21) is amended to read as follows:

**C.5:10A-21 Provision of solid waste and recycling disposal facilities.**

21. In providing the solid waste and recycling disposal facilities, the commission shall, prior to preparing any plans or specifications for such facilities, consult with those persons utilizing the district for the treatment and disposal of solid waste, and contract with any such persons who desire to utilize solid waste disposal facilities provided by the commission. In providing such facilities, the commission may:

a. Acquire or construct any such facilities as an improvement, and may recover the cost of such acquisition or construction in the same manner, and pursuant to the same procedure, provided for any other improvement undertaken by the commission;

b. Operate and maintain any such facilities, as owner, lessor, or lessee, and generally fix and collect rates, fees, or other charges for any such facilities in the same manner, and pursuant to the same procedure, provided for any other facilities operated and maintained by the commission. The commission shall submit to the Commissioner of Environmental Protection for approval a plan or plans describing in detail the purpose of any acquisition, construction, operation, lease as lessor or lessee, contract, or agreement. When reviewing the plans submitted in compliance with this section and in determining conditions under which such plans may be approved, the commissioner shall give due consideration to community development of comprehensive regional solid waste disposal facilities, with the objective being that all conform to reasonably contemplated development of comprehensive community or regional solid waste disposal facilities. No solid waste disposal facility shall be acquired, constructed, operated, leased, contracted, or agreed for in the district without approval of the Commissioner of Environmental Protection;

c. Join and participate with any agency, municipality, county, or authority created by the State, or by any political subdivision or subdivisions thereof, through an intergovernmental agreement without need for that agency, municipality, county, or authority to go to public bid for the purpose of treating or disposing of solid waste and recycling;

d. Permit, by contract or agreement, any agency, instrumentality, or authority created by the State, or by any political subdivision thereof, for the purpose of treating or disposing of solid waste, to acquire, construct, or operate and maintain any solid waste disposal facilities which such agency, instrumentality, or authority is authorized by law to acquire, construct, or operate and maintain. Any such facilities acquired, constructed, or operated and maintained by any such agency, instrumentality, or authority may be located either within the district or without the district, but shall be within the jurisdiction of such agency, instrumentality, or authority.

e. For the purposes of acquiring or constructing any solid waste disposal facility, the commission is authorized to issue bonds and notes and to pay or redeem said bonds and notes from revenue derived from the fees and other charges collected for such facilities. Any cost incurred by the commission in providing any solid waste disposal facilities shall be charged to the persons utilizing such facilities, and nothing herein contained shall be

interpreted as requiring the commission to bear the cost of any solid waste disposal facility provided by the commission.

f. No solid waste may be treated or disposed in the district by any person without the express written permission of the commission.

13. Section 22 of P.L.2015, c.19 (C.5:10A-22) is amended to read as follows:

**C.5:10A-22 Municipal Assistance Program Fund.**

22. a. In the event that surplus moneys become available from the operation of solid waste disposal facilities by the commission, which are not required by any contract with the holders of any bonds, notes, or other obligations of the commission to be retained in any fund or account for the security of the commission's bonds, notes, or other obligations, then at least 75 percent of that surplus shall be used by the commission for any lawful purpose and 25 percent of that surplus may be placed in a special Municipal Assistance Program fund established by the commission for the purpose of infrastructure improvements.

b. The commission may establish a surcharge on solid waste which enters into its facilities. Revenue collected pursuant to this subsection shall be dedicated, exclusively, to the Municipal Assistance Program fund created by the commission pursuant to subsection a. of this section.

14. Section 23 of P.L.2015, c.19 (C.5:10A-23) is amended to read as follows:

**C.5:10A-23 Declaration of area in need.**

23. a. Pursuant to the procedure hereinafter provided, the commission shall have the exclusive power to declare the district, or any portion thereof, to be an area in need.

b. Prior to declaring any portion of the district as an area in need, the commission, by resolution, shall provide for a preliminary investigation. Upon the adoption of such a resolution, the commission shall prepare a map showing the boundaries of the proposed area and the location of the various parcels of property located therein, and shall append thereto a statement setting forth the reasons for the investigation.

c. The commission shall thereupon cause a hearing to be held at an appointed time and place for the purpose of hearing persons interested in, or who would be affected by, a determination that the area is an area in need, as defined in section 3 of P.L.2015, c.19 (C.5:10A-3), and who are in favor of, or are opposed to, such determination.

d. A notice of such hearing shall be given setting forth the general boundaries of the area to be investigated and stating that a map has been prepared and can be inspected at the office of the commission. The commission shall cause the publication of the notice in a newspaper of general circulation in the district once each week for two consecutive weeks, and the last publication shall be not less than 10 days prior to the date set for the hearing. A copy of the notice shall be mailed at least 10 days prior to the date set for the hearing to the last known owner, if any, of each parcel of property within the area according to the assessment records of the municipality where the parcel is located. Such notice shall be sent to the last known postal address of such owners. The commission shall also send notice to any persons at their last known address, if any, whose names appear on said assessment records as claimants of an interest in any such parcel. The assessor of a constituent municipality shall make such a notation upon the said records when requested so to do by any person claiming to have an interest in any parcel of property in such municipality. Failure to mail notice as required by this section shall not invalidate the investigation or determination thereon.

e. At the hearing, the commission shall hear all persons interested in the investigation and shall consider any written objections that may be filed, and any evidence which may be introduced, in support of the objections, or any opposition to a determination that the area is in need. After the hearing, the commission shall, by resolution, determine that the area or any part thereof is, or is not, in need. A determination that an area is in need, if supported by substantial evidence, shall be binding and conclusive upon all persons affected by the determination. If the determination is that an area is in need, the commission, within 10 days after such determination, shall mail a copy of the resolution to each person who filed a written objection at, or prior to, the hearing, so long as the address of the objector was stated in, or to, the written objection.

f. Any person who has filed such a written objection with the commission and whose objection was rejected may appeal such final agency determination directly to the Appellate Division.

g. If the determination is that an area is in need, the commission may acquire the real property within the area by purchase, or by eminent domain proceedings in accordance with the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), and may proceed with the clearance, planning, development, or redevelopment of the area as a public purpose and for public use, or the commission may, by resolution, agree that a redeveloper may undertake such clearance, planning, development, or redevelopment.

15. Section 42 of P.L.2015, c.19 (C.5:10A-42) is amended to read as follows:

**C.5:10A-42 Special assessments.**

42. a. Special assessments levied against land in class one shall be considered to be of general benefit to the entire district and areas outside of the district, as it relates to flood control projects, and shall be included as a charge against general revenues of the commission, or paid out of any funds of the commission which shall be available for such purpose.

b. When any assessment shall not be paid within two months after the date of confirmation thereof, interest thereon from the date of confirmation shall be imposed at the rate of six percent per annum.

16. Section 46 of P.L.2015, c.19 (C.5:10A-46) is amended to read as follows:

**C.5:10A-46 Payment of assessment in installments.**

46. The commission may, by resolution, provide that the owner of any land, upon which any assessments for any improvement shall have been made, pay such assessments in equal yearly installments, for a number of years as may be provided by the rules and regulations of the commission, with legal interest thereon, provided that any person assessed may pay the whole of any assessment, or any balance of installments, with accrued interest thereon, at one time. If any such installment becomes due and is not paid, the whole assessment, or balance due thereon, shall become immediately due, draw interest at the rate of six percent per annum, and be collected in the same manner as is provided in sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.) for other past due assessments.

17. Section 52 of P.L.2015, c.19 (C.5:10A-52) is amended to read as follows:

**C.5:10A-52 School district to certify resident enrollment.**

52. On or before November 15 of the year of enactment of P.L.2015, c.19 (C.5:10A-1 et al.), and on or before November 15 of each year thereafter, the secretary, superintendent, or a person designated by the school board of each school district of each constituent municipality shall certify to the commission the resident enrollment as of September 30 of that year. The certification shall show the number, address, and grade enrolled of pupils who reside within the district, and the number who reside outside, in a manner to be prescribed by the Commissioner of Education.

18. Section 53 of P.L.2015, c.19 (C.5:10A-53) is amended to read as follows:

**C.5:10A-53 Establishment of intermunicipal account.**

53. a. In the adjustment year of the year of enactment of P.L.2015, c.19 (C.5:10A-1 et al.), and in each adjustment year thereafter, the commission shall establish an intermunicipal account and shall compute the amount payable to the account by each of the constituent municipalities and the amount due to each constituent municipality from said account for that year pursuant to sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.).

b. As used in this section, except as otherwise specifically provided, the increase or decrease in aggregate true value of taxable real property for any adjustment year shall be the difference between:

(1) The aggregate true value of that portion of taxable real property, exclusive of Class II railroad property, in the constituent municipality located within the district in the comparison year, and

(2) The aggregate true value of that property in the base year.

c. Aggregate true value of all taxable real property shall be determined by aggregating the assessed value of all real property within the district boundaries in each constituent municipality, and dividing the total by the average assessment ratio, as promulgated by the Director of the Division of Taxation in the Department of the Treasury for State school aid purposes, on October 1 of the respective years for which aggregate true value is to be determined, pursuant to P.L.1954, c.86 (C.54:1-35.1 et seq.), or as modified by the tax court.

d. For the purpose of calculating aggregate true value, the assessed value of taxable real property for any given year shall comprise the sum of the following:

(1) The assessed value shown on the assessment duplicate for a given year, as certified by the county board of taxation and reflected in the county table of aggregates prepared pursuant to R.S.54:4-52, or as modified by the county board of taxation;

(2) The prorated assessed values pertaining to such year, as certified by the county board of taxation on or before October 10, with respect to the assessor's added assessment list for such year, as the same may be modified by the county board of taxation upon appeal; and

(3) The assessed values pertaining to a given year, as certified by the county board of taxation, with respect to the assessor's omitted property assessment list for that year, as the same may be modified by the county board of taxation upon appeal.

e. If, during any comparison year, a constituent municipality has received a payment in lieu of real estate taxes on property located within the district, then, for the purpose of calculating the increase or decrease in the municipality's aggregate true value under subsection b. of this section, there shall be added to the aggregate true value for such comparison year an amount determined by dividing the amount of the in lieu payment by the municipal tax rate for the comparison year and dividing the result by the average assessment ratio for school aid purposes as promulgated by the Director of the Division of Taxation in the Department of the Treasury.

f. The amount payable to the intermunicipal account by each constituent municipality in any adjustment year shall be determined in the following manner: the apportionment rates calculated for the comparison year shall be multiplied by the increase, if any, in aggregate true value of taxable real property for such year; provided however, that the amount payable to the intermunicipal account in any adjustment year shall be limited to 40 percent of the amount calculated pursuant to this subsection.

19. Section 56 of P.L.2015, c.19 (C.5:10A-56) is amended to read as follows:

**C.5:10A-56 Service payment for school district services.**

56. For school district services, the service payment payable by the intermunicipal account to a constituent municipality in any adjustment year shall be found by dividing the total local school tax levy, as shown on the Table of Aggregates pursuant to R.S.54:4-52 for the comparison year, by the school resident enrollment on September 30 of such comparison year, as certified pursuant to section 52 of P.L.2015, c.19 (C.5:10A-52), and multiplying the result by the increase, if any, in resident enrollment within the district boundaries of that constituent municipality between September 30 of the base year and September 30 of the comparison year.

20. Section 57 of P.L.2015, c.19 (C.5:10A-57) is amended to read as follows:

**C.5:10A-57 Apportionment of balance of payments.**

57. a. If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments and school district service payments is less than the amount payable to the intermunicipal account pursuant to section 53 of P.L.2015, c.19 (C.5:10A-53), the balance, if any, shall be apportioned among the constituent municipalities in the same ratio as the number of acres within the district of each

constituent municipality bears to the total number of acres in the district, and shall be known as an apportionment payment.

b. The commission shall not receive any funds from the intermunicipal account for any purpose.

21. Section 58 of P.L.2015, c.19 (C.5:10A-58) is amended to read as follows:

**C.5:10A-58 Reduction of total service payment.**

58. If, in any adjustment year, the amount payable to the constituent municipalities by the intermunicipal account for guarantee payments and service payments exceeds the amount payable to said account pursuant to section 53 of P.L.2015, c.19 (C.5:10A-53), the total service payments payable to all constituent municipalities shall be reduced by the amount of the deficit and the service payment payable to each constituent municipality shall be reduced by the same ratio as the total service payment to all constituent municipalities was reduced.

22. Section 59 of P.L.2015, c.19 (C.5:10A-59) is amended to read as follows:

**C.5:10A-59 Meadowlands adjustment payment.**

59. a. On or before February 1 of the year of enactment of P.L.2015, c.19 (C.5:10A-1 et al.) and on or before February 1 of each year thereafter, the commission shall certify to the chief financial officer of each constituent municipality an amount, identified as the meadowlands adjustment payment. The meadowlands adjustment payment for each constituent municipality shall be determined by adding all the payments payable to that municipality from the intermunicipal account for school district service payments, guarantee payments, and apportionment payments, if any, and by subtracting therefrom the obligations of that municipality to the intermunicipal account, as calculated pursuant to sections 53 and 58 of P.L.2015, c.19 (C.5:10A-53 and 5:10A-58). The amount so derived shall be referred to as the meadowlands pre-adjustment payment. For calendar year 2015, the meadowlands adjustment payment shall be the average of the meadowlands pre-adjustment payments for calendar years 2012, 2013, and 2014. For calendar year 2016 and subsequent years, the meadowlands adjustment payment shall be the average of the meadowlands pre-adjustment payments for the prior three calendar years.

b. If the meadowlands adjustment payment for any constituent municipality in any adjustment year is payable to the constituent municipality, the amount of this payment shall be identified in the municipal budget of that



municipality for that year as “meadowlands adjustment” within the category “miscellaneous revenues anticipated,” and shall be due and payable in three equal installments by the intermunicipal account on May 15, August 15, and November 15 of that year.

23. Section 60 of P.L.2015, c.19 (C.5:10A-60) is amended to read as follows:

**C.5:10A-60 Hackensack Meadowlands Tax Sharing Stabilization Fund.**

60. There is established the Hackensack Meadowlands Tax Sharing Stabilization Fund in the commission. The fund shall be comprised of revenues made available from interest payments on sanitary landfill closure accounts maintained by the commission or such other revenues which are made available for these purposes. Moneys in the fund shall be used to fully compensate municipalities from excessive fluctuations in payments from the intermunicipal account in 2014 and subsequent years. In the event that there are insufficient monies in the fund to fully compensate all municipalities in any year, the amount paid to each municipality shall constitute the same proportion of the total amount of money available to all municipalities as each municipality would receive if the amount of money in the fund were sufficient to fully compensate all municipalities in that year.

For the purposes of this section, any decrease in a payment required to be made from the intermunicipal account to a constituent municipality which is in excess of five percent below the previous year's payment shall be considered an "excessive fluctuation."

24. Section 72 of P.L.2015, c.19 (C.5:10A-72) is amended to read as follows:

**C.5:10A-72 Establishment of transportation planning district.**

72. a. There is hereby established a transportation planning district which shall consist of those lands which comprise the Meadowlands District. The Meadowlands Transportation Planning Board, created pursuant to subsection b. of this section, shall be the managing authority to administer and manage the transportation planning district and to carry out such additional functions as provided in sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 et seq.).

b. There is established in, but not of, the Department of State, the Meadowlands Transportation Planning Board. The board shall consist of: the Commissioner of Community Affairs or the commissioner's designee; the Commissioner of Transportation or the commissioner's designee; a representative from the ridesharing organization EZ Ride or its successor organization; a repre-

sentative of the Hackensack Meadowlands Municipal Committee; a representative of the Meadowlands Regional Chamber of Commerce; and four public members appointed by the Governor, with the advice and consent of the Senate. The executive director of the commission shall serve as the secretary of the board. The board shall be staffed by the employees of the commission.

c. In furtherance of the development of a coherent and sustainable transportation system for the district, the board shall initiate a joint planning process with participation by: State departments and agencies, corporations, commissions, boards, and authorities; those bi-state authorities, metropolitan planning organizations, and counties and municipalities with jurisdiction in the district; and private representatives. The board shall oversee the development and updating of a comprehensive, future-oriented district transportation plan in accordance with the provisions of section 73 of P.L.2015, c.19 (C.5:10A-73).

The provisions of sections 69 through 81 of P.L.2015, c.19 (C.5:10A-69 et seq.) shall be retroactive to January 1, 2014.

25. Section 79 of P.L.2015, c.19 (C.5:10A-79) is amended to read as follows:

**C.5:10A-79 Appeal.**

79. A person may appeal to the commission any decision made in connection with the reconsideration of a fee as authorized pursuant to subsection b. of section 78 of P.L.2015, c.19 (C.5:10A-78). The commission shall review the record of the hearing and render its decision, which shall constitute a final administrative action subject to review by the Appellate Division of the Superior Court. Nothing contained herein shall be construed as limiting the ability of any person so assessed from filing an appeal based upon an agreement to pay or actual payment of the fee.

26. Section 83 of P.L.2015, c.19 (C.5:10A-83) is amended to read as follows:

**C.5:10A-83 Findings, declarations relative to the "New Jersey Meadowlands Tax Relief Act."**

83. The Legislature finds and declares that:

a. The New Jersey Meadowlands Commission is the zoning and planning agency for a 30.4-square-mile area along the Hackensack River known as the Hackensack Meadowlands, covering parts of 14 municipalities in Bergen and Hudson Counties in New Jersey. The Meadowlands Regional Commission will oversee the development, and redevelopment, of the

Hackensack Meadowlands in an orderly and comprehensive fashion, with special consideration to the ecological factors constituting the environment of the Hackensack Meadowlands.

b. A vital component of the comprehensive plan for the development of the Hackensack Meadowlands was an intermunicipal tax-sharing program. The intermunicipal tax sharing program was established to create a fair and equitable method of distributing the benefits and costs of economic development and land use decisions made by the New Jersey Meadowlands Commission among the 14 municipalities located in the Meadowlands District. Under this program, as originally conceived, the municipalities with fewer development restrictions are required to deposit a share of their tax ratables into a special intermunicipal account administered by the commission. Money in this account is annually distributed to the municipalities with greater development restrictions to make up for their loss of tax ratable growth opportunity.

c. The New Jersey Meadowlands Commission, the predecessor to the Meadowlands Regional Commission, has been successful in providing orderly and comprehensive development, solid waste management, and environmental protection in the Hackensack Meadowlands District, as well as providing for the investment of many millions of dollars in development, municipal services, and significant infrastructure projects, among other things.

d. It is fitting and proper to establish new sources of funding to replace the intermunicipal tax sharing program in order to facilitate the future of the Hackensack Meadowlands District as a vibrant area of economic growth in the State of New Jersey, as well as a tourism destination and an area of continued environmental significance and improvement. The new sources of funding should recognize the concerns of the district's seven municipalities that must contribute significant amounts of property tax dollars to the intermunicipal tax sharing program. These municipalities have been especially challenged to provide services to municipal residents and contribute to the intermunicipal tax sharing program, while operating under the significant restrictions of the 2% property tax levy cap. In effect, the cost of the State policy to preserve the Hackensack Meadowlands has been borne by the property taxpayers of the seven municipalities required to deposit tax revenue into the intermunicipal account.

e. It is also appropriate and necessary to recognize the consistent impact on the Hackensack Meadowlands District of tourist-related activities and attractions, including sports and entertainment activities and construction at the properties located in the heart of the district, and to require that patrons of those tourist-related activities and attractions shall contribute to the financial

needs of the municipalities that comprise the Meadowlands district in order to reduce the property tax burden on their residents.

27. Section 84 of P.L.2015, c.19 (C.5:10A-84) is amended to read as follows:

**C.5:10A-84 Definitions relative to the “New Jersey Meadowlands Tax Relief Act.”**

84. As used in sections 82 through 85 of P.L.2015, c.19 (C.5:10A-82 et seq.):

“Commission” means the New Jersey Sports and Exposition Authority, which may be referred to as the “Meadowlands Regional Commission,” as established by section 6 of P.L.2015, c.19 (C.5:10A-6).

“Meadowlands district” means the Hackensack Meadowlands District, the area delineated within section 5 of P.L.2015, c.19 (C.5:10A-5).

“Public venue” means any place located within the Meadowlands district, whether publicly or privately owned, where any facilities for entertainment, amusement, or sports are provided, but shall not include a movie theater.

“Public event” means any spectator sporting event, trade show, exposition, concert, amusement, or other event open to the public that takes place at a public venue, but shall not include a major league football game.

28. Section 85 of P.L.2015, c.19 (C.5:10A-85) is amended to read as follows:

**C.5:10A-85 Meadowlands regional hotel use assessment.**

85. a. Beginning on the first day of the first month next following the enactment of P.L.2015, c.19 (C.5:10A-1 et al.), there is imposed a Meadowlands regional hotel use assessment on the rent for the occupancy of every room in every hotel located in the Meadowlands district, including any hotels located on land owned by the State. The assessment imposed under this subsection shall be 3% of the rent charged for every occupancy of a room or rooms in a hotel subject to taxation pursuant to subsection (d) of section 3 of P.L.1966, c.30 (C.54:32B-3), and shall be paid to the Director of the Division of Taxation by each person required to collect the tax not later than the 10th day of each month based on the occupancy of rooms in that hotel during the previous calendar month.

b. In carrying out the provisions of subsection a. of this section, the director shall have all of the powers and authority granted in P.L.1966, c.30 (C.54:32B-1 et seq.). The tax shall be filed and paid in a manner prescribed by the Director of the Division of Taxation. The director shall promulgate

such rules and regulations as the director determines are necessary to effectuate the provisions of this section.

Each person required to collect the assessment shall be personally liable for the assessment imposed, collected, or required to be paid, collected, or remitted under this section. Any such person shall have the same right in respect to collecting the fee from that person's customer or in respect to non-payment of the fee by the customer as if the fee were a part of the purchase price of the occupancy or rent, as the case may be, and payable at the same time; provided, however, that the director shall be joined as a party in any action or proceeding brought to collect the fee.

For purposes of this section, "person" includes: an individual, partnership, corporation, or an officer, director, stockholder, or employee of a corporation, or a member or employee of a partnership, who as such officer, director, stockholder, employee, or member is under the duty to perform the act in respect of which the violation occurs.

An assessment imposed under this section shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity.

c. Assessment revenue shall be collected by the Director of the Division of Taxation and shall be deposited by the Director of the Division of Taxation into the intermunicipal account established pursuant to section 53 of P.L.2015, c.19 (C.5:10A-53), and shall be used to pay meadowlands adjustment payments to municipalities in the Meadowlands district pursuant to the provisions of sections 1 through 68 of P.L.2015, c.19 (C.5:10A-1 et seq.). If in any year, assessment revenue in the intermunicipal account exceeds the amount necessary to pay meadowlands adjustment payments to municipalities in the Meadowlands district, that remaining assessment revenue may be used for the purposes set forth in subsection e. of this section.

d. In the event sufficient assessment revenue is unavailable in any year to pay all of the required meadowlands adjustment payments to municipalities in the Meadowlands district, the State Treasurer shall provide the commission with such funds as may be necessary to make all of the required payments to those municipalities.

e. In the event that in any year, after the required meadowlands adjustment payments have been made to municipalities in the Meadowlands district, assessment revenue remains in the intermunicipal account, that remaining assessment revenue may be used in that year for the following purposes:

(1) the commission may perform projects in the areas of flood control, traffic, renewable energy, or other infrastructure improvement projects and utilize monies from the project fund for property acquisition, demolition,

clearance, removal, relocation, renovation, alteration, construction, reconstruction, installation, or repair of a structure or improvement, and the costs associated therewith including the costs of appraisal, economic and environmental analyses or engineering, planning, design, architectural, surveying, or other professional services;

(2) the commission may expend funds towards the promotion of the Meadowlands district as a tourism destination;

(3) the commission may fund the acquisition of property for the purpose of open space preservation and the costs associated therewith including the costs of appraisal, economic and environmental analyses or engineering, surveying, or other professional services; or

(4) the commission may fund the creation of parks and other recreational facilities and the costs associated therewith, including the costs of appraisal, economic and environmental analyses or engineering planning, design, architectural, surveying, or other professional services.

Not later than the first day of the third month next following the enactment of P.L.2015, c.19 (C.5:10A-1 et al.) and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the commission shall adopt, by resolution, standards for the disbursement in any year of any remaining assessment revenue for projects and uses set forth in subsection e. of this section.

f. Terms used in this section shall have the meaning given those terms pursuant to section 2 of P.L.1966, c.30 (C.54:32B-2).

29. This act shall take effect immediately.

Approved July 6, 2015.

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## CHAPTER 73

AN ACT concerning the earned income tax credit, amending P.L.2000, c.80.

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

1. Section 2 of P.L.2000, c.80 (C.54A:4-7) is amended to read as follows:

**C.54A:4-7 New Jersey Earned Income Tax Credit program.**

2. There is established the New Jersey Earned Income Tax Credit program in the Division of Taxation in the Department of the Treasury.

a. (1) A resident individual who is eligible for a credit under section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.32) shall be allowed a credit for the taxable year equal to a percentage, as provided in paragraph (2) of this subsection, of the federal earned income tax credit that would be allowed to the individual or the married individuals filing a joint return under section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.32) for the same taxable year for which a credit is claimed pursuant to this section, subject to the restrictions of this subsection and subsections b., c., d. and e. of this section.

(2) For the purposes of the calculation of the New Jersey earned income tax credit, the percentage of the federal earned income tax credit referred to in paragraph (1) of this subsection shall be:

(a) 10% for the taxable year beginning on or after January 1, 2000, but before January 1, 2001;

(b) 15% for the taxable year beginning on or after January 1, 2001, but before January 1, 2002;

(c) 17.5% for the taxable year beginning on or after January 1, 2002, but before January 1, 2003;

(d) 20% for taxable years beginning on or after January 1, 2003, but before January 1, 2008;

(e) 22.5% for taxable years beginning on or after January 1, 2008 but before January 1, 2009;

(f) 25% for taxable years beginning on or after January 1, 2009 but before January 1, 2010;

(g) 20% for taxable years beginning on or after January 1, 2010, but before January 1, 2015; and

(h) 30% for taxable years beginning on or after January 1, 2015.

(3) To qualify for the New Jersey earned income tax credit, if the claimant is married, except for a claimant who files as a head of household or surviving spouse for federal income tax purposes for the taxable year, the claimant shall file a joint return or claim for the credit.

b. In the case of a part-year resident claimant, the amount of the credit allowed pursuant to this section shall be pro-rated, based upon that proportion which the total number of months of the claimant's residency in the taxable year bears to 12 in that period. For this purpose, 15 days or more shall constitute a month.

c. The amount of the credit allowed pursuant to this section shall be applied against the tax otherwise due under N.J.S.54A:1-1 et seq., after all other credits and payments. If the credit exceeds the amount of tax otherwise due, that amount of excess shall be an overpayment for the purposes

of N.J.S.54A:9-7; provided however, that subsection (f) of N.J.S.54A:9-7 shall not apply. The credit provided under this section as a credit against the tax otherwise due and the amount of the credit treated as an overpayment shall be treated as a credit towards or overpayment of gross income tax, subject to all provisions of N.J.S.54A:1-1 et seq., except as may be otherwise specifically provided in P.L.2000, c.80 (C.54A:4-6 et al.).

d. The Director of the Division of Taxation in the Department of the Treasury shall have discretion to establish a program for the distribution of earned income tax credits pursuant to the provisions of this section.

e. Any earned income tax credit pursuant to this section shall not be taken into account as income or receipts for purposes of determining the eligibility of an individual for benefits or assistance or the amount or extent of benefits or assistance under any State program and, to the extent permitted by federal law, under any State program financed in whole or in part with federal funds.

2. This act shall take effect immediately and apply to taxable years beginning on or after January 1, 2015.

Approved July 6, 2015.

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## CHAPTER 74

AN ACT concerning drug abuse, revising various parts of the statutory law, and supplementing P.L.2007, c.244.

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

1. Section 34 of P.L.1970, c.226 (C.24:21-34) is amended to read as follows:

**C.24:21-34 Cooperative arrangements.**

34. Cooperative arrangements. a. The director may cooperate with federal and other State, county, and municipal law enforcement and other agencies in discharging the director's responsibilities concerning traffic in dangerous substances and in suppressing the abuse of dangerous substances, including but not limited to prescription opioid drugs. To this end, the director is authorized to:



(1) Except as otherwise provided by law, arrange for the exchange of information between government officials concerning the use and abuse of dangerous substances; provided, however, that in no case shall any officer having knowledge by virtue of that individual's office of any such prescription, order, or record divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing board or officer to which prosecution or proceeding the person to whom the records relate, is a party;

(2) Coordinate and cooperate in training programs on dangerous substances law enforcement at the local and State levels; and

(3) Conduct educational programs for: members of the general public; pharmacy permit holders and pharmacists; and health care professionals, mental health practitioners, and practitioners as defined in section 24 of P.L.2007, c.244 (C.45:1-44).

b. Results, information, and evidence received from the Drug Enforcement Administration relating to the regulatory functions of P.L.1970, c.226 (C.24:21-1 et seq.), as amended and supplemented, including results of inspections conducted by that agency, may be relied upon and acted upon by the director in conformance with the director's regulatory functions under P.L.1970, c.226, as amended and supplemented.

2. Section 24 of P.L.2007, c.244 (C.45:1-44) is amended to read as follows:

**C.45:1-44 Definitions.**

24. Definitions. As used in sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50):

"CDS registration" means registration with the Division of Consumer Affairs to manufacture, distribute, dispense, or conduct research with controlled dangerous substances issued pursuant to section 11 of P.L.1970, c.226 (C.24:21-11).

"Certified medical assistant" means a person who is a graduate of a post-secondary medical assisting educational program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation (CAHEA), or its successor, the Accrediting Bureau of Health Education Schools (ABHES), or its successor, or any accrediting agency recognized by the U.S. Department of Education, which educational program includes, at a minimum, 600 clock hours of instruction, and encompasses training in the administration of intramuscular and subcutaneous injections, as well as instruction and demonstration in: pertinent anatomy and physiology appropriate to injection procedures; choice of equipment;

proper technique, including sterile technique; hazards and complications; and emergency procedures; and who maintains current certification or registration, as appropriate, from the Certifying Board of the American Association of Medical Assistants (AAMA), the National Center for Competency Testing (NCCT), the American Medical Technologists (AMT), or any other recognized certifying body approved by the Board of Medical Examiners.

"Controlled dangerous substance" means any substance that is listed in Schedules II, III, and IV of the schedules provided under the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.). Controlled dangerous substance also means any substance that is listed in Schedule V under the "New Jersey Controlled Dangerous Substances Act" when the director has determined that reporting Schedule V substances is required by federal law, regulation, or funding eligibility.

"Dental resident" means a person who practices dentistry as a resident pursuant to R.S.45:6-20 and, pursuant to N.J.A.C.13:30-1.3, is a graduate of a dental school approved by the Commission on Dental Accreditation and has passed Part I and Part II of the National Board Dental examination and obtained a resident permit from the New Jersey Board of Dentistry.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Licensed health care professional" means a registered nurse, licensed practical nurse, advanced practice nurse, physician assistant, or dental hygienist licensed pursuant to Title 45 of the Revised Statutes.

"Licensed pharmacist" means a pharmacist licensed pursuant to P.L.2003, c.280 (C.45:14-40 et seq.).

"Medical resident" means a graduate physician who is authorized to practice medicine and surgery by means of a valid permit issued by the State Board of Medical Examiners to a person authorized to engage in the practice of medicine and surgery while in the second year or beyond of a graduate medical education program pursuant to N.J.A.C.13:35-1.5.

"Mental health practitioner" means a clinical social worker, marriage and family therapist, alcohol and drug counselor, professional counselor, psychologist, or psychoanalyst licensed or otherwise authorized to practice pursuant to Title 45 of the Revised Statutes.

"Pharmacy permit holder" means an individual or business entity that holds a permit to operate a pharmacy practice site pursuant to P.L.2003, c.280 (C.45:14-40 et seq.).

"Practitioner" means an individual currently licensed, registered, or otherwise authorized by this State or another state to prescribe drugs in the course of professional practice.

"Registered dental assistant" is a person who has fulfilled the requirements for registration established by "The Dental Auxiliaries Act," P.L.1979, c.46 (C.45:6-48 et al.) and works under the direct supervision of a licensed dentist.

"Ultimate user" means a person who has obtained from a dispenser and possesses for the person's own use, or for the use of a member of the person's household or an animal owned by the person or by a member of the person's household, a controlled dangerous substance.

3. Section 25 of P.L.2007, c.244 (C.45:1-45) is amended to read as follows:

**C.45:1-45 Prescription Monitoring Program; requirements.**

**25. Prescription Monitoring Program; requirements.**

a. There is established the Prescription Monitoring Program in the Division of Consumer Affairs in the Department of Law and Public Safety. The program shall consist of an electronic system for monitoring controlled dangerous substances that are dispensed in or into the State by a pharmacist in an outpatient setting.

b. Each pharmacy permit holder shall submit, or cause to be submitted, to the division, by electronic means in a format and at such intervals as are specified by the director, information about each prescription for a controlled dangerous substance dispensed by the pharmacy that includes:

- (1) The surname, first name, and date of birth of the patient for whom the medication is intended;
- (2) The street address and telephone number of the patient;
- (3) The date that the medication is dispensed;
- (4) The number or designation identifying the prescription and the National Drug Code of the drug dispensed;
- (5) The pharmacy permit number of the dispensing pharmacy;
- (6) The prescribing practitioner's name and Drug Enforcement Administration registration number;
- (7) The name, strength, and quantity of the drug dispensed, the number of refills ordered, and whether the drug was dispensed as a refill or a new prescription;
- (8) The date that the prescription was issued by the practitioner;
- (9) The source of payment for the drug dispensed;

(10) Identifying information for any individual, other than the patient for whom the prescription was written, who picks up a prescription, if the pharmacist has a reasonable belief that the person picking up the prescription may be seeking a controlled dangerous substance, in whole or in part, for any reason other than delivering the substance to the patient for the treatment of an existing medical condition; and

(11) Such other information, not inconsistent with federal law, regulation, or funding eligibility requirements, as the director determines necessary.

The pharmacy permit holder shall submit the information to the division with respect to the prescriptions dispensed during the reporting period not less frequently than every seven days.

c. The division may grant a waiver of electronic submission to any pharmacy permit holder for good cause, including financial hardship, as determined by the director. The waiver shall state the format in which the pharmacy permit holder shall submit the required information.

d. The requirements of this act shall not apply to: the direct administration of a controlled dangerous substance to the body of an ultimate user; or the administration or dispensing of a controlled dangerous substance that is otherwise exempted as determined by the Secretary of Health and Human Services pursuant to the "National All Schedules Prescription Electronic Reporting Act of 2005," Pub.L.109-60.

e. The provisions of paragraph (10) of subsection b. of this section shall not take effect until the director determines that the Prescription Monitoring Program has the technical capacity to accept the information required by that paragraph.

4. Section 26 of P.L.2007, c.244 (C.45:1-46) is amended to read as follows:

**C.45:1-46 Access to prescription information.**

**26. Access to prescription information.**

a. The division shall maintain procedures to ensure privacy and confidentiality of patients and that patient information collected, recorded, transmitted, and maintained is not disclosed, except as permitted in this section, including, but not limited to, the use of a password-protected system for maintaining this information and permitting access thereto as authorized under sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50), and a requirement that a person as listed in subsection h. or i. of this section provide affirmation of the person's intent to comply with the

provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) as a condition of accessing the information.

b. The prescription monitoring information submitted to the division shall be confidential and not be subject to public disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.), or P.L.2001, c.404 (C.47:1A-5 et al.).

c. The division shall review the prescription monitoring information provided by a pharmacy permit holder pursuant to sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). The review shall include, but not be limited to:

(1) a review to identify whether any person is obtaining a prescription in a manner that may be indicative of misuse, abuse, or diversion of a controlled dangerous substance. The director shall establish guidelines regarding the terms "misuse," "abuse," and "diversion" for the purposes of this review. When an evaluation of the information indicates that a person may be obtaining a prescription for the same or a similar controlled dangerous substance from multiple practitioners or pharmacists during the same time period, the division may provide prescription monitoring information about the person to practitioners and pharmacists; and

(2) a review to identify whether a violation of law or regulation or a breach of the applicable standards of practice by any person may have occurred, including, but not limited to, diversion of a controlled dangerous substance. If the division determines that such a violation or breach may have occurred, the division shall notify the appropriate law enforcement agency or professional licensing board, and provide the prescription monitoring information required for an investigation.

d. (Deleted by amendment, P.L.2015, c.74)

e. (Deleted by amendment, P.L.2015, c.74)

f. (Deleted by amendment, P.L.2015, c.74)

g. (Deleted by amendment, P.L.2015, c.74)

h. (1) The division shall register a practitioner to access prescription monitoring information upon issuance or renewal of the practitioner's CDS registration.

(2) The division shall provide to a pharmacist who is employed by a current pharmacy permit holder online access to prescription monitoring information for the purpose of providing health care to a current patient or verifying information with respect to a patient or a prescriber.

(3) The division shall provide to a practitioner who has a current CDS registration online access to prescription monitoring information for the purpose of providing health care to a current patient or verifying information with respect to a patient or a prescriber. The division shall also grant online

access to prescription monitoring information to as many licensed health care professionals as are authorized by a practitioner to access that information and for whom the practitioner is responsible for the use or misuse of that information, subject to a limit on the number of such health care professionals as deemed appropriate by the division for that particular type and size of professional practice, in order to minimize the burden to practitioners to the extent practicable while protecting the confidentiality of the prescription monitoring information obtained. The director shall establish, by regulation, the terms and conditions under which a practitioner may delegate that authorization, including procedures for authorization and termination of authorization, provisions for maintaining confidentiality, and such other matters as the division may deem appropriate.

(4) The division shall provide online access to prescription monitoring information to as many medical or dental residents as are authorized by a faculty member of a medical or dental teaching facility to access that information and for whom the practitioner is responsible for the use or misuse of that information. The director shall establish, by regulation, the terms and conditions under which a faculty member of a medical or dental teaching facility may delegate that authorization, including procedures for authorization and termination of authorization, provisions for maintaining confidentiality, provisions regarding the duration of a medical or dental resident's authorization to access prescription monitoring information, and such other matters as the division may deem appropriate.

(5) The division shall provide online access to prescription monitoring information to as many certified medical assistants as are authorized by a practitioner to access that information and for whom the practitioner is responsible for the use or misuse of that information. The director shall establish, by regulation, the terms and conditions under which a practitioner may delegate that authorization, including procedures for authorization and termination of authorization, provisions for maintaining confidentiality, provisions regarding the duration of a certified medical assistant's authorization to access prescription monitoring information, and such other matters as the division may deem appropriate.

(6) The division shall provide online access to prescription monitoring information to as many registered dental assistants as are authorized by a licensed dentist to access that information and for whom the licensed dentist is responsible for the use or misuse of that information. The director shall establish, by regulation, the terms and conditions under which a licensed dentist may delegate that authorization, including procedures for authorization and termination of authorization, provisions for maintaining

confidentiality, provisions regarding the duration of a registered dental assistant's authorization to access prescription monitoring information, and such other matters as the division may deem appropriate.

(7) A person listed in this subsection, as a condition of accessing prescription monitoring information pursuant thereto, shall certify that the request is for the purpose of providing health care to a current patient or verifying information with respect to a patient or practitioner. Such certification shall be furnished through means of an online statement or alternate means authorized by the director, in a form and manner prescribed by rule or regulation adopted by the director.

i. The division may provide online access to prescription monitoring information, or may provide access to prescription monitoring information through any other means deemed appropriate by the director, to the following persons:

(1) authorized personnel of the division or a vendor or contractor responsible for maintaining the Prescription Monitoring Program;

(2) authorized personnel of the division responsible for administration of the provisions of P.L.1970, c.226 (C.24:21-1 et seq.);

(3) the State Medical Examiner, a county medical examiner, a deputy or assistant county medical examiner, or a qualified designated assistant thereof, who certifies that the request is for the purpose of investigating a death pursuant to P.L.1967, c.234 (C.52:17B-78 et seq.);

(4) a controlled dangerous substance monitoring program in another state with which the division has established an interoperability agreement, or which participates with the division in a system that facilitates the secure sharing of information between states;

(5) a designated representative of the State Board of Medical Examiners, New Jersey State Board of Dentistry, State Board of Nursing, New Jersey State Board of Optometrists, State Board of Pharmacy, State Board of Veterinary Medical Examiners, or any other board in this State or another state that regulates the practice of persons who are authorized to prescribe or dispense controlled dangerous substances, as applicable, who certifies that the representative is engaged in a bona fide specific investigation of a designated practitioner or pharmacist whose professional practice was or is regulated by that board;

(6) a State, federal, or municipal law enforcement officer who is acting pursuant to a court order and certifies that the officer is engaged in a bona fide specific investigation of a designated practitioner, pharmacist, or patient. A law enforcement agency that obtains prescription monitoring in-

formation shall comply with security protocols established by the director by regulation;

(7) a designated representative of a state Medicaid or other program who certifies that the representative is engaged in a bona fide investigation of a designated practitioner, pharmacist, or patient;

(8) a properly convened grand jury pursuant to a subpoena properly issued for the records; and

(9) a licensed mental health practitioner providing treatment for substance abuse to patients at a residential or outpatient substance abuse treatment center licensed by the Division of Mental Health and Addiction Services in the Department of Human Services, who certifies that the request is for the purpose of providing health care to a current patient or verifying information with respect to a patient or practitioner, and who furnishes the division with the written consent of the patient for the mental health practitioner to obtain prescription monitoring information about the patient. The director shall establish, by regulation, the terms and conditions under which a mental health practitioner may request and receive prescription monitoring information. Nothing in sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) shall be construed to require or obligate a mental health practitioner to access or check the prescription monitoring information in the course of treatment beyond that which may be required as part of the mental health practitioner's professional practice.

j. A person listed in subsection i. of this section, as a condition of obtaining prescription monitoring information pursuant thereto, shall certify the reasons for seeking to obtain that information. Such certification shall be furnished through means of an online statement or alternate means authorized by the director, in a form and manner prescribed by rule or regulation adopted by the director.

k. The division shall offer an online tutorial for those persons listed in subsections h. and i. of this section, which shall, at a minimum, include: how to access prescription monitoring information; the rights of persons who are the subject of this information; the responsibilities of persons who access this information; a summary of the other provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) and the regulations adopted pursuant thereto, regarding the permitted uses of that information and penalties for violations thereof; and a summary of the requirements of the federal health privacy rule set forth at 45 CFR Parts 160 and 164 and a hypertext link to the federal Department of Health and Human Services website for further information about the specific provisions of the privacy rule.



l. The division may request and receive prescription monitoring information from prescription monitoring programs in other states and may use that information for the purposes of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). When sharing data with programs in another state, the division shall not be required to obtain a memorandum of understanding unless required by the other state.

m. The director may provide nonidentifying prescription drug monitoring information to public or private entities for statistical, research, or educational purposes, in accordance with the provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50).

n. Nothing shall be construed to prohibit the division from obtaining unsolicited automated reports from the program or disseminating such reports to pharmacists, practitioners, mental health care practitioners, and other licensed health care professionals.

o. (1) A current patient of a practitioner may request from that practitioner that patient's own prescription monitoring information that has been submitted to the division pursuant to sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). A parent or legal guardian of a child who is a current patient of a practitioner may request from that practitioner the child's prescription monitoring information that has been submitted to the division pursuant to sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50).

(2) Upon receipt of a request pursuant to paragraph (1) of this subsection, a practitioner or health care professional authorized by that practitioner may provide the current patient or parent or legal guardian, as the case may be, with access to or a copy of the prescription monitoring information pertaining to that patient or child.

(3) The division shall establish a process by which a patient, or the parent or legal guardian of a child who is a patient, may request a pharmacy permit holder that submitted prescription monitoring information concerning a prescription for controlled dangerous substances for that patient or child to the division pursuant to sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) to correct information that the person believes to have been inaccurately entered into that patient's or child's prescription profile. Upon confirmation of the inaccuracy of any such entry into a patient's or child's prescription profile, the pharmacy permit holder shall be authorized to correct any such inaccuracies by submitting corrected information to the division pursuant to sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). The process shall provide for review

by the Board of Pharmacy of any disputed request for correction, which determination shall be appealable to the director.

p. The division shall take steps to ensure that appropriate channels of communication exist to enable any licensed health care professional, licensed pharmacist, mental health practitioner, pharmacy permit holder, or other practitioner who has online access to the Prescription Monitoring Program pursuant to this section to seek or provide information to the division related to the provisions of this section.

5. Section 28 of P.L.2007, c.244 (C.45:1-48) is amended to read as follows:

**C.45:1-48 Immunity from liability.**

28. Immunity from liability.

a. The division shall be immune from civil liability arising from inaccuracy of any of the information submitted to it pursuant to sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50).

b. A pharmacy permit holder, pharmacist, mental health practitioner, licensed health care professional, or practitioner shall be immune from civil liability arising from compliance with sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50).

6. Section 29 of P.L.2007, c.244 (C.45:1-49) is amended to read as follows:

**C.45:1-49 Penalties.**

29. Penalties.

a. A pharmacy permit holder, or a person designated by a pharmacy permit holder to be responsible for submitting data required by section 25 of P.L.2007, c.244 (C.45:1-45), who knowingly fails to submit data as required, shall be subject to disciplinary action pursuant to section 8 of P.L.1978, c.73 (C.45:1-21) and may be subject to a civil penalty in an amount not to exceed \$1,000 for failure to comply with sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50).

b. (1) A pharmacy permit holder, pharmacist, mental health practitioner, licensed health care professional, or practitioner, or any other person or entity who knowingly obtains or attempts to obtain prescription monitoring information in violation of the provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) shall be subject to a civil penalty in an amount not to exceed \$10,000.

(2) A pharmacy permit holder, pharmacist, mental health practitioner, licensed health care professional, or practitioner who knowingly discloses or uses prescription monitoring information in violation of the provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50), shall also be subject to disciplinary action pursuant to section 8 of P.L.1978, c.73 (C.45:1-21).

c. In addition to any other penalty provided by law, a person who is authorized to obtain prescription monitoring information from the Prescription Monitoring Program who knowingly discloses such information in violation of the provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) shall be guilty of a crime of the fourth degree and shall be subject to a civil penalty in an amount not to exceed \$10,000.

d. In addition to any other penalty provided by law, a person who is authorized to obtain prescription monitoring information from the Prescription Monitoring Program who uses this information in the course of committing, attempting to commit, or conspiring to commit any criminal offense shall be guilty of a crime of the third degree. Notwithstanding the provisions of N.J.S.2C:1-8 or any other provision of law, a conviction under this subsection shall not merge with a conviction of any other offense, nor shall any other conviction merge with a conviction under this subsection. The court shall impose separate sentences upon a conviction under this subsection and any other criminal offense.

e. In addition to any other penalty provided by law, a person who is not authorized to obtain prescription monitoring information from the Prescription Monitoring Program who knowingly obtains or attempts to obtain such information in violation of the provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50), shall be guilty of a crime of the fourth degree.

f. A civil penalty imposed under this section shall be collected by the director pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

7. Section 20 of P.L.2003, c.280 (C.45:14-59) is amended to read as follows:

**C.45:14-59 Format for New Jersey Prescription Blanks.**

20. The Division of Consumer Affairs in the Department of Law and Public Safety shall establish the format for uniform, non-reproducible, non-erasable safety paper prescription blanks, to be known as New Jersey Pre-

scription Blanks, which format shall include an identifiable logo or symbol that will appear on all prescription blanks and additional security features to prevent erasure or duplication of prescription blanks that can be accomplished with widely available computer technology. The prescription blanks for each prescriber or health care facility shall be numbered consecutively and, if the prescriber or health care facility has a National Provider Identifier, the prescription blank shall include the National Provider Identifier. The division shall approve a sufficient number of vendors to ensure production of an adequate supply of New Jersey Prescription Blanks for practitioners and health care facilities Statewide, but shall limit the number of vendors as necessary to ensure that vendors may be appropriately monitored to ensure that prescription blanks are delivered only to intended prescribers and health care facilities.

**C.45:1-46.1 Proper time to access prescription monitoring information; restrictions in dispensing Schedule II controlled dangerous substance; exceptions.**

8. a. (1) Except as provided in subsection b. of this section, a practitioner or other person who is authorized by a practitioner to access prescription monitoring information pursuant to subsection h. of section 26 of P.L.2007, c.244 (C.45:1-46) shall access prescription monitoring information the first time the practitioner or other person prescribes a Schedule II controlled dangerous substance to a new patient for acute or chronic pain. In addition, for any prescription of a Schedule II controlled dangerous substance for a new or current patient for acute or chronic pain which is written on or after the effective date of P.L.2015, c.74 (C.45:1-46.1 et al.) a practitioner or other authorized person shall access prescription monitoring information on a quarterly basis during the period of time the patient continues to receive such prescriptions.

(2) (a) A pharmacist shall not dispense a Schedule II controlled dangerous substance to any person without first accessing the prescription monitoring information, as authorized pursuant to subsection h. of section 26 of P.L.2007, c.244 (C.45:1-46), to determine if the person has received other prescriptions that indicate misuse, abuse, or diversion, if the pharmacist has a reasonable belief that the person may be seeking a controlled dangerous substance, in whole or in part, for any purpose other than the treatment of an existing medical condition, such as for purposes of misuse, abuse, or diversion.

(b) A pharmacist shall not dispense a prescription to a person other than the patient for whom the prescription is intended, unless the person picking up the prescription provides personal identification to the pharmacist, and the pharmacist, as required by subsection b. of section 25 of P.L.2007, c.244

(C.45:1-45), inputs that identifying information into the Prescription Monitoring Program if the pharmacist has a reasonable belief that the person may be seeking a controlled dangerous substance, in whole or in part, for any reason other than delivering the substance to the patient for the treatment of an existing medical condition. The provisions of this subparagraph shall not take effect until the director determines that the Prescription Monitoring Program has the technical capacity to accept such information.

b. The provisions of subsection a. of this section shall not apply to:

- (1) a veterinarian;
- (2) a practitioner or the practitioner's agent administering methadone, or another controlled dangerous substance designated by the director as appropriate for treatment of a patient with a substance abuse disorder, as interim treatment for a patient on a waiting list for admission to an authorized substance abuse treatment program;
- (3) a practitioner administering a controlled dangerous substance directly to a patient;
- (4) a practitioner prescribing a controlled dangerous substance to be dispensed by an institutional pharmacy, as defined in N.J.A.C.13:39-9.2;
- (5) a practitioner prescribing a controlled dangerous substance in the emergency department of a general hospital, provided that the quantity prescribed does not exceed a five-day supply of the substance;
- (6) a practitioner prescribing a controlled dangerous substance to a patient under the care of a hospice;
- (7) a situation in which it is not reasonably possible for the practitioner or pharmacist to access the Prescription Monitoring Program in a timely manner, no other individual authorized to access the Prescription Monitoring Program is reasonably available, and the quantity of controlled dangerous substance prescribed or dispensed does not exceed a five-day supply of the substance;
- (8) a practitioner or pharmacist acting in compliance with regulations promulgated by the director as to circumstances under which consultation of the Prescription Monitoring Program would result in a patient's inability to obtain a prescription in a timely manner, thereby adversely impacting the medical condition of the patient;
- (9) a situation in which the Prescription Monitoring Program is not operational as determined by the division or where it cannot be accessed by the practitioner due to a temporary technological or electrical failure, as set forth in regulation;
- (10) a practitioner or pharmacist who has been granted a waiver due to technological limitations that are not reasonably within the control of the

practitioner or pharmacist, or other exceptional circumstances demonstrated by the practitioner or pharmacist, pursuant to a process established in regulation, and in the discretion of the director; or

(11) a practitioner who is prescribing a controlled dangerous substance to a patient immediately after the patient has undergone an operation, procedure, or treatment for acute trauma, when less than a 30-day supply is prescribed.

**C.45:1-50.1 Annual report.**

9. The division shall annually submit a report to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), which provides information on the nature and extent of registration with, and utilization of, the Prescription Monitoring Program, as well as recommendations for program improvement.

**C.45:1-50.2 Completion of assessment.**

10. The division shall complete an assessment regarding the design, implementation requirements, and costs associated with a real time prescription monitoring system, and shall report its assessment and any recommendations to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), within 18 months after the enactment of P.L.2015, c.74 (C.45:1-46.1 et al.).

**Repealer.**

11. Section 39 of P.L.1970, c.226 (C.24:21-39) is repealed.

12. This act shall take effect on the first day of the fourth month next following the date of enactment. The Director of the Division of Consumer Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved July 18, 2015.

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CHAPTER 75

AN ACT concerning apiary activities and the right to farm, and amending and supplementing P.L.1983, c.31.

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

1. Section 3 of P.L.1983, c.31 (C.4:1C-3) is amended to read as follows:

**C.4:1C-3 Definitions.**

3. As used in this act:

"Board" or "county board" means a county agriculture development board established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

"Commercial farm" means (1) a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), (2) a farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (3) a farm management unit that is a beekeeping operation producing honey or other agricultural or horticultural apiary-related products, or providing crop pollination services, worth \$10,000 or more annually.

"Committee" means the State Agriculture Development Committee established pursuant to section 4 of P.L.1983, c.31 (C.4:1C-4).

"Farm management unit" means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

"Farm market" means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51% of the sales area shall be devoted to the sale of agricultural output of the commercial farm, and except that if a retail farm market is located on land less than five acres in area, the land on which the farm market is located shall produce annually agricultural or horticultural products worth at least \$2,500.

**C.4:1C-3.1 Certain beekeeping operations protected by "Right to Farm Act."**

2. Notwithstanding the provisions of section 3 of P.L.1983, c.31 (C.4:1C-3), or any rules or regulations adopted pursuant thereto, to the contrary, a farm management unit that qualifies as a commercial farm for the purposes of the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.), because it is a beekeeping operation producing honey or other agricultural or horticultural apiary-

related products, or providing crop pollination services, worth \$10,000 or more annually, shall be entitled to the protections provided to any other commercial farm under that act but not for agricultural or horticultural activities that are not apiary-related activities, unless the farm management unit also qualifies as a commercial farm pursuant to section 3 of P.L.1983, c.31 (C.4:1C-3) for reasons other than as a beekeeping operation as described in that section.

3. This act shall take effect immediately.

Approved July 31, 2015.

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## CHAPTER 76

AN ACT concerning the regulation of apiary activities, and supplementing Titles 4 and 40 of the Revised Statutes.

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

**C.40:48-1.5 Regulation of apiary activities.**

1. a. Except as otherwise provided in subsections b. and c. of this section, no municipality may:

(1) adopt an ordinance, resolution, rule, or regulation concerning the breeding or keeping of honey bees or any activities related thereto, including, but not limited to, the use of honey bees for pollination, the reproduction and sale of honey bees, or the production of honey or other apiary products from such bees; or

(2) establish any restriction or requirement that would result in the prohibition of the breeding or keeping of honey bees, the use of honey bees for pollination, or any activities related thereto, in the municipality.

b. The State shall regulate apiary activities in the State pursuant to R.S.4:6-1 through R.S.4:6-18, sections 8 and 9 of P.L.1977, c.159 (C.4:6-19 and C.4:6-20), P.L.2007, c.271 (C.4:6-21 et seq.), section 2 of P.L.2015, c.76 (C.4:6-24), and any applicable laws. However, the Department of Agriculture may delegate to a municipality the regulatory authority to monitor and enforce the apiary standards established pursuant to subsection b. of section 2 of P.L.2015, c.76 (C.4:6-24), if the municipality adopts by reference those standards by ordinance. Upon adoption of such an ordinance, the municipality shall assume responsibility to monitor apiary activities in the municipality and enforce compliance with the standards adopted pursu-



ant to subsection b. of section 2 of P.L.2015, c.76 (C.4:6-24). A municipality may, at any time, repeal any such ordinance, and upon the municipality doing so, the Department of Agriculture shall immediately reassume all authority and associated duties and responsibilities previously delegated to the municipality pursuant to this subsection.

c. If a municipality that has assumed responsibility pursuant to subsection b. of this section finds that there is a condition or circumstance in the municipality that is not resolved by the standards adopted pursuant to subsection b. of section 2 of P.L.2015, c.76 (C.4:6-24), the municipality shall request guidance thereon from the Department of Agriculture. The department shall provide the guidance no later than 90 days after the request is received by the department. Upon expiration of the 90-day period and if the standards adopted pursuant to section 2 of P.L.2015, c.76 (C.4:6-24) do not sufficiently address the condition or circumstance, the municipality, after consulting with the department, the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations with similar purposes, may adopt by ordinance a standard to address the condition or circumstance, provided that the standard reflects consideration of population density, the density and intensity of development, type of land use, and honey bee biology and behavior.

**C.4:6-24 Regulation of breeding, keeping of honey bees.**

2. a. The Department of Agriculture shall regulate the breeding and keeping of honey bees and any activities related thereto, including, but not limited to, the use of honey bees for pollination, the reproduction and sale of honey bees, and the production of honey and other apiary products from such bees, and may delegate its monitoring and enforcement authority to a municipality pursuant to subsection b. of section 1 of P.L.2015, c.76 (C.40:48-1.5).

b. Pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of Agriculture shall adopt any rules and regulations necessary for the implementation of P.L.2015, c.76 (C.40:48-1.5 et al.), including but not limited to:

(1) apiary standards for the breeding and keeping of honey bees, the use of honey bees for pollination, the reproduction and sale of honey bees, and the production of honey and other apiary products from such bees; and

(2) standards of administrative procedure for a municipality to monitor and enforce the rules and regulations adopted pursuant to this subsection. The standards shall include provisions for the preparation and submittal to

the department by the municipality of periodic reports on the results of monitoring and enforcement activities undertaken by the municipality.

c. When developing the standards adopted pursuant to subsection b. of this section, the Department of Agriculture shall consult with the New Jersey League of Municipalities, the New Jersey Beekeepers Association, and the Mid-Atlantic Apiculture Research and Extension Consortium, or successor organizations with similar purposes. The standards shall reflect consideration of:

(1) the population densities in rural, suburban, and urban areas of the State;

(2) the densities and intensities of development and differing land uses in communities throughout the State; and

(3) any other characteristics of various regions of the State that the department determines to be significant to the regulation of apiary activities in the State.

3. This act shall take effect immediately.

Approved July 31, 2015.

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## CHAPTER 77

AN ACT concerning man-made bee hives, and supplementing Title 4 of the Revised Statutes.

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

**C.4:6-23 Penalty for destruction of man-made native bee hive; definitions.**

1. a. Any person who intentionally destroys a man-made native bee hive shall be liable to a civil penalty of up to \$500 for each offense.

b. Any penalty imposed pursuant to subsection a. of this section shall be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court and municipal court shall have jurisdiction to enforce the "Penalty Enforcement Law of 1999" in connection with this act. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct of-

fense. Penalties recovered for violations of this section shall be remitted to the Department of Agriculture and expended on programs to manage or revive honey bee or native bee populations in the State.

c. As used in this section:

“Man-made native bee hive” means a tube or other apparatus in which bees may nest, and which is installed to attract native bees other than honeybees.

“Native bee” means a bee of a species that is native to the State and does not produce honey, but provides for the pollination of crops or plants, or other agricultural, environmental, or horticultural benefits.

2. This act shall take effect immediately.

Approved July 31, 2015.

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## CHAPTER 78

AN ACT concerning driver safety education, designated “Nikhil’s Law,” and amending R.S.39:3-10 and R.S.39:3-41.

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

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

**Licensing of drivers; classifications.**

39:3-10. No person shall drive a motor vehicle on a public highway in this State unless the person is under supervision while participating in a behind-the-wheel driving course pursuant to section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated permit, or a probationary or basic driver's license issued to that person in accordance with this article.

No person under 18 years of age shall be issued a basic license to drive motor vehicles, nor shall a person be issued a validated permit, including a validated examination permit, until the applicant has passed a satisfactory examination and other requirements as to the applicant's ability as an operator. The examination shall include a test of the applicant's vision, the applicant's ability to understand traffic control devices, the applicant's knowledge of safe driving practices, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to,

unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely, and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, the applicant's knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant, and of the laws and ordinary usages of the road. No person shall sit for an examination for any permit without exhibiting photo identification deemed acceptable by the commission, unless that person is a high school student participating in a course of automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the written law knowledge examination for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The commission shall be required to provide that person with a booklet that highlights those motor vehicle laws unique to New Jersey. A road test shall be required for a probationary license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. No person shall sit for a road test unless that person exhibits photo identification deemed acceptable by the commission. A high school student who has completed a course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, who has been issued a special learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be required to exhibit photo identification in order to sit for a road test. The commission may waive the road test for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The commission shall approve locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner, and other motorists. No new locations for the road test shall be approved unless the test can be given on public streets.

A person who successfully completes a road test for a motorcycle license or a motorcycle endorsement when operating a motorcycle or motorized scooter with an engine displacement of less than 231 cubic centimeters

shall be issued a motorcycle license or endorsement restricting the person's operation of such vehicles to any motorcycle with an engine displacement of 500 cubic centimeters or less. A person who successfully completes a road test for a motorcycle license or motorcycle endorsement when operating a motorcycle with an engine displacement of 231 or more cubic centimeters shall be issued a motorcycle license or endorsement without any restriction as to engine displacement. Any person who successfully completes an approved motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a motorcycle license or endorsement without restriction as to engine displacement.

The commission shall issue a basic driver's license to operate a motor vehicle other than a motorcycle to a person over 18 years of age who previously has not been licensed to drive a motor vehicle in this State or another jurisdiction only if that person has: (1) operated a passenger automobile in compliance with the requirements of this title for not less than one year, not including any period of suspension or postponement, from the date of issuance of a probationary license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two motor vehicle points; (3) not been convicted in the previous year for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related violation the commission determines to be significant and applicable pursuant to regulation; and (4) passed an examination of the applicant's ability to operate a motor vehicle pursuant to this section.

The commission shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the Department of Health concerning the use of alcohol or drugs as related to highway safety. The commission shall develop, in conjunction with the Department of Health, supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Up to 20 questions may be added to the examination on subjects to be determined by the commission that are of particular relevance to youthful drivers, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely, after consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety.

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the dangers of failing to comply with this State's motor vehicle traffic laws and the "STOP for Nikhil Safety Pledge" set forth in subsection e. of R.S.39:3-41.

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the commission any current driver's license issued to the applicant by another state or jurisdiction upon the applicant's receipt of a driver's license for this State. The commission shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is less than 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the commission, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

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

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering or any vehicle defined as a motorcycle pursuant to R.S.39:1-1 having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface.

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

c. (Deleted by amendment, P.L.1999, c.28).

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

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

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license. The holder of a basic driver's license or a separately issued motorcycle license shall be authorized to operate a motorcycle having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed no more than 35 miles per hour on a flat surface.

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

The commission may, at its discretion and for good cause shown, issue licenses which shall expire on a date fixed by it. If the commission issues a license to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard period of the license, the commission shall fix the expiration date of the license at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The commission may renew such a license only if it is demonstrated that the person's continued presence in the United States is authorized under federal law. The fee for licenses with expiration dates fixed by the commission shall be fixed by the commission in amounts proportionately less or greater than the fee herein established.

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

Motorcycle license or endorsement: \$18.  
Omnibus or school bus endorsement: \$18.  
Basic driver's license: \$18.

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

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

All applications for renewals of licenses shall be made in a manner prescribed by the commission and in accordance with procedures established by it.

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

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

If the commission has reasonable cause to suspect that any document presented by an applicant as proof of identity, age or legal residency is altered, false or otherwise invalid, the commission shall refuse to grant the permit or license until such time as the document may be verified by the issuing agency to the commission's satisfaction.

A person violating this section shall be subject to a fine not exceeding \$500 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, the applicant shall be subject to a fine of not less than \$200 and, in addition, the court shall issue an order to the commission requiring the commission to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the commission.

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

2. R.S.39:3-41 is amended to read as follows:

**Driver's manual made available; contents.**

39:3-41. a. At the time of the issuance of an examination permit or a special learner's permit to operate a motor vehicle, the chief administrator



shall make available to each applicant for the examination permit or special learner's permit a driver's manual containing information required to be known and followed by licensed drivers relating to licensing requirements.

b. At the time of any required examination for renewal of a driver's license, the chief administrator shall upon request make available to each applicant for renewal a copy of the manual and any supplements thereto.

c. The driver's manual and any supplements thereto or any other booklet or writing prepared in connection with examinations for drivers' licenses or for renewals of drivers' licenses shall contain all information necessary to answer any question on an examination for a driver's license or for a renewal of a driver's license.

d. The chief administrator, following consultation with the organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey, shall include in the driver's manual information explaining the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.), the beneficial uses of donated organs and tissues, and the procedure for indicating on the driver's license the intention to make such a donation pursuant to P.L.1978, c.181 (C.39:3-12.2). The chief administrator may distribute all remaining copies of the existing driver's manual before reprinting the manual with the information required pursuant to this subsection.

e. The chief administrator, in consultation with the Nikhil Badlani Foundation, shall include in the driver's manual information explaining the dangers of failing to comply with this State's motor vehicle traffic laws and indicating that interested drivers may take the STOP for Nikhil Safety Pledge set forth in paragraph (1) of this subsection.

(1) The "STOP for Nikhil Safety Pledge" is as follows:

"In order to ensure the safety of others on the road, passengers in my car, and myself as a driver, I pledge to obey traffic laws while operating a motor vehicle, be extra cautious, and be attentive to traffic signs and signals and road conditions. Specifically:

I will come to a complete stop at every "stop" sign or red traffic light, and will not proceed through a red traffic light;

I will stay alert, keep two hands on the steering wheel whenever possible, and keep my mind on the road;

I will talk safely by using a hands-free wireless telephone while driving if I am of lawful age to do so and refrain from texting while driving; and I will plan ahead and leave enough time to arrive at my destination."

(2) The chief administrator shall ensure that drivers have the option of taking the pledge set forth in paragraph (1) of this subsection by filling out

a standard form made available at motor vehicle offices or by following instructions publicized by the chief administrator directing interested drivers to the appropriate website to complete the pledge.

(3) The chief administrator may distribute all remaining copies of the existing driver's manual before reprinting the manual with the information required pursuant to this subsection.

3. This act shall take effect on the first day of the seventh month after enactment, but the Chief Administrator of the Motor Vehicle Commission may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved August 4, 2015.

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## CHAPTER 79

AN ACT concerning agricultural driver's licenses and amending P.L.1942, c.324.

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

1. Section 1 of P.L.1942, c.324 (C.39:3-11.1) is amended to read as follows:

**C.39:3-11.1 License to person 16 years of age to drive motor vehicles in agricultural pursuits.**

1. Any person, under seventeen years of age and not under sixteen years of age, may be licensed to drive motor vehicles in agricultural pursuits as herein limited; provided such person has, after successfully completing an approved minimum six-hour behind-the-wheel driver training course, passed an examination satisfactory to the chief administrator as to his ability as an operator. The chief administrator, upon payment of the lawful fee and after he or a person authorized by him has examined the applicant and is satisfied of the applicant's ability as an operator, may, in his discretion, license the applicant to drive any motor vehicle which is registered under the provisions of R.S.39:3-24 and R.S.39:3-25. The holder of an agricultural permit or license shall be subject to the applicable requirements, restrictions and penalties for special learner's permit holders, includ-

ing the display of special learner's permit decals, provided under section 6 of P.L.1977, c.25 (C.39:3-13.2a); provided, however, the holder of an agricultural permit or license shall not be required to be accompanied by, and under the supervision of, a licensed motor vehicle driver of this State over the age of 21 in order to be permitted to operate a motor vehicle registered under the provisions of R.S.39:3-24 or R.S.39:3-25 for farm-related purposes. Such registration shall expire on March thirty-first of each year terminating the period for which such license is issued. The annual license fee for such license shall be one dollar (\$1.00), and is for the limited use herein provided, and is not to be used in the operation of any other vehicle and shall have the name of the licensee endorsed thereon in his own handwriting. The holder of an agricultural license shall be entitled to a probationary driver's license upon attaining the age of 17 years and shall be subject to applicable restrictions and penalties in section 4 of P.L.1950, c.127 (C.39:3-13.4) as they pertain to a probationary driver's license holder.

2. This act shall take effect on the first day of the third month following enactment.

Approved August 5, 2015.

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## CHAPTER 80

AN ACT concerning certain raffles and amending P.L.1954, c.5.

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

1. Section 2 of P.L.1954, c.5 (C.5:8-51) is amended to read as follows:

**C.5:8-51 Eligible organizations.**

2. a. It shall be lawful for the governing body of any municipality, at any time after this act shall become operative within such municipality and except when prohibited by this act, to license bona fide organizations or associations of veterans of any war in which the United States has been engaged, churches or religious congregations and religious organizations, charitable, educational and fraternal organizations, civic and service clubs, senior citizen associations and clubs, officially recognized volunteer fire companies, and officially recognized volunteer first aid or rescue squads, to hold and operate the specific kind of game or games of chance commonly known as a raffle or

raffles played by drawing for prizes or the allotment of prizes by chance, by the selling of shares or tickets or rights to participate in such game or games and by conducting the game or games accordingly, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of organizations or associations of veterans, and senior citizen associations and clubs to the support of these organizations, and for any such organization or association, church, congregation, society, club, company or squad, when so licensed or without any license when and as hereinafter prescribed, to hold, operate and conduct such game of chance pursuant to this act and such license, in such municipality and to sell shares or tickets or rights to participate in such game or games of chance therein and in any other municipality which shall have adopted this act and under such conditions and regulations for the supervision and conduct thereof as shall be prescribed by rules and regulations duly adopted from time to time by the Legalized Games of Chance Control Commission, hereinafter designated as the control commission, not inconsistent with the provisions of this act, but only when the entire net proceeds thereof are devoted to the uses aforesaid and for any person or persons to participate in and play such games of chance conducted under any such license.

b. The control commission may adopt regulations authorizing licensees to hold events known as:

"armchair races" at which wagers are placed on the outcome of previously-filmed horse races and wagerers do not know the results in advance, when the prize awarded consists of merchandise or raffle tickets only, and not cash; and

"casino nights" at which players use chips or script purchased from the licensee to wager in games of chance known as blackjack, under/over, beat-the-dealer, chuck-a-luck, craps, roulette, bingo or similar games approved by the commission, when the chips or script are redeemable for merchandise or raffle tickets only, and not for cash.

The regulations shall establish the frequency with which these events may be held, the rules of the games, the specific type and value of prizes which may be offered, the qualifications of the individuals conducting the games and other requirements which the commission may deem pertinent.

c. No license shall be required for the holding, operating or conducting of a raffle for a door prize of merchandise of the total retail value of \$200.00 or less, or a higher amount as established by regulation of the control commission, for which no extra charge is made at an assemblage, if the proceeds of such assemblage are devoted to the uses described in this section.

2. This act shall take effect immediately.

Approved August 6, 2015.

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## CHAPTER 81

AN ACT concerning the governance and administrative structure of the New Jersey State Museum, amending N.J.S.18A:73-20, supplementing chapter 16A of Title 52 of the Revised Statutes, and repealing sections 1 through 12 of P.L.1999, c.437.

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

1. N.J.S.18A:73-20 is amended to read as follows:

**New Jersey State Museum under control of the Division of the State Museum.**

18A:73-20. The New Jersey State Museum, including all of its collections and exhibits, shall be under the control and management of the Division of the State Museum in the Department of State, established pursuant to section 2 of P.L.2015, c.81 (C.52:16A-113).

**C.52:16A-113 Division of the State Museum.**

2. There is hereby established in the Department of State the Division of the State Museum. The purpose of the division shall be to collect, preserve, and interpret the cultural and natural history of New Jersey in a national and world context to visitors of all ages and diverse backgrounds and to preserve and interpret the landmark property called Morven located in Princeton. The division shall accomplish this purpose through the presentation of exhibits, education programs, publications, and other services. Specific collection areas shall include, but not be limited to, archaeology and ethnology, decorative arts, fine arts, and natural history.

**C.52:16A-114 Powers, functions, duties continued; board of trustees abolished.**

3. The New Jersey State Museum established in the Department of State under section 1 of P.L.1999, c.437 (C.52:16A-60) is continued in the Division of the State Museum in the Department of State, and all of its powers, functions, and duties are continued in the division. The position and employment of the curators and all other employees of the New Jersey State Museum are continued in the division. All appropriations and other

moneys available and to become available to the New Jersey State Museum are hereby continued in the division and shall be available for the objects and purposes for which such moneys are appropriated subject to any terms, restrictions, limitations, or other requirements imposed by State or federal law. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the New Jersey State Museum, the same shall mean and refer to the Division of the State Museum in the Department of State.

The board of trustees of the New Jersey State Museum established under section 3 of P.L.1999, c.437 (C.52:16A-62) is hereby abolished, and all of its powers, functions, and duties are continued in the division.

**C.52:16A-115 Authority, powers of division.**

4. The Division of the State Museum in the Department of State is hereby authorized and empowered to:

- a. employ an executive director of the New Jersey State Museum;
- b. prescribe rules and regulations consistent with the laws and rules of the State of New Jersey for the operation of the museum, including those relating to operations, capital projects, collections, exhibits, and services;
- c. on behalf of the State and in furtherance of the purposes of the museum, solicit, receive and administer gifts, bequests, and devises of property of any kind whatsoever, and grants from agencies of the United States government;
- d. make purchases for the collections and dispose of items in the collections by sale or auction;
- e. enter into contracts with individuals, organizations, and institutions for services or endeavors furthering the objectives of the museum's programs;
- f. prepare and implement a fiscal plan for the museum which shall include support from the State of New Jersey and the private sector;
- g. submit an annual operational and capital funding request to the Governor through the Department of State and the Division of Budget and Accounting in the Department of the Treasury and to expend or authorize the expenditure of funds derived from such sources and funds as are appropriated annually to the museum;
- h. manage and control the museum, together with its contents, furnishings, and other properties;
- i. care for and preserve property belonging to the museum;

- j. provide auxiliary services such as for the sale of books, periodicals, and art supplies and to provide facilities for the operation of food and beverage services at the museum;
- k. impose an admission charge to the museum, if deemed appropriate;
- l. adopt bylaws for the museum's governance;
- m. operate branch museums and to give technical advice to other museums;
- n. collect, preserve, and exhibit, in cooperation with the Department of Military and Veterans' Affairs, Medals of Honor and related memorabilia; and
- o. provide, within the limits of funds appropriated therefor, for a program of maintenance and support for services by the Newark Museum Association for the educational and recreational use and benefit of the public.

**C.52:16A-116 Executive director.**

5. The Division of the State Museum shall employ an executive director who shall have a minimum of five years of experience in the management of a museum accredited by the American Association of Museums, or its successors, or shall have been engaged for an equal amount of time in the management of a similar and comparable institution. The executive director shall serve at the pleasure of the Secretary of State and shall be in the unclassified service under Title 11A (Civil Service) of the New Jersey Statutes. The executive director shall carry out the policies of the division under the direction of the secretary.

**C.52:16A-117 Appointment of employees.**

6. The executive director may appoint such employees as may be necessary, whose employment shall be in the career service under Title 11A (Civil Service) of the New Jersey Statutes.

**C.52:16A-118 Annual reports.**

7. The Division of the State Museum shall submit an annual report of its activities through the Department of State to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on or before November 1 of each year. Such report shall contain at a minimum the annual financial statements of the museum for the fiscal year ending the preceding June 30.

**C.52:16A-119 Examination of accounts, books, records.**

8. The Director of the Division of Budget and Accounting, in the Department of the Treasury, the director's legally authorized representatives,

and the State Auditor are hereby authorized and empowered from time to time to examine the accounts, books, and records of the Division of the State Museum, and any of its related entities, including its receipts, disbursements, contracts, investments and any other matters relating thereto and to its financial standing.

**Repealer.**

9. Sections 1 through 12 of P.L.1999, c.437 (C.52:16A-60 through C.52:16A-71) are repealed.

10. This act shall take effect immediately.

Approved August 6, 2015.

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CHAPTER 82

AN ACT concerning the protection of newborn infants and amending P.L.2000, c.58 and P.L.1991, c.275.

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

1. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to read as follows:

**C.30:4C-15.7 Designated sites for voluntary relinquishment of child; assumption of care, custody, control by Division of Child Protection and Permanency.**

4. a. If a person voluntarily delivers a child who is or appears to be no more than 30 days old to, and leaves the child with an adult employee at:

(1) a State, county, or municipal police station and does not express an intent to return for the child, a State, county, or municipal police officer shall take the child to the emergency department of a licensed general hospital in this State and the hospital shall proceed as specified in subsection b. of this section;

(2) a fire station of a municipal, county, fire district, or volunteer fire department that is staffed 24 hours a day, seven days a week, and does not express an intent to return for the child, a fire fighter shall take the child to the emergency department of a licensed general hospital in this State, and the hospital shall proceed as specified in subsection b. of this section; or

(3) a public or private ambulance, first aid, or rescue squad that is staffed 24 hours a day, seven days a week, and does not express an intent to



return for the child, an emergency medical technician, or another squad member if an emergency medical technician is not available, shall take the child to the emergency department of a licensed general hospital in this State, and the hospital shall proceed as specified in subsection b. of this section.

b. If a person voluntarily delivers a child who is or appears to be no more than 30 days old to, and leaves the child at an emergency department of a licensed general hospital in this State and does not express an intent to return for the child, or, if a State, county, or municipal police officer, a fire fighter, or a member of a public or private ambulance, first aid, or rescue squad brings a child to a licensed general hospital under the circumstances set forth in subsection a. of this section, the hospital shall:

- (1) take possession of the child without a court order;
- (2) take any action or provide any treatment necessary to protect the child's physical health and safety; and
- (3) no later than the first business day after taking possession of the child, notify the Division of Child Protection and Permanency in the Department of Children and Families that the hospital has taken possession of the child.

c. The Division of Child Protection and Permanency shall assume the care, custody, and control of the child immediately upon receipt of notice from a licensed general hospital pursuant to paragraph (3) of subsection b. of this section. The division shall commence a thorough search of all listings of missing children to ensure that the relinquished child has not been reported missing.

d. A child for whom the Division of Child Protection and Permanency assumes care, custody, and control pursuant to subsection c. of this section shall be treated as a child taken into possession without a court order.

e. It shall be an affirmative defense to prosecution for abandonment of a child that the parent voluntarily delivered the child to and left the child with an adult employee, or voluntarily arranged for another person to deliver the child to and leave the child with an adult employee, at a State, county, or municipal police station, a fire department, or an ambulance, first aid, or rescue squad as provided in subsection a. of this section; or voluntarily delivered the child to and left the child at the emergency department of a licensed general hospital in this State as provided in subsection b. of this section. Nothing in this subsection shall be construed to create a defense to any prosecution arising from any conduct other than the act of delivering the child as described herein, and this subsection specifically shall not constitute a defense to any prosecution arising from an act of abuse or neglect

committed prior to the delivery of the child to a State, county, or municipal police station, a fire department, or an ambulance, first aid, or rescue squad as provided in subsection a. of this section or the emergency department of a licensed general hospital in this State as provided in subsection b. of this section.

f. (1) A State, county, or municipal police officer and the governmental jurisdiction employing that officer:

(2) a fire fighter and the fire department, and governmental jurisdiction as applicable, employing or utilizing the services of that person;

(3) a member of an ambulance, first aid, or rescue squad and the squad, and governmental jurisdiction as applicable, employing, or utilizing the services of that person; or

(4) an employee of an emergency department of a licensed general hospital in this State and the hospital employing that person, shall incur no civil or criminal liability for any good faith acts or omissions performed pursuant to this section.

g. Any person who voluntarily delivers a child who is or appears to be no more than 30 days old to a licensed general hospital, a police station, fire department, or ambulance, first aid, or rescue squad in accordance with this section shall not be required to disclose that person's name or other identifying information or that of the child or the child's parent, if different from the person who delivers the child to the hospital, police station, fire department, or ambulance, first aid, or rescue squad, or provide background or medical information about the child, but may voluntarily do so.

2. Section 6 of P.L.2000, c.58 (C.30:4C-15.9) is amended to read as follows:

**C.30:4C-15.9 Educational public information program, toll free hotline.**

6. a. The Commissioner of Children and Families, in consultation with the Commissioner of Health, shall establish an educational and public information program to promote safe placement alternatives for newborn infants, the confidentiality offered to birth parents and information regarding adoption procedures. This campaign shall include the establishment of a 24-hour, toll free hotline to assist in making information about the safe haven procedures established by P.L.2000, c.58 (C.30:4C-15.5 et al.) as widely available as possible.

b. The Department of Children and Families shall provide to licensed general hospitals in this State and State, county, or municipal police stations, fire departments, and ambulance, first aid, and rescue squads, infor-

mation about relevant social service agencies which may be made available to any person voluntarily delivering a child as provided in section 4 of P.L.2000, c.58 (C.30:4C-15.7).

c. The Department of Children and Families shall notify relevant county and municipal government agencies, agencies that deliver social services administered by the Departments of Children and Families, Human Services, and Health, physicians, pregnancy crisis centers, adoption agencies, and colleges and universities about the availability of information concerning the "New Jersey Safe Haven Infant Protection Act," including the pamphlets, posters, and other materials available on the department's Internet site.

3. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to read as follows:

**C.30:4C-15.1 Termination of parental rights, standards.**

7. a. The division shall initiate a petition to terminate parental rights on the grounds of the "best interests of the child" pursuant to subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the following standards are met:

(1) The child's safety, health, or development has been or will continue to be endangered by the parental relationship;

(2) The parent is unwilling or unable to eliminate the harm facing the child or is unable or unwilling to provide a safe and stable home for the child and the delay of permanent placement will add to the harm. Such harm may include evidence that separating the child from his resource family parents would cause serious and enduring emotional or psychological harm to the child;

(3) The division has made reasonable efforts to provide services to help the parent correct the circumstances which led to the child's placement outside the home and the court has considered alternatives to termination of parental rights; and

(4) Termination of parental rights will not do more harm than good.

b. The division shall initiate a petition to terminate parental rights on the ground that the "parent has abandoned the child" pursuant to subsection (e) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the following standards are met:

(1) a court finds that for a period of six or more months:

(a) the parent, although able to have contact, has had no contact with the child, the child's resource family parent or the division; and

(b) the parent's whereabouts are unknown, notwithstanding the division's reasonable efforts to locate the parent; or

(2) where the identities of the parents are unknown and the division has exhausted all reasonable methods of attempting identification, the division may immediately file for termination of parental rights upon the completion of the law enforcement investigation; or

(3) where the parent voluntarily delivered the child to and left the child with an adult employee, or voluntarily arranged for another person to deliver the child to and leave the child with an adult employee, at a State, county or municipal police station, a fire station of a municipal, county, fire district, or volunteer fire department, the premises of a public or private ambulance, first aid, or rescue squad; or voluntarily delivered the child to and left the child at an emergency department of a licensed general hospital in this State when the child is or appears to be no more than 30 days old, without expressing an intent to return for the child, as provided in section 4 of P.L.2000, c.58 (C.30:4C-15.7), the division shall file for termination of parental rights no later than 21 days after the day the division assumed care, custody and control of the child.

c. As used in this section and in section 15 of P.L.1951, c.138 (C.30:4C-15) "reasonable efforts" mean attempts by an agency authorized by the division to assist the parents in remedying the circumstances and conditions that led to the placement of the child and in reinforcing the family structure, including, but not limited to:

(1) consultation and cooperation with the parent in developing a plan for appropriate services;

(2) providing services that have been agreed upon, to the family, in order to further the goal of family reunification;

(3) informing the parent at appropriate intervals of the child's progress, development, and health; and

(4) facilitating appropriate visitation.

d. The division shall not be required to provide "reasonable efforts" as defined in subsection c. of this section prior to filing a petition for the termination of parental rights if an exception to the requirement to provide reasonable efforts to reunify the family has been established pursuant to section 25 of P.L.1999, c.53 (C.30:4C-11.3).

4. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 83

AN ACT concerning hunting licenses, supplementing Title 23 of the Revised Statutes, and amending various parts of the statutory law.

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

1. R.S.23:1-1 is amended to read as follows:

**Definitions.**

23:1-1. As used in this title:

"Apprentice license" means any resident's apprentice firearm hunting license, resident's apprentice bow and arrow license, nonresident's apprentice firearm hunting license, or nonresident's apprentice bow and arrow license issued pursuant to R.S.23:3-4.

"Assistant protector" or "assistant fish and game protector" means the Deputy Chief of the Bureau of Law Enforcement in the division;

"Closed season" means the date and time of year when wildlife may not be captured, taken, killed, or had in possession in the field;

"Code" means the State Fish and Game Code;

"Conservation officer" means any sworn, salaried member of the Bureau of Law Enforcement in the division holding the titles of Conservation Officer I, II, or III, and includes the titles of Supervising Conservation Officer and Chief of the Bureau of Law Enforcement;

"Council" means the Fish and Game Council in the Division of Fish and Wildlife in the Department of Environmental Protection;

"Delaware river" means the waters of the Delaware river from the Pennsylvania shore to the New Jersey shore, or in the case of any tributaries or inland bays on the New Jersey side, to the mouths of those tributaries or bays;

"Deputy warden" or "deputy fish and game warden" means any commissioned deputy conservation officer of the Bureau of Law Enforcement in the division;

"Division," "Division of Fish, Game and Wildlife," "board," or "Board of Fish and Game Commissioners" means the Division of Fish and Wildlife in the Department of Environmental Protection;

"Fishing" means the possession of an instrument used to take fish in a condition that makes the instrument readily usable, while in a place or in proximity thereto where fish may be found;

"Hunting" means the possession of an instrument used to take wildlife in a condition that makes the instrument readily usable, while in a place or in proximity thereto where wildlife may be found;

"Open season" means the date and time of year when wildlife may be captured, taken, killed, or had in possession;

"Protector" or "fish and game protector" means the Chief of the Bureau of Law Enforcement in the division;

"Warden" or "fish and game warden" means a conservation officer;

"Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean or other wild animal or any part, product, egg or offspring or the dead body or parts thereof.

**C.23:3-3.1 Issuance of apprentice firearm, bow and arrow licenses.**

2. a. The Division of Fish and Wildlife may, in its discretion, issue an apprentice firearm hunting license to a citizen of the United States above 14 years of age. The division shall not require an applicant to complete a course in gun safety as a condition of issuing an apprentice firearm hunting license to an applicant. The license shall authorize a licensee to hunt only with hounds or firearms and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's firearm hunting license. A person may not serve as an accompanying firearm hunting license holder to more than one holder of an apprentice firearm hunting license at a time. The apprentice firearm hunting license shall be void after December 31 of the year of its issuance and may be issued to a person only twice during the person's lifetime. The accompanying firearm hunting license holder shall be subject to all penalties for violations committed by the holder of the apprentice firearm hunting license while under their direct supervision.

As used in this subsection, "direct supervision" means the holder of the apprentice firearm hunting license and the accompanying firearm hunting license holder are hunting together as a unit at the same location.

b. The division may, in its discretion, issue an apprentice bow and arrow license to a citizen of the United States above 14 years of age. The division shall not require an applicant to complete a course in bow and arrow safety as a condition of issuing an apprentice firearm hunting license to an applicant. The license shall authorize a licensee to hunt only with bow and arrow and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's bow and arrow license. The apprentice bow and arrow license shall be void after December 31 of the year of its issuance and may be issued to a person only twice during the person's lifetime.

3. R.S.23:3-4 is amended to read as follows:

**Types of licenses; fees.**

23:3-4. The licenses issued under this article shall include, among others authorized by law, the following:

a. A license issued to a person above 16 years of age, or in the case of an apprentice firearm hunting license or an apprentice bow and arrow license, a license issued to a person above 14 years of age, who has an actual and bona fide domicile in this State at the time of the application for the license and who has had an actual and bona fide domicile in this State for at least six months immediately prior thereto, provided that for a resident's trapping license the person shall be above 12 years of age. These licenses shall be designated as the resident's firearm hunting license, the resident's bow and arrow license, the resident's trapping license, the resident's fishing license, the resident's apprentice firearm hunting license, and the resident's apprentice bow and arrow license.

(1) (a) The resident's firearm hunting license shall authorize its holder to hunt with hounds and firearms only, and a fee of \$26.50 and an issuance fee of \$1.00 shall be charged therefor, except that a person above the age of 65 years shall be charged a fee of \$14.50 and an issuance fee of \$1.00.

(b) The resident's apprentice firearm hunting license shall authorize its holder to hunt only with hounds and firearms and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's firearm hunting license. A fee of \$26.50 and an issuance fee of \$1.00 shall be charged for a resident's apprentice firearm hunting license, except that a person above the age of 65 years shall be charged a fee of \$14.50 and an issuance fee of \$1.00. The resident's apprentice firearm hunting license may be issued to a person only twice during the lifetime of the person.

(2) (a) The resident's bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of \$30.50 and an issuance fee of \$1.00 shall be charged therefor, except that a person above the age of 65 years shall be charged a fee of \$15.50 and an issuance fee of \$1.00.

(b) The resident's apprentice bow and arrow license shall authorize its holder to hunt only with bow and arrow and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's bow and arrow license. A fee of \$30.50 and an issuance fee of \$1.00 shall be charged for a resident's apprentice bow and arrow license, except that a person above the age of 65 years shall be charged a fee of \$15.50 and an issuance fee of \$1.00. The resident's apprentice bow and arrow license may be issued to a person only twice during the lifetime of the person.

(3) The resident's trapping license shall authorize its holder to trap only, and a fee of \$31.50 and an issuance fee of \$1.00 shall be charged therefor, except that a person above 12 years and under 16 years of age shall be charged no fee.

(4) The resident's fishing license shall authorize its holder to fish only, and a fee of \$21.50 and an issuance fee of \$1.00 shall be charged therefor, except that (a) in any case where the applicant is above 70 years of age and is otherwise qualified, no license shall be required, and (b) a person above 65 years and under 70 years of age shall be charged a fee of \$11.50 and an issuance fee of \$1.00.

(5) Any resident of this State who is afflicted with total blindness, upon application to the division, shall be entitled to a resident's fishing license without fee or charge.

b. A license issued to a person above 16 years of age, or in the case of an apprentice firearm hunting license or an apprentice bow and arrow license, a license issued to a person above 14 years of age, not entitled to a resident's license, authorizing him to trap or to hunt, as applicable, except that a nonresident's two-day small game firearm hunting license shall not permit the taking, hunting, or killing of deer or turkey. These licenses shall be designated as the nonresident's firearm hunting license, the nonresident's apprentice firearm hunting license, the nonresident's bow and arrow license, the nonresident's apprentice bow and arrow license, the nonresident's trapping license, and the nonresident's two-day small game firearm hunting license.

A nonresident's apprentice firearm hunting license shall authorize its holder to hunt only with hounds and firearms and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's firearm hunting license. A nonresident's apprentice bow and arrow license shall authorize its holder to hunt with bow and arrow only and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's bow and arrow license. The nonresident's apprentice firearm hunting license and the nonresident's apprentice bow and arrow license may each be issued to a person only twice during the lifetime of the person.

(1) The fees for the nonresident's firearm hunting license, the nonresident's apprentice firearm hunting license, the nonresident's bow and arrow license, and the nonresident's apprentice bow and arrow license shall each be \$134.50 and an issuance fee of \$1.00.

(2) The fee for the nonresident's trapping license shall be \$199.50 and an issuance fee of \$1.00.

(3) The fee for a nonresident's two-day small game firearm hunting license shall be \$35.50 and an issuance fee of \$1.00.



c. A license issued to a person above 16 years of age not entitled to a resident's license, authorizing him to fish only. These licenses shall be designated as the nonresident's annual fishing license, the nonresident's two-day fishing license, valid for a period of two consecutive days, and the nonresident's seven-day vacation fishing license, valid for a period of seven consecutive days.

(1) The fee for the nonresident's annual fishing license shall be \$33.00 and an issuance fee of \$1.00.

(2) The fee for the nonresident's two-day fishing license shall be \$8.00 and an issuance fee of \$1.00.

(3) The fee for the nonresident's seven-day fishing license shall be \$18.50 and an issuance fee of \$1.00.

d. Every license issued hereunder shall be void after December 31 next succeeding its issuance, except the one-day hunting license, which shall expire on the date of issuance; the nonresident's seven-day fishing license, which is valid only for seven consecutive days after date of issuance; the nonresident's two-day fishing license, which shall expire on the day after the date of issuance; and the nonresident's two-day small game firearm hunting license, which shall expire on the day after the date of issuance.

Any license issued hereunder to a person under 16 years of age shall be void after December 31 of the year in which the licensee becomes 16 years of age.

e. The fees for licenses set forth in this section may be adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a).

4. Section 1 of P.L.1954, c.57 (C.23:3-4.2) is amended to read as follows:

**C.23:3-4.2 Applicants 10 or over; certificate showing completion of gun safety course.**

1. a. Notwithstanding any provisions contained in sections 23:3-1 to 23:3-22 of the Revised Statutes, concerning the issuance of resident or nonresident firearm hunting licenses, at the time an application for a firearm hunting license that is not an apprentice license is made by an applicant above the age of 10, to whom a license other than an apprentice license has not previously been issued, such applicant shall present to the issuing agent a certificate stating that the applicant has satisfactorily completed a course in gun safety, which shall be signed by an agent of the Division of Fish and Wildlife designated for the purpose whose fitness to give instructions in safe gun handling has been determined by the Division of Fish and Wildlife of the Department of Environmental Protection. A person above the age of

10 who previously has held a license to engage in hunting, other than an apprentice license, shall not be entitled to purchase another such license in a subsequent year unless at the time of making application he shall submit to the license issuing agent his license of a previous year, or a certification from the Division of Fish and Wildlife stating that he held such a license.

b. An applicant for an apprentice firearm hunting license shall be exempt from the requirement to show that the person has completed a course in gun safety as provided in subsection a. of this section.

5. Section 6 of P.L.1954, c.57 (C.23:3-4.7) is amended to read as follows:

**C.23:3-4.7 Conditions for issuance of firearm hunting license; fines.**

6. No license issuing agent shall issue a firearm hunting license, other than an apprentice license, to a person above the age of 10, unless the person has submitted a firearm hunting license of a previous year that is not an apprentice license, or a certificate showing that he has successfully completed a course in gun safety given by an individual duly designated by the New Jersey Division of Fish and Wildlife. Any person above the age of 10 who obtains a hunting license under false information within the scope of this act shall be subject to a fine of not less than \$20 nor more than \$200 for each offense.

6. Section 1 of P.L.1957, c.195 (C.23:3-7.1) is amended to read as follows:

**C.23:3-7.1 Certificate of completion of bow and arrow safety course.**

1. a. Notwithstanding any provisions contained in sections 23:3-1 to 23:3-22 of the Revised Statutes, concerning the issuance of resident or non-resident bow and arrow licenses, any person applying for a bow and arrow license, other than an apprentice license, must present to the issuing agent either a certificate stating that the applicant has satisfactorily completed a course in bow and arrow safety and proficiency, which shall be signed by an agent of the Division of Fish and Wildlife designated for the purpose whose fitness to give instructions in bow handling has been determined by the Division of Fish and Wildlife of the Department of Environmental Protection, or a previously issued bow and arrow license that is not an apprentice license.

b. An applicant for an apprentice bow and arrow license shall be exempt from the requirement to show that the person has completed a course in bow and arrow safety and proficiency as provided in subsection a. of this section.

7. Section 6 of P.L.1957, c.195 (C.23:3-7.6) is amended to read as follows:

**C.23:3-7.6 Requirements for issuance of bow and arrow license; fines.**

6. No license issuing agent shall issue a bow and arrow license, other than an apprentice license, to any person, unless the person has submitted a bow and arrow license of a previous year that is not an apprentice license, or presents a certificate showing that he has successfully completed a course in bow and arrow safety and proficiency, given by an individual duly designated by the New Jersey Division of Fish and Wildlife. Any person who obtains a bow and arrow hunting license under false information within the scope of this act shall be subject to a fine of \$20.

8. Section 1 of P.L.1958, c.27 (C.23:3-21.1) is amended to read as follows:

**C.23:3-21.1 Pointed, metal tipped arrow, prohibition under certain circumstances.**

1. Any person who directly or indirectly sells, gives or furnishes to a minor under 16 years of age, other than the holder of a valid bow and arrow hunting license or an apprentice bow and arrow license issued pursuant to R.S. 23:3-4, any pointed or metal tipped arrow, except one designed solely for target use, shall be guilty of a disorderly persons offense.

9. Section 2 of P.L.1958, c.27 (C.23:3-21.2) is amended to read as follows:

**C.23:3-21.2 Shooting pointed, metal tipped arrow, prohibited under certain circumstances.**

2. Any minor under 16 years of age, other than one who is the holder of a valid bow and arrow hunting license, or the holder of an apprentice bow and arrow license under the personal supervision of the holder of a regular resident's or nonresident's bow and arrow license, who shall shoot any pointed or metal tipped arrow, including such as is designed solely for target use, except in the presence, and under the personal supervision, of an instructor or an adult is guilty of juvenile delinquency.

10. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 84

AN ACT concerning the transmission and return of vote by mail ballots, and amending P.L.2009, c.79.

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

1. Section 4 of P.L.2009, c.79 (C.19:63-4) is amended to read as follows:

**C.19:63-4 Application for mail-in ballot, authorized messenger.**

4. a. A qualified voter is entitled to apply for and obtain a mail-in ballot by authorized messenger, who shall be so designated over the signature of the voter and whose printed name and address shall appear on the application in the space provided. The authorized messenger shall be a family member or a registered voter of the county in which the application is made and shall place his or her signature on the application in the space so provided in the presence of the county clerk or the designee thereof. No person shall serve as an authorized messenger or as a bearer for more than three qualified voters in an election. No person who is a candidate in the election for which the voter requests a mail-in ballot shall be permitted to serve as an authorized messenger or bearer. The authorized messenger shall show a photo identification card to the county clerk, or the designee thereof, at the time the messenger submits the application form. The county clerk or the designee thereof shall authenticate the signature of the authorized messenger in the event such a person is other than a family member, by comparing it with the signature of the person appearing on a State of New Jersey driver's license, or other identification issued or recognized as official by the federal government, the State, or any of its political subdivisions, providing the identification carries the full address and signature of the person. After the authentication of the signature on the application, the county clerk or the designee thereof is authorized to deliver to the authorized messenger a ballot to be delivered to the qualified voter.

b. The Secretary of State shall cause to be prepared a standard authorized messenger application form, which may be included with the mail-in ballot application forms. The authorized messenger section of the application shall contain the following language above the signature of the authorized messenger: "I do hereby certify that I will deliver the mail-in ballot directly to the voter and no other person, under penalty of law."

2. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read as follows:

**C.19:63-6 Publication of notice.**

6. a. The county clerk, in the case of any Statewide election, county-wide election, or school election in a regional or other school district comprising more than one municipality; the municipal clerk, in the case of any municipal election or school election in a school district comprising a single municipality; and the commissioners or other governing or administrative body of the district, in the case of any election to be held in any fire district or other special district, other than a municipality, created for specified public purposes within one or more municipalities, shall publish the following notice in substantially the following form:

**NOTICE TO PERSONS WANTING MAIL-IN BALLOTS**

If you are a qualified and registered voter of the State who wants to vote by mail in the ..... (school, municipal, primary, general, or other) election to be held on ..... (date of election) complete the application form below and send to the undersigned, or write or apply in person to the undersigned at once requesting that a mail-in ballot be forwarded to you. The request must state your home address and the address to which the ballot should be sent. The request must be dated and signed with your signature.

If any person has assisted you to complete the mail-in ballot application, the name, address and signature of the assistor must be provided on the application, and you must sign and date the application for it to be valid and processed. No person shall serve as an authorized messenger or as a bearer for more than three qualified voters in an election. No person who is a candidate in the election for which the voter requests a mail-in ballot may provide any assistance in the completion of the ballot or may serve as an authorized messenger or bearer.

No mail-in ballot will be provided to any applicant who submits a request therefor by mail unless the request is received at least seven days before the election and contains the requested information. A voter may, however, request an application in person from the county clerk up to 3 p.m. of the day before the election.

Voters who want to vote only by mail in all future general elections in which they are eligible to vote, and who state that on their application shall, after their initial request and without further action on their part, be provided a mail-in ballot by the county clerk until the voter requests that the voter no longer be sent such a ballot. A voter's failure to vote in the fourth general election following the general election at which the voter last voted may

result in the suspension of that voter's ability to receive a mail-in ballot for all future general elections unless a new application is completed and filed with the county clerk.

Voters also have the option of indicating on their mail-in ballot applications that they would prefer to receive mail-in ballots for each election that takes place during the remainder of this calendar year. Voters who exercise this option will be furnished with mail-in ballots for each election that takes place during the remainder of this calendar year, without further action on their part.

Application forms may be obtained by applying to the undersigned either in writing or by telephone, or the application form provided below may be completed and forwarded to the undersigned.

Dated.....

.....  
(signature and title of county clerk)

.....  
(address of county clerk)

.....  
(telephone no. of county clerk)

b. (1) The Secretary of State shall be responsible for providing all information regarding overseas ballots to each overseas voter eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et seq.). The secretary shall also make available valid overseas voter registration and ballot applications to any voter who is a member of the armed forces of the United States and who is a permanent resident of this State, or who is an overseas voter who wishes to register to vote or to vote in any jurisdiction in this State. The secretary shall provide such public notice as may be deemed necessary to inform members of the armed forces of the United States and overseas voters how to obtain valid overseas voter registration and ballot applications.

(2) The Secretary of State shall undertake a program to inform voters in this State about their eligibility to vote by mail pursuant to this act. Dissemination of this information shall be included in the standard notices required by this section and other provisions of current law, including but not limited to the notice requirements of R.S.19:12-7, and shall be effectuated by such means as the secretary deems appropriate and to the extent that funds for such dissemination are appropriated including, but not limited to, by means of Statewide or local electronic media, public service announcements broadcast by such media, notices on the Internet site of the Department of State or any other department or agency of the Executive Branch of State govern-

ment or its political subdivisions deemed appropriate by the secretary, and special mailings or notices in newspapers or other publications circulating in the counties or municipalities of this State.

c. The mail-in ballot materials shall contain a notice that any person voting by mail-in ballot who has registered by mail after January 1, 2003, who did not provide personal identification information when registering and is voting for the first time in his or her current county of residence following registration shall include copies of the required identification information with the mail-in ballot, and that failure to include such information shall result in the rejection of the ballot.

d. The notice provided for in subsection a. of this section shall be published before the 55th day immediately preceding the holding of any election.

Notices relating to any Statewide or countywide election shall be published in at least two newspapers published in each county. All officials charged with the duty of publishing such notices shall publish the same in at least one newspaper published in each municipality or district in which the election is to be held, or if no newspaper is published in the municipality or district, then in a newspaper published in the county and circulating in the municipality or district. All such notices shall be display advertisements.

3. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read as follows:

**C.19:63-9 Delivery of mail-in ballots.**

9. a. Starting on or before the 45th day before the day an election is held, each county clerk shall forward mail-in ballots by first-class postage or hand delivery to each mail-in voter whose request therefor has been approved. Mail-in ballots that have been approved before the 45th day before an election shall be forwarded or delivered at least 45 days before the day of the election. Hand delivery of a mail-in ballot shall be made by the county clerk or the clerk's designee only to the voter, or the voter's authorized messenger, who must appear in person. No person shall serve as an authorized messenger for more than three qualified voters in an election. Ballots that have not been hand delivered shall be addressed to the voter at the forwarding address given in the application.

b. (1) Whenever the clerk forwards a mail-in ballot by mail to a mail-in voter between the 45th day and the 13th day before the day of an election, the ballot shall be transmitted within three business days of the receipt of the application.

(2) Whenever the clerk forwards a mail-in ballot by mail to a mail-in voter between the 12th day and the seventh day before the day of an election, the ballot shall be transmitted within two business days of the receipt of the application.

The provisions of this subsection shall not apply to: (a) annual school elections and special school elections in those school districts holding such elections, pursuant to P.L.1995, c.278 (C.19:60-1 et seq.); (b) any municipality in which elections are conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.); (c) annual elections for members of the boards of fire district commissions, pursuant to N.J.S.40A:14-72; and (d) the vote on any public question submitted to the voters of a local unit to increase the amount to be raised by taxation by more than the allowable adjusted tax levy, pursuant to section 11 of P.L.2007, c.62 (C.40A:4-45.46).

c. (Deleted by amendment, P.L.2011, c.37).

4. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to read as follows:

**C.19:63-12 Directions for preparation, transmission of mail-in ballots.**

12. Each county clerk shall send, with each mail-in ballot, printed directions for the preparation and transmitting of the ballots as required by this act. The directions shall be printed in such manner and form as the Secretary of State shall require, together with two envelopes of such sizes that one will contain the other.

The outer envelope shall be addressed to the county board of elections of the county in which is located the home address of the person to whom the mail-in ballot is sent, as certified by the county clerk. At the discretion of the county clerk, the outer envelope may be a postage paid return envelope. On the outside and front of each outer envelope, there shall be printed or stamped the following:

To protect your vote:

IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE VOTER TO MAIL OR TRANSPORT THIS BALLOT UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING IS COMPLETED:

Ballot mailed or transported by

(signature of bearer)

(print name of bearer)

(address of bearer)

The reserve side of the outer envelope shall contain the following:

REMINDER



For your vote to count, you must:

- 1) Vote your ballot and place it in the inner envelope with the attached certificate.
- 2) Seal the envelope.
- 3) Place the envelope into the larger envelope addressed to the board of elections and seal that envelope.
- 4) If another person will be mailing your ballot or bringing it to the board of elections, MAKE CERTAIN THAT PERSON COMPLETES THE "BEARER PORTION" ON THE ENVELOPE ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A CANDIDATE IN THE ELECTION FOR WHICH THE VOTER REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A BEARER. NO PERSON IS PERMITTED TO SERVE AS A BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN AN ELECTION.

The Secretary of State is authorized to make such changes to the instructions for mail-in ballot materials as the Secretary of State deems necessary or as is mandated by federal or State law.

The inner envelope shall be so designed that it can be sealed after the mail-in ballot has been placed therein and the flap thereof shall be of such length and size as to leave sufficient margin, after sealing, for the printing thereon of the certificate hereinafter described. The flap shall be so arranged that, after the inner envelope has been sealed, the certificate can be contained, with the inner envelope, in the outer envelope, and that the margin containing the certificate can be detached without unsealing the inner envelope.

On the outside of each envelope in which a mail-in ballot is sent to a mail-in voter by the clerk, there shall be printed or stamped the words "Official Mail-In Ballot." In addition, there shall be printed or stamped the following:

To protect your vote:

IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE VOTER TO OPEN, MARK, INSPECT OR SEAL THIS BALLOT.

However, a family member may assist you in doing so.

The reverse side of each inner envelope shall contain the following statement:

A PERSON MAY BE FINED AND IMPRISONED AND MAY ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY LAW if that person attempts to vote fraudulently by mail-in ballot, prevents the voting of a legal voter, certifies falsely any information, interferes with a person's se-

crecy of voting, tampers with ballots or election documents or helps another person to do so.

5. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to read as follows:

**C.19:63-16 Marking of mail-in ballot by voter; delivery to board of elections.**

16. a. A mail-in voter shall be entitled to mark any mail-in ballot forwarded to the voter for voting at any election by indicating the voter's choice of candidates for the offices named, and as to public questions, if any, stated thereon, in accordance with current law. In the case of ballots to be voted for any primary election for the general election, as the case may be, the voter's choice shall be limited to the candidates of the voter's political party or to any person or persons whose names are written thereon by the voter. When so marked, such ballot shall be placed in the inner envelope, which shall then be sealed, and the voter shall then fill in the form of certificate attached to the inner envelope, at the end of which the voter shall sign and print the voter's name. The inner envelope with the certificate shall then be placed in the outer envelope, which shall then be sealed.

b. No mail-in voter shall permit any person in any way, except as provided by this act, to unseal, mark or inspect the voter's ballot, interfere with the secrecy of the voter's vote, complete or sign the certificate, or seal the inner or outer envelope, nor shall any person do so.

c. A mail-in voter shall be entitled to assistance from a family member in performing any of the actions provided for in this section. The family member or other person providing such assistance shall certify that he or she assisted the voter and will maintain the secrecy of the vote by both printing and signing his or her name in the space provided on the certificate. In no event may a candidate for election provide such assistance, nor may any person, at the time of providing such assistance, campaign or electioneer on behalf of any candidate.

d. (1) The sealed outer envelope with the inner envelope and the ballot enclosed therein shall then either be mailed to the county board of elections to which it is addressed or delivered personally by the voter or a bearer designated by the voter to the board. To be counted, the ballot must be received by the board or its designee before the time designated by R.S.19:15-2 or R.S.19:23-40 for the closing of the polls, as may be appropriate, on the day of an election.

(2) Whenever a person delivers a ballot to the county board, that person shall provide proof of the person's identity in the form of a New Jersey

driver's license, or another form of identification issued or recognized as official by the federal government, the State, or any of its subdivisions, providing the identification carries the full address and signature of the person. The person shall sign a record maintained by the county of all mail-in ballots personally delivered to it.

(3) No person shall serve as an authorized messenger or as a bearer for more than three qualified voters in an election. No person who is a candidate in the election for which the voter requests a mail-in ballot shall be permitted to serve as an authorized messenger or bearer. The bearer, by signing the certification provided for in section 12 of P.L.2009, c.79 (C.19:63-12), certifies that he or she received a mail-in ballot directly from the voter, and no other person, and is authorized to deliver the ballot to the appropriate board of election or designee on behalf of the voter.

6. Section 28 of P.L.2009, c.79 (C.19:63-28) is amended to read as follows:

**C.19:63-28 Violations, third degree crime; penalties.**

28. a. Any person who knowingly violates any of the provisions of P.L.2009, c.79 (C.19:63-1 et al.), or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder, or enables or attempts to enable another person not entitled to vote thereunder to vote fraudulently thereunder, or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, or who shall knowingly certify falsely in any paper required under this act, or who, at any time, tampers with any ballot or document used in an election or interferes with the secrecy of the voting of any person, is guilty of a crime of the third degree, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement, unless and until pardoned or restored by law to the right of suffrage.

b. Any person who knowingly aids and abets another in violating any of the provisions of this section is guilty of a crime of the third degree and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement, unless and until pardoned or restored by law to the right of suffrage.

7. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 85

AN ACT concerning animal fighting, supplementing chapter 33 of Title 2C of the New Jersey Statutes, and amending N.J.S.2C:41-1 and R.S.4:22-24.

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

**C.2C:33-31 Crime of dog fighting; penalties.**

1. a. A person is guilty of dog fighting if that person knowingly:

(1) keeps, uses, is connected with or interested in the management of, or receives money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a dog;

(2) owns, possesses, keeps, trains, promotes, purchases, breeds or sells a dog for the purpose of fighting or baiting that dog;

(3) for amusement or gain, causes, allows, or permits the fighting or baiting of a dog;

(4) permits or suffers a place owned or controlled by that person to be used for the purpose of fighting or baiting a dog;

(5) is present and witnesses, pays admission to, encourages or assists in the fighting or baiting of a dog; or

(6) gambles on the outcome of a fight involving a dog.

Dog fighting is a crime of the third degree.

b. (1) In addition to any other penalty imposed, the court shall order:

(a) the seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person's custody or possession; and (ii) any other property involved in or related to a violation of this section; and

(b) restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals' food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to the New Jersey Society for the Prevention of Cruelty to Animals, a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility.

(2) The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.

c. For the purposes of this section “bait” means to attack with violence, to provoke, or to harass a dog with one or more animals for the purpose of training the dog for, or to cause a dog to engage in, a fight with or among other dogs.

**C.2C:33-32 Leader, financier of dog fighting network; penalties.**

2. a. A person is a leader of a dog fighting network if he conspires with others in a scheme or course of conduct to unlawfully engage in dog fighting, as defined in section 1 of P.L.2015, c.85 (C.2C:33-31), as an organizer, supervisor, financier or manager of at least one other person. Leader of a dog fighting network is a crime of the second degree.

“Financier” means a person who, with the intent to derive a profit, provides money or credit or other thing of value in order to finance the operations of dog fighting.

b. (1) In addition to any other penalty imposed, the court shall order:

(a) The seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person’s custody or possession; and (ii) any other property involved in or related to a violation of this section; and

(b) restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals’ food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to the New Jersey Society for the Prevention of Cruelty to Animals, a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility.

(2) The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.

c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of a dog fighting network shall not merge with the conviction for any offense, nor shall such other conviction merge with a conviction under this section, which is the object of the conspiracy. Nothing contained in this

section shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this section be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2 (leader of organized crime) or any prosecution or conviction for any such offense.

d. It shall not be necessary in any prosecution under this section for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attendant circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor's net worth and his expenditures in relation to his legitimate sources of income, or the amount of cash or currency involved.

e. It shall not be a defense to a prosecution under this section that the dog intended to be used for fighting was brought into or transported in this State solely for ultimate distribution or sale in another jurisdiction.

f. It shall not be a defense that the defendant was subject to the supervision or management of another, nor that another person or persons were also leaders of a dog fighting network.

3. N.J.S.2C:41-1 is amended to read as follows:

**Definitions.**

2C:41-1. For purposes of this section and N.J.S.2C:41-2 through N.J.S.2C:41-6:

a. "Racketeering activity" means (1) any of the following crimes which are crimes under the laws of New Jersey or are equivalent crimes under the laws of any other jurisdiction:

- (a) murder
- (b) kidnapping
- (c) gambling
- (d) promoting prostitution
- (e) obscenity
- (f) robbery
- (g) bribery
- (h) extortion
- (i) criminal usury
- (j) violations of Title 33 of the Revised Statutes
- (k) violations of Title 54A of the New Jersey Statutes and Title 54 of the Revised Statutes

- (l) arson
- (m) burglary
- (n) theft and all crimes defined in chapter 20 of Title 2C of the New Jersey Statutes
- (o) forgery and fraudulent practices and all crimes defined in chapter 21 of Title 2C of the New Jersey Statutes
- (p) fraud in the offering, sale or purchase of securities
- (q) alteration of motor vehicle identification numbers
- (r) unlawful manufacture, purchase, use or transfer of firearms
- (s) unlawful possession or use of destructive devices or explosives
- (t) violation of sections 112 through 116 inclusive of the "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-116)
- (u) violation of N.J.S.2C:35-4, N.J.S.2C:35-5 or N.J.S.2C:35-6 and all crimes involving illegal distribution of a controlled dangerous substance or controlled substance analog, except possession of less than one ounce of marijuana
- (v) violation of subsection b. of N.J.S.2C:24-4 except for subparagraph (b) of paragraph (5) of subsection b.
- (w) violation of section 1 of P.L.1995, c.405 (C.2C:39-16), leader of firearms trafficking network
- (x) violation of section 1 of P.L.1983, c.229 (C.2C:39-14), weapons training for illegal activities
- (y) violation of section 2 of P.L.2002, c.26 (C.2C:38-2), terrorism
- (z) violation of section 1 of P.L.2005, c.77 (C.2C:13-8), human trafficking
- (aa) violation of N.J.S.2C:12-1 requiring purposeful or knowing conduct
- (bb) violation of N.J.S.2C:12-3, terroristic threats
- (cc) violation of section 1 of P.L.2015, c.85 (C.2C:33-31), dog fighting.
- (2) any conduct defined as "racketeering activity" under Title 18, U.S.C.s.1961(1)(A), (B) and (D).
  - b. "Person" includes any individual or entity or enterprise as defined herein holding or capable of holding a legal or beneficial interest in property.
  - c. "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business or charitable trust, association, or other legal entity, any union or group of individuals associated in fact although not a legal entity, and it includes illicit as well as licit enterprises and governmental as well as other entities.
  - d. "Pattern of racketeering activity" requires:
    - (1) Engaging in at least two incidents of racketeering conduct one of which shall have occurred after the effective date of this act and the last of

which shall have occurred within 10 years (excluding any period of imprisonment) after a prior incident of racketeering activity; and

(2) A showing that the incidents of racketeering activity embrace criminal conduct that has either the same or similar purposes, results, participants or victims or methods of commission or are otherwise interrelated by distinguishing characteristics and are not isolated incidents.

e. "Unlawful debt" means a debt:

(1) Which was incurred or contracted in gambling activity which was in violation of the law of the United States, a state or political subdivision thereof; or

(2) Which is unenforceable under state or federal law in whole or in part as to principal or interest because of the laws relating to usury.

f. "Documentary material" includes any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic or recording or video tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into useable form or other tangible item.

g. "Attorney General" includes the Attorney General of New Jersey, his assistants and deputies. The term shall also include a county prosecutor or his designated assistant prosecutor if a county prosecutor is expressly authorized in writing by the Attorney General to carry out the powers conferred on the Attorney General by this chapter.

h. "Trade or commerce" shall include all economic activity involving or relating to any commodity or service.

4. R.S.4:22-24 is amended to read as follows:

**Animal fighting crimes.**

4:22-24. A person who shall:

a. Keep, use, be connected with or interested in the management of, or receive money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;

b. Be present and witness, pay admission to, encourage or assist therein;

c. Permit or suffer a place owned or controlled by him to be so used;

d. For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;

e. Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the purpose of fighting or baiting that animal or creature; or



f. Gamble on the outcome of a fight involving a living animal or creature--

Shall be guilty of a crime of the third degree.

For the purposes of this section "bait" means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training the animal for, or to cause an animal to engage in, a fight with or among other animals.

5. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 86

AN ACT concerning the sale of alcoholic beverages in certain facilities and amending R.S.33:1-12 and R.S.33:1-18.

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

1. R.S.33:1-12 is amended to read as follows:

**Class C licenses; classifications; fees.**

33:1-12. Class C licenses shall be subdivided and classified as follows:

Plenary retail consumption license. 1. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle, and also to sell any alcoholic beverages in original containers for consumption off the licensed premises; but this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store or other mercantile business is carried on, except as hereinafter provided. The holder of this license shall be permitted to conduct consumer wine, beer and spirits tasting events and samplings for a fee or on a complimentary basis pursuant to conditions established by rules and regulations of the Division of Alcoholic Beverage Control, provided however, that the holder of this license complies with the terms and conditions set forth in section 3 of P.L.2009, c.216 (C.33:1-12d). Subject to such rules and regulations established from time to time by the director, the holder of this license shall be permitted to sell alcoholic beverages in or upon the premises in which any of the following is carried on: the keeping of a hotel or restau-

rant including the sale of mercantile items incidental thereto as an accommodation to patrons; the sale, at an entertainment facility as defined in R.S.33:1-1, having a seating capacity for no less than 4,000 patrons, of mercantile items traditionally associated with the type of event or program held at the site; the sale of distillers', brewers' and vintners' packaged merchandise prepacked as a unit with other suitable objects as gift items to be sold only as a unit; the sale of novelty wearing apparel identified with the name of the establishment licensed under the provisions of this section; the sale of cigars, cigarettes, packaged crackers, chips, nuts and similar snacks and ice at retail as an accommodation to patrons, or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages; or, in commercial bowling establishments, the retail sale or rental of bowling accessories and the retail sale from vending machines of candy, ice cream and nonalcoholic beverages. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$250 and not more than \$2,500. No ordinance shall be enacted which shall raise or lower the fee to be charged for this license by more than 20% from that charged in the preceding license year or \$500.00, whichever is the lesser. The governing board or body of each municipality may, by ordinance, enact that no plenary retail consumption license shall be granted within its respective municipality.

The holder of this license shall be permitted to obtain a restricted brewery license issued pursuant to subsection 1c. of R.S.33:1-10 and to operate a restricted brewery immediately adjoining the licensed premises in accordance with the restrictions set forth in that subsection. All fees related to the issuance of both licenses shall be paid in accordance with statutory law.

Seasonal retail consumption license. 2. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption on the licensed premises by the glass or other open receptacle, and also to sell any alcoholic beverages in original containers for consumption off the licensed premises, during the summer season from May 1 until November 14, inclusive, or during the winter season from November 15 until April 30, inclusive; but this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store or other mercantile business is carried on, except as hereinafter provided. Subject to such rules and regulations established from time to time by the director, the holder of this license shall be permitted to sell alcoholic beverages in or upon the premises in which any of the following is carried on: the keeping of a hotel or restaurant including the sale of mercantile items incidental thereto as an accommodation to patrons; the sale

of distillers', brewers' and vintners' packaged merchandise prepacked as a unit with other suitable objects as gift items to be sold only as a unit; the sale of novelty wearing apparel identified with the name of the establishment licensed under the provisions of this section; the sale of cigars, cigarettes, packaged crackers, chips, nuts and similar snacks and ice at retail as an accommodation to patrons; or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at 75% of the fee fixed by said board or body for plenary retail consumption licenses. The governing board or body of each municipality may, by ordinance, enact that no seasonal retail consumption license shall be granted within its respective municipality.

Plenary retail distribution license. 3. a. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption off the licensed premises, but only in original containers; except that licensees shall be permitted to conduct consumer wine, beer, and spirits tasting events and samplings on a complimentary basis pursuant to conditions established by rules and regulations of the Division of Alcoholic Beverage Control, provided however, that the holder of this license complies with the terms and conditions set forth in section 3 of P.L.2009, c.216 (C.33:1-12d).

The governing board or body of each municipality may, by ordinance, enact that this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which any other mercantile business is carried on, except that any such ordinance, heretofore or hereafter adopted, shall not prohibit the retail sale of distillers', brewers' and vintners' packaged merchandise prepacked as a unit with other suitable objects as gift items to be sold only as a unit; the sale of novelty wearing apparel identified with the name of the establishment licensed under the provisions of this act; cigars, cigarettes, packaged crackers, chips, nuts and similar snacks, ice, and nonalcoholic beverages as accessory beverages to alcoholic beverages. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$125 and not more than \$2,500. No ordinance shall be enacted which shall raise or lower the fee to be charged for this license by more than 20% from that charged in the preceding license year or \$500.00, whichever is the lesser. The governing board or body of each municipality may, by ordinance, enact that no plenary retail distribution license shall be granted within its respective municipality.

Limited retail distribution license. 3. b. The holder of this license shall be entitled, subject to rules and regulations, to sell any unchilled, brewed, malt alcoholic beverages in quantities of not less than 72 fluid ounces for consumption off the licensed premises, but only in original containers; provided, however, that this license shall be issued only for premises operated and conducted by the licensee as a bona fide grocery store, meat market, meat and grocery store, delicatessen, or other type of bona fide food store at which groceries or other foodstuffs are sold at retail; and provided further that this license shall not be issued except for premises at which the sale of groceries or other foodstuffs is the primary and principal business and at which the sale of alcoholic beverages is merely incidental and subordinate thereto. The fee for this license shall be fixed by the governing body or board of the municipality in which the licensed premises are situated, by ordinance, at not less than \$31 and not more than \$63. The governing board or body of each municipality may, by ordinance, enact that no limited retail distribution license shall be granted within its respective municipality.

Plenary retail transit license. 4. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages, for consumption only, on railroad trains, airplanes, limousines and boats, while in transit. The fee for this license for use by a railroad or air transport company shall be \$375, for use by the owners of limousines shall be \$31 per vehicle, and for use on a boat shall be \$63 on a boat 65 feet or less in length, \$125 on a boat more than 65 feet in length but not more than 110 feet in length, and \$375 on a boat more than 110 feet in length; such boat lengths shall be determined in the manner prescribed by the Bureau of Customs of the United States Government or any federal agency successor thereto for boat measurement in connection with issuance of marine documents. A license issued under this provision to a railroad or air transport company shall cover all railroad cars and planes operated by any such company within the State of New Jersey. A license for a boat or limousine issued under this provision shall apply only to the particular boat or limousine for which issued, and shall permit the purchase of alcoholic beverages for sale or service in a boat or limousine to be made from any Class A and B licensee or from any Class C licensee whose license privilege permits the sale of alcoholic beverages in original containers for off-premises consumption. An interest in a plenary retail transit license issued in accordance with this section shall be excluded in determining the maximum number of retail licenses permitted under P.L.1962, c.152 (C.33:1-12.31 et seq.).

Club license. 5. The holder of this license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages but only for immedi-

ate consumption on the licensed premises and only to bona fide club members and their guests. The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$63 and not more than \$188. The governing board or body of each municipality may, by ordinance, enact that no club licenses shall be granted within its respective municipality. Club licenses may be issued only to such corporations, associations and organizations as are operated for benevolent, charitable, fraternal, social, religious, recreational, athletic, or similar purposes, and not for private gain, and which comply with all conditions which may be imposed by the Director of the Division of Alcoholic Beverage Control by rules and regulations.

The provisions of section 23 of P.L.2003, c.117 amendatory of this section shall apply to licenses issued or transferred on or after July 1, 2003, and to license renewals commencing on or after July 1, 2003.

**Sporting facility license.** 6. The holder of this license shall be entitled, subject to rules and regulations, to sell at retail or to serve any alcoholic beverages as the owner, operator, lessee, or concessionaire of a sporting facility by the glass or other receptacle or in original containers only on the premises of the sporting facility.

Notwithstanding any other provision of Title 33 of the Revised Statutes and subject to conditions established by the director, the holder of this license may share direction and control of the premises to be licensed and share proceeds and profits from the sale of alcoholic beverages with the owner, operator, concessionaire, or lessee of the facility. The holder of this license shall be permitted to conduct consumer wine, beer, and spirits tasting events and samplings for a fee or on a complimentary basis provided, however, the license holder complies with the provisions of section 3 of P.L.2009, c.216 (C.33:1-12d) and rules and regulations promulgated thereto. Notwithstanding any law, rule or regulation to the contrary, the holder of this license shall be entitled to establish an all-inclusive area within the licensed sporting facility, provided the all-inclusive area is limited to one area within the sporting facility for each game or event and the capacity of the all-inclusive area does not exceed 500 persons.

The fee for this license shall be \$2,500 for venues with a capacity of less than 7,500 persons; \$5,000 for venues with a capacity of not less than 7,500 persons but not more than 14,999 persons; \$7,500 for venues with a capacity of not less than 15,000 persons but not more than 22,499 persons; and \$10,000 for venues with a capacity of 22,500 persons or more.

For the purposes of this subsection:

“Sporting facility” means a stadium, arena, team training facility, or similar venue located on public property where alcoholic beverages are served or sold at retail for consumption on the premises by the glass or other open receptacle or in original containers.

“Team training facility” shall include team offices and team headquarters.

2. R.S.33:1-18 is amended to read as follows:

**Director to administer issuance of certain licenses.**

33:1-18. It shall be the duty of the director to administer the issuance of manufacturers’, wholesalers’, plenary retail transit, sporting facility, vendor, transportation and public warehouse licenses, in accordance with this chapter.

3. This act shall take effect on the first day of the third month following enactment.

Approved August 10, 2015.

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CHAPTER 87

AN ACT concerning world language graduation requirements and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

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

**C.18A:35-4.18.1 American Sign Language recognized as world language for meeting high school graduation requirements.**

1. Notwithstanding the provisions of any law, rule or regulation to the contrary, American Sign Language shall be recognized as a world language for the purpose of meeting any State or local world language requirement for high school graduation.

2. This act shall take effect on July 1 of the first school year following enactment.

Approved August 10, 2015.

## CHAPTER 88

AN ACT concerning permits issued by State agencies, and amending P.L.2011, c.34.

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

1. Section 2 of P.L.2011, c.34 (C.52:14B-27) is amended to read as follows:

**C.52:14B-27 Periodic review of permits.**

2. a. Consistent with the requirements of applicable statutes, the head of each State agency shall periodically conduct a comprehensive written review of all permits issued by the State agency, in order to identify:

(1) those permits that can be administered through an expedited process;

(2) those permits that are obsolete, are no longer necessary, or cost more to administer than the benefits they provide, and thus should be eliminated so long as the public health, safety, or general welfare is not endangered;

(3) those permits that can have their period of validity extended beyond the scheduled termination date without significant disruption to the efficiency or work of the State agency, so long as the public health, safety, or general welfare is not endangered; and

(4) those permitting procedures that can be better facilitated through the increased incorporation of computer-based technology, such as the Internet, or that can be completed online.

b. The head of each State agency shall include, as part of the comprehensive written review required by subsection a. of this section:

(1) a description of those permits identified pursuant to subsection a. of this section;

(2) a description of the recent actions taken by the State agency to:

(a) eliminate obsolete permits;

(b) extend the period of validity associated with non-obsolete permits;

(c) expedite the State agency's permitting procedures;

(d) facilitate the enhanced use of computer-based and Internet technology in such procedures; and

(e) reduce the number of permits that are backlogged;

(3) recommendations and explanations as to which of the State agency's remaining permitting procedures should be revised or simplified in order to further expedite the issuance of permits by the State agency and

increase the use of computer-based technology, such as the Internet, in the State agency's permitting procedures; and

(4) the identification of those rules, regulations, and statutes administered by the State agency that would need to be revised or eliminated in order to effectuate the changes recommended pursuant to paragraph (3) of this subsection.

c. Upon completion of the comprehensive written review pursuant to subsection a. of this section, the head of each State agency shall submit the review to the Secretary of State or other State officer or employee designated by the Governor pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28).

2. Section 5 of P.L.2011, c.34 (C.52:14B-30) is amended to read as follows:

**C.52:14B-30 Report to Governor, Legislature.**

5. a. The Secretary of State, or other State officer or employee designated by the Governor pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28), shall submit, no less than biennially, a report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, summarizing the information contained in the comprehensive written reviews that have been submitted by the various State agencies pursuant to section 2 of P.L.2011, c.34 (C.52:14B-27). In particular, each report shall include:

(1) a summary of the actions taken by each State agency during the preceding period to:

- (a) eliminate obsolete permits;
- (b) extend the period of validity associated with non-obsolete permits;
- (c) expedite the State agency's permitting procedures;
- (d) facilitate the enhanced use of computer-based and Internet technology in such procedures; and

(e) reduce the number of permits that are backlogged;

(2) a description of the remaining permits that each State agency has identified as being obsolete and conducive to elimination;

(3) a description of the remaining permits that each State agency has indicated could have their period of validity extended beyond the scheduled termination date;

(4) a description of the remaining permitting procedures that each State agency has identified as being conducive to revision, simplification, or the greater incorporation of computer-based technology, such as the Internet;



(5) the identification, by name, of the counties and municipalities that are participating in cooperative and contemporaneous handling of business permits and approvals pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28);

(6) the identification, by name and project, of the specific employees assigned as designated contact persons to specific projects pursuant to section 4 of P.L.2011, c.34 (C.52:14B-29), as well as a summary of actions taken on behalf of each project, and a description of the outcome of each project that was completed during the preceding period; and

(7) any information pertaining to other matters as the Secretary of State or the Governor's designee may find material.

b. The report required by subsection a. of this section shall be posted on the Department of State web site.

c. After due consideration of the report submitted in accordance with subsection a. of this section, the Governor may:

(1) direct the head of each State agency to make such changes to the State agency's permitting systems as may be appropriate, pursuant to current rules, regulations, and statutes, in order to effectuate those parts of the report the Governor deems necessary; and

(2) seek from the Legislature changes in the statutory law, including the amendment, repeal, or supplementation of various statutes as the Governor believes appropriate, in order to effectuate those parts of the report the Governor deems necessary.

d. The head of each State agency shall adopt such rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and perform such duties, as the head of the State agency may deem necessary, in order to effectuate the regulatory changes identified in section 2 of P.L.2011, c.34 (C.52:14B-27) and this section.

3. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 89

AN ACT concerning juvenile justice, amending and supplementing various parts of the statutory law, and repealing section 7 of P.L.1982, c.77.

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

**C.2A:4A-26.1 Filing motion seeking waiver of jurisdiction; hearing.**

1. a. A prosecutor seeking waiver of jurisdiction of a juvenile delinquency case by the Superior Court, Chancery Division, Family Part to an appropriate court and prosecuting authority without the consent of the juvenile shall file a motion within 60 days after the receipt of the complaint, which time may be extended for good cause shown. The motion shall be accompanied by a written statement of reasons clearly setting forth the facts used in assessing all factors contained in paragraph (3) of subsection c. of this section, together with an explanation as to how evaluation of those facts support waiver for each particular juvenile.

b. At a hearing, the court shall receive the evidence offered by the State and by the juvenile. The State shall provide proof to satisfy the requirements set forth in paragraphs (1) and (2) of subsection c. of this section. The court also shall review whether the State considered the factors set forth in paragraph (3) of subsection c. of this section.

c. Except as provided in paragraph (3) of this subsection, the court shall waive jurisdiction of a juvenile delinquency case without the juvenile's consent and shall refer the case to the appropriate court and prosecuting authority having jurisdiction if:

(1) The juvenile was 15 years of age or older at the time of the alleged delinquent act; and

(2) There is probable cause to believe that the juvenile committed a delinquent act which if committed by an adult would constitute:

- (a) criminal homicide, other than death by auto;
- (b) strict liability for drug-induced deaths;
- (c) first degree robbery;
- (d) carjacking;
- (e) aggravated sexual assault;
- (f) sexual assault;
- (g) second degree aggravated assault;
- (h) kidnapping;
- (i) aggravated arson;

(j) possession of a firearm with a purpose to use it unlawfully against the person of another under subsection a. of N.J.S.2C:39-4, or possession of a firearm while committing or attempting to commit, including the immediate flight therefrom, aggravated assault, aggravated criminal sexual contact, burglary, or escape;

(k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics Trafficking Network);

(l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a CDS Production Facility);

(m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1) (Weapons Possession while Committing certain CDS Offenses);

(n) an attempt or conspiracy to commit any of the crimes enumerated in subparagraphs (a) through (m) of this paragraph; or

(o) a crime committed at a time when the juvenile previously had been sentenced and confined in an adult correctional facility.

(3) The court may deny a motion by the prosecutor to waive jurisdiction of a juvenile delinquency case if it is clearly convinced that the prosecutor abused his discretion in considering the following factors in deciding whether to seek a waiver:

(a) The nature and circumstances of the offense charged;

(b) Whether the offense was against a person or property, allocating more weight for crimes against the person;

(c) Degree of the juvenile's culpability;

(d) Age and maturity of the juvenile;

(e) Any classification that the juvenile is eligible for special education to the extent this information is provided to the prosecution by the juvenile or by the court;

(f) Degree of criminal sophistication exhibited by the juvenile;

(g) Nature and extent of any prior history of delinquency of the juvenile and dispositions imposed for those adjudications;

(h) If the juvenile previously served a custodial disposition in a State juvenile facility operated by the Juvenile Justice Commission, and the response of the juvenile to the programs provided at the facility to the extent this information is provided to the prosecution by the Juvenile Justice Commission;

(i) Current or prior involvement of the juvenile with child welfare agencies;

(j) Evidence of mental health concerns, substance abuse, or emotional instability of the juvenile to the extent this information is provided to the prosecution by the juvenile or by the court; and

(k) If there is an identifiable victim, the input of the victim or victim's family.

The Attorney General may develop for dissemination to the county prosecutors those guidelines or directives deemed necessary or appropriate to ensure the uniform application of this section throughout the State.

d. An order waiving jurisdiction over a case and referring the case to the appropriate court and prosecuting authority shall specify the alleged act

upon which the referral is based and all other delinquent acts charged against the juvenile arising out of or related to the same transaction.

e. Testimony of a juvenile at a hearing to determine referral under this section shall not be admissible for any purpose in any subsequent hearing to determine delinquency or guilt of any offense.

f. Upon waiver of jurisdiction and referral to the appropriate court and prosecuting authority having jurisdiction:

(1) The case shall proceed as if it originated in that court and shall be subject to the sentencing provisions available to that court; provided, however, upon conviction for any offense which is subject to waiver pursuant to paragraph (2) of subsection c. of this section, there shall be a presumption that the juvenile shall serve any custodial sentence imposed in a State juvenile facility operated by the Juvenile Justice Commission until the juvenile reaches the age of 21, except that:

(a) a juvenile who has not reached the age of 21 may, in the discretion of the Juvenile Justice Commission, be transferred to the Department of Corrections in accordance with the plan established pursuant to subsection e. of section 7 of P.L.1995, c.284 (C.52:17B-175) and regulations adopted pursuant to that section; and

(b) a juvenile who has reached or exceeds the age of 21 may continue to serve a sentence in a State juvenile facility operated by the Juvenile Justice Commission in the discretion of the Juvenile Justice Commission and if the juvenile so consents; otherwise the juvenile shall serve the remainder of the custodial sentence in a State correctional facility;

(2) If a juvenile is not convicted of an offense set forth in paragraph (2) of subsection c. of this section, a conviction for any other offense shall be deemed a juvenile adjudication and be remanded to the Superior Court, Chancery Division, Family Part for disposition, in accordance with the dispositional options available to that court and all records related to the act of delinquency shall be subject to the provisions of section 1 of P.L.1982, c.79 (C.2A:4A-60);

(3) With the consent of the defense and the prosecutor, at any point in the proceedings subsequent to the decision ordering waiver the court may remand to the Superior Court, Chancery Division, Family Part if it appears that:

(a) the interests of the public and the best interests of the juvenile require access to programs or procedures uniquely available to that court; and

(b) the interests of the public are no longer served by waiver.

g. (1) The Juvenile Justice Commission, in consultation with the Attorney General, shall establish a program to collect, record, and analyze data regarding waiver of jurisdiction of a juvenile delinquency case by the Supe-

rior Court, Chancery Division, Family Part to an appropriate court and prosecuting authority. In furtherance of this program, the Juvenile Justice Commission shall, in cooperation with the Administrative Office of the Courts, Attorney General, and county prosecutors, collect data related to the decision to seek waiver of jurisdiction of a juvenile delinquency case, which shall include but not be limited to data concerning:

- (a) youth demographics, including age, gender, race, and ethnicity;
- (b) case characteristics, including the degree of the offense waived, the degree of the offense convicted, and the final court resolution;
- (c) case processing times; and
- (d) waiver rates by race and ethnicity.

(2) The commission shall prepare and publish on its Internet website biennial reports summarizing the data collected, recorded, and analyzed pursuant to paragraph (1) of this subsection.

(3) The commission shall, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), biennially prepare and transmit to the Governor and the Legislature the reports required in paragraph (2) of this subsection, along with any recommendations the commission may have for legislation concerning waiver of jurisdiction of juvenile delinquency cases.

2. Section 17 of P.L.1982, c.77 (C.2A:4A-36) is amended to read as follows:

**C.2A:4A-36 Detention of waiver cases.**

17. a. If the court waives jurisdiction over a case and refers that case to the appropriate court and prosecuting authority, there shall be a hearing before the court waiving jurisdiction to decide whether to detain the juvenile pending resolution of the case. If detention is deemed necessary, there shall be a presumption that the juvenile shall be detained in a county juvenile detention facility, unless good cause is shown that it is necessary to detain the juvenile in a county jail or other county correctional facility in which adults are incarcerated.

b. Upon conviction in the appropriate court and where detention pending sentencing is deemed necessary, there shall be a presumption that the juvenile shall be detained in a county juvenile detention facility, unless good cause is shown that it is necessary to detain the juvenile in a county jail or other county correctional facility in which adults are incarcerated.

c. Good cause under this section shall be based on the best interests of the juvenile and protection of the public, and shall take into account such factors, including but not limited to, the juvenile's age and maturity, the

nature and circumstances of the offense charged or for which the juvenile was convicted, the juvenile's prior offense history, the programs available at juvenile detention facilities, and any other relevant factors.

d. A juvenile who has been waived to an appropriate adult court shall not be remanded to a county jail or other county correctional facility in which adults are incarcerated prior to the hearing provided for in subsection a. of this section.

3. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to read as follows:

**C.2A:4A-44 Incarceration – aggravating and mitigating factors.**

**25. Incarceration--Aggravating and mitigating factors.**

a. (1) Except as provided in subsections e. and f. of section 24 of P.L.1982, c.77 (C.2A:4A-43), in determining whether incarceration is an appropriate disposition, the court shall consider the following aggravating circumstances:

(a) The fact that the nature and circumstances of the act, and the role of the juvenile therein, was committed in an especially heinous, cruel, or depraved manner;

(b) The fact that there was grave and serious harm inflicted on the victim and that based upon the juvenile's age or mental capacity the juvenile knew or reasonably should have known that the victim was particularly vulnerable or incapable of resistance due to advanced age, disability, ill-health, or extreme youth, or was for any other reason substantially incapable;

(c) The character and attitude of the juvenile indicate that the juvenile is likely to commit another delinquent or criminal act;

(d) The juvenile's prior record and the seriousness of any acts for which the juvenile has been adjudicated delinquent;

(e) The fact that the juvenile committed the act pursuant to an agreement that the juvenile either pay or be paid for the commission of the act and that the pecuniary incentive was beyond that inherent in the act itself;

(f) The fact that the juvenile committed the act against a policeman or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority, or the juvenile committed the act because of the status of the victim as a public servant;

(g) The need for deterring the juvenile and others from violating the law;

(h) The fact that the juvenile knowingly conspired with others as an organizer, supervisor, or manager to commit continuing criminal activity in

concert with two or more persons and the circumstances of the crime show that he has knowingly devoted himself to criminal activity as part of an on-going business activity;

(i) The fact that the juvenile on two separate occasions was adjudged a delinquent on the basis of acts which if committed by an adult would constitute crimes;

(j) The impact of the offense on the victim or victims;

(k) The impact of the offense on the community; and

(l) The threat to the safety of the public or any individual posed by the child.

(2) In determining whether incarceration is an appropriate disposition the court shall consider the following mitigating circumstances:

(a) The child is under the age of 14;

(b) The juvenile's conduct neither caused nor threatened serious harm;

(c) The juvenile did not contemplate that the juvenile's conduct would cause or threaten serious harm;

(d) The juvenile acted under a strong provocation;

(e) There were substantial grounds tending to excuse or justify the juvenile's conduct, though failing to establish a defense;

(f) The victim of the juvenile's conduct induced or facilitated its commission;

(g) The juvenile has compensated or will compensate the victim for the damage or injury that the victim has sustained, or will participate in a program of community service;

(h) The juvenile has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present act;

(i) The juvenile's conduct was the result of circumstances unlikely to recur;

(j) The character and attitude of the juvenile indicate that the juvenile is unlikely to commit another delinquent or criminal act;

(k) The juvenile is particularly likely to respond affirmatively to non-custodial treatment;

(l) The separation of the juvenile from the juvenile's family by incarceration of the juvenile would entail excessive hardship to the juvenile or the juvenile's family;

(m) The willingness of the juvenile to cooperate with law enforcement authorities;

(n) The conduct of the juvenile was substantially influenced by another person more mature than the juvenile.

b. (1) There shall be a presumption of nonincarceration for any crime or offense of the fourth degree or less committed by a juvenile who has not previously been adjudicated delinquent or convicted of a crime or offense.

(2) Where incarceration is imposed, the court shall consider the juvenile's eligibility for release under the law governing parole.

c. The following juveniles shall not be committed to a State juvenile facility:

(1) Juveniles age 11 or under unless adjudicated delinquent for the crime of arson or a crime which, if committed by an adult, would be a crime of the first or second degree; and

(2) Juveniles who are developmentally disabled as defined in paragraph (1) of subsection a. of section 3 of P.L.1977, c.82 (C.30:6D-3).

d. (1) When the court determines that, based on the consideration of all the factors set forth in subsection a., the juvenile shall be incarcerated, unless it orders the incarceration pursuant to subsection c. of section 24 of P.L.1982, c.77 (C.2A:4A-43), it shall state on the record the reasons for imposing incarceration, including any findings with regard to these factors, and commit the juvenile to the custody of the Juvenile Justice Commission which shall provide for the juvenile's placement in a suitable juvenile facility pursuant to the conditions set forth in this subsection and for terms not to exceed the maximum terms as provided herein for what would constitute the following crimes if committed by an adult:

(a) Murder under 2C:11-3a(1) or (2)	20 years
(b) Murder under 2C:11-3a(3)	10 years
(c) Crime of the first degree, except murder	4 years
(d) Crime of the second degree	3 years
(e) Crime of the third degree	2 years
(f) Crime of the fourth degree	1 year
(g) Disorderly persons offense	6 months

(2) Except as provided in subsection e. of section 24 of P.L.1982, c.77 (C.2A:4A-43), the period of confinement shall continue until the appropriate paroling authority determines that such a person should be paroled; except that in no case shall the period of confinement and parole exceed the maximum provided by law for such offense. However, if a juvenile is approved for parole prior to serving one-third of any term imposed for any crime of the first, second or third degree, including any extended term imposed pursuant to paragraph (3) or (4) of this subsection, or one-fourth of any term imposed for any other crime the granting of parole shall be subject to approval of the sentencing court. Prior to approving parole, the court shall give the prosecuting attorney notice and an opportunity to be heard. If the court denies the



parole of a juvenile pursuant to this paragraph it shall state its reasons in writing and notify the parole board, the juvenile and the juvenile's attorney. The court shall have 30 days from the date of notice of the pending parole to exercise the power granted under this paragraph. If the court does not respond within that time period, the parole will be deemed approved.

Any juvenile committed under this act who is released on parole prior to the expiration of the juvenile's maximum term may be retained under parole supervision for a period not exceeding the unserved portion of the term and any term of post-incarceration supervision imposed pursuant to paragraph (5) of this subsection. The Parole Board, the juvenile, the juvenile's attorney, the juvenile's parent or guardian or, with leave of the court any other interested party, may make a motion to the court, with notice to the prosecuting attorney, for the return of the child from a juvenile facility prior to his parole and provide for an alternative disposition which would not exceed the duration of the original time to be served in the facility. Nothing contained in this paragraph shall be construed to limit the authority of the Parole Board as set forth in section 15 of P.L.1979, c.441 (C.30:4-123.59).

(3) Upon application by the prosecutor, the court may sentence a juvenile who has been convicted of a crime of the first, second, or third degree if committed by an adult, to an extended term of incarceration beyond the maximum set forth in paragraph (1) of this subsection, if it finds that the juvenile was previously adjudged delinquent on at least two separate occasions, for offenses which, if committed by an adult, would constitute a crime of the first or second degree. The extended term shall not exceed five additional years for an act which would constitute murder and shall not exceed three additional years for all other crimes of the first degree and shall not exceed two additional years for a crime of the second degree, if committed by an adult, and one additional year for a crime of the third degree, if committed by an adult.

(4) Upon application by the prosecutor, when a juvenile is before the court at one time for disposition of three or more unrelated offenses which, if committed by an adult, would constitute crimes of the first, second or third degree and which are not part of the same transaction, the court may sentence the juvenile to an extended term of incarceration not to exceed the maximum of the permissible term for the most serious offense for which the juvenile has been adjudicated plus two additional years.

(5) Every disposition that includes a term of incarceration shall include a term of post-incarceration supervision equivalent to one-third of the term of incarceration imposed. During the term of post-incarceration supervision the juvenile shall remain in the community and in the legal custody of the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284

(C.52:17B-170) in accordance with the rules of the parole board, unless the appropriate parole board panel determines that post-incarceration supervision should be revoked and the juvenile returned to custody in accordance with the procedures and standards set forth in sections 15 through 21 of P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65). The term of post-incarceration supervision shall commence upon release from incarceration or parole, whichever is later. A term of post-incarceration supervision imposed pursuant to this paragraph may be terminated by the appropriate parole board panel if the juvenile has made a satisfactory adjustment in the community while on parole or under such supervision, if continued supervision is not required and if the juvenile has made full payment of any fine or restitution.

4. Section 7 of P.L.1995, c.284 (C.52:17B-175) is amended to read as follows:

**C.52:17B-175 Responsibilities of other departments.**

7. a. Notwithstanding the Juvenile Justice Commission's responsibility for State secure juvenile facilities and State juvenile facilities and programs, the Department of Corrections, through agreement with the commission, shall provide central transportation, communication and other services required by the commission in connection with the operation of these facilities and the custody and care of juveniles confined in the facilities.

b. Notwithstanding the commission's responsibility for State secure juvenile facilities and State juvenile facilities, the Department of Children and Families shall provide care and custody for juveniles placed under the care and custody or committed to the department pursuant to paragraphs (5), (6) and (7) of subsection b. of section 24 of P.L.1982, c.77 (C.2A:4A-43).

c. The commission and the Commissioner of Children and Families shall formulate a plan to provide adequate and appropriate mental health services to juveniles in secure juvenile facilities and juvenile facilities operated by the commission. The commission and the Commissioner of Children and Families shall jointly adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures included in the plan. The plan shall include the following:

(1) Procedures for identifying juveniles in need of such services upon admission to and while in a facility, including procedures for evaluation;

(2) Procedures for providing appropriate and adequate treatment and for terminating treatment when it is no longer needed;

(3) Procedures for ensuring cooperation between employees of the commission and the Department of Children and Families; and

(4) Procedures for review and revision of the plan.

d. The commission, through agreement with the Attorney General, the Commissioner of Corrections or the Commissioner of Children and Families as appropriate, shall arrange to provide such other services as may be required by the commission and may enter into other agreements as authorized pursuant to R.S.52:14-1 et seq. or any other law of this State.

e. The commission and the Commissioner of Corrections shall, consistent with applicable State and federal standards, formulate a plan setting forth procedures for transferring custody of any juvenile incarcerated in a juvenile facility who has reached the age of 18 during confinement and whose continued presence in the juvenile facility threatens the public safety, the safety of juvenile offenders, or the ability of the commission to operate the program in the manner intended. The commission and the Commissioner of Corrections shall jointly adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures included in the plan. At a minimum, the plan shall require that:

(1) the juvenile be notified, in writing, of the proposed transfer and the factual basis supporting the transfer;

(2) the juvenile be provided with the opportunity to be heard and to present opposition;

(3) the juvenile be represented by the Office of the Public Defender, unless the juvenile chooses to be represented by nonprofit counsel or engage private counsel at the juvenile's expense;

(4) the decision to proceed with the transfer be made by an impartial person; and

(5) written findings of the facts supporting the decision to proceed with the transfer accompany the decision.

**C.52:17B-171.13 Regulations relative to room restriction for juveniles.**

5. a. A juvenile detained in, or sentenced to, a State juvenile correctional facility or county juvenile detention center shall not be subject to room restriction unless the juvenile poses an immediate and substantial risk of harm to others or to the security of the facility, and all other less-restrictive options have been exhausted.

b. A juvenile may be subject to room restriction only for the minimum time required to address the safety risk and for a period that does not compromise the mental and physical health of the juvenile, but in no case shall a juvenile be held in room restriction for more than eight consecutive waking hours without being released for at least two hours for recreation and exercise.

c. A juvenile who is 15 years of age or younger shall not be subject to room restriction for more than two consecutive days. A juvenile who is 16 years of age or older but younger than 18 years of age shall not be subject to room restriction for more than three consecutive days. A juvenile who is 18 years of age or older shall not be subject to room restriction for more than five consecutive days. A juvenile shall not be subject to room restriction for more than 10 total days in a calendar month.

d. Juveniles subject to room restriction shall continue to receive health, mental health, and educational services.

e. Each State correctional facility or county juvenile detention facility shall document, in aggregate, the use of room restriction, including the dates and duration of each occurrence, the reason for placement in room restriction, and the race, age, and gender of the juvenile placed in room restriction. If any health or mental health clinical evaluations were performed, it shall be affirmatively certified that the results of those evaluations were considered in any decision to place the juvenile in room restriction or to continue room restriction.

The aggregate data compiled pursuant to this subsection shall be:

- (1) made available for public inspection pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act; and
- (2) published on the official Internet website of the Juvenile Justice Commission.

f. This section shall not prohibit the use of single-person rooms or cells for the housing of juveniles in State correctional or county juvenile detention centers.

g. This section does not apply to juveniles in court holding facilities or adult facilities.

h. Nothing in this section shall be construed to conflict with any law providing greater or additional protections to juveniles.

i. For the purposes of this section, "room restriction" shall mean the placement of a juvenile in a State juvenile correctional facility or county juvenile detention center in a locked room or cell, alone or with one other person, for 22 to 24 hours per day. Room restriction shall not include confinement of a juvenile in a single-person room or cell for brief periods of locked-room confinement necessary for institutional operations, including, but not limited to, shift changes, showering, and unit movements.

**Repealer.**

6. Section 7 of P.L.1982, c.77 (C.2A:4A-26) is repealed.

7. This act shall take effect on the first day of the seventh month following enactment.

Approved August 10, 2015.

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## CHAPTER 90

AN ACT concerning the office of county sheriff and amending N.J.S.40A:9-108.

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

1. N.J.S.40A:9-108 is amended to read as follows:

**Sheriff not to hold other civil office; exceptions**

40A:9-108. No person shall hold any other civil office during the time he holds and exercises the office of sheriff and by acceptance of the latter office his former office shall be deemed vacated, provided, however, that the governing body of any county may, by ordinance or resolution, as appropriate, provide that any person holding and exercising the office of sheriff may simultaneously hold and exercise the office of county emergency management coordinator but shall not receive any compensation or any other benefits otherwise attached to the office of county emergency management coordinator during such time as such person shall hold both such offices.

2. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 91

AN ACT concerning higher education planning and amending P.L.1994, c.48.

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

1. Section 14 of P.L.1994, c.48 (C.18A:3B-14) is amended to read as follows:

**C.18A:3B-14 Responsibilities of Secretary of Higher Education.**

14. The Secretary of Higher Education shall be responsible for:

- a. Statewide planning for higher education including research on higher education issues and the development of a comprehensive master plan, including, but not limited to, the establishment of new institutions, closure of existing institutions, and consolidation of institutions, which plan shall be long-range in nature. Within 180 days of the effective date of P.L.2015, c.91 and, at a minimum, every seven years thereafter, the secretary shall adopt a new comprehensive master plan. The council may request the secretary to conduct a study of a particular issue. The secretary may require from institutions of higher education such reports or other information as may be necessary to enable the secretary to perform his duties;
- b. advocacy on behalf of higher education including informing the public of the needs and accomplishments of higher education in New Jersey;
- c. making recommendations to the Governor and Legislature on higher education initiatives and incentive programs of Statewide significance;
- d. final administrative decisions over institutional licensure and university status giving due consideration to the accreditation status of the institution. The secretary shall furnish the Presidents' Council with any pertinent information compiled on behalf of the subject institution and the council shall then make recommendations to the secretary concerning the licensure of the institution or university status within sixty days of receipt of the information;
- e. adopting a code of ethics applicable to institutions of higher education;
- f. final administrative decisions over new academic programs that go beyond the programmatic mission of the institution and final administrative decisions over a change in the programmatic mission of an institution. In addition, within 60 days of referral of a proposed new program determined to be unduly expensive or duplicative by the council, the secretary may deny approval of programs which do not exceed the programmatic mission of the institution, but which are determined by the New Jersey Presidents' Council to be unduly duplicative or expensive;
- g. reviewing requests for State support from the institutions in relation to the mission of the institution and Statewide goals and proposing a coordinated budget policy statement to the Governor and Legislature;
- h. communicating with the State Board of Education and Commissioner of Education to advance public education at all levels including articulation between the public schools and higher education community;
- i. applying for and accepting grants from the federal government, or any agency thereof, or grants, gifts or other contributions from any founda-

tion, corporation, association or individual, and complying with the terms, conditions and limitations thereof, for the purpose of advancing higher education. Any money so received may be expended by the secretary upon warrant of the director of the Office of Management and Budget in the Department of the Treasury on vouchers certified by the secretary;

j. acting as the lead agent of communication with the federal government concerning higher education issues, except that the Higher Education Student Assistance Authority shall act, in cooperation with the secretary, as the lead agency on issues of student assistance;

k. exercising all of the powers and duties previously exercised by the Board of Higher Education, the Department of Higher Education, and the Chancellor of Higher Education, under the "New Jersey Higher Education Building Construction Bond Act of 1971," P.L.1971, c.164, the "New Jersey Medical Education Facilities Bond Act of 1977," P.L.1977, c.235, the "Jobs, Science and Technology Bond Act of 1984," P.L.1984, c.99, the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the "Higher Education Equipment Leasing Fund Act," P.L.1993, c.136, and the "Higher Education Facilities Trust Fund Act," P.L.1993, c.375;

l. exercising any other power or responsibility necessary in order to carry out the provisions of this act;

m. consulting with the Higher Education Student Assistance Authority on student assistance matters;

n. advising and making recommendations for consideration to the Governor and the governing board of a public research university or a State college for members of that governing board appointed by the Governor; and

o. examining and recommending to institutions of higher education opportunities for joint purchasing and other joint arrangements that would be advantageous to the institutions.

2. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 92

AN ACT concerning substance abuse recovery housing programs and supplementing chapter 3B of Title 18A of the New Jersey Statutes.

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

**C.18A:3B-70 Substance abuse recovery housing programs at certain institutions of higher education.**

1. a. Within four years after the effective date of this act, each four-year public institution of higher education, in which at least 25% of the undergraduate students live in on-campus housing, shall establish a substance abuse recovery housing program. The purpose of the program shall be to provide a supportive substance-free dormitory environment that recognizes the unique risks and challenges that recovering students face, and that provides support programs to recovering students who reside in the recovery housing to assist their efforts to remain substance-free. The program shall include on-site counseling, mentoring, peer support, and other appropriate services. An institution may designate a floor, wing, or other designated area within a dormitory building for the substance abuse recovery housing program, and shall not be required to designate an entire dormitory building for the program.

b. The institution shall apply for any federal, State, corporate, or other grant funding that may be available to implement the substance abuse recovery housing program.

2. This act shall take effect immediately.

Approved August 10, 2015.

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**CHAPTER 93**

AN ACT concerning medication-assisted treatment for certain persons, amending N.J.S.2C:35-14, and supplementing Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:35-14 is amended to read as follows:

**Rehabilitation program for drug and alcohol dependent persons subject to a presumption of incarceration or a mandatory minimum period of parole ineligibility; criteria for imposing special probation; ineligible offenders; commitment to residential treatment facilities or participation in a nonresidential treatment program; presumption of revocation; brief incarceration in lieu of permanent revocation.**

2C:35-14. Rehabilitation Program for Drug and Alcohol Dependent Persons Subject to a Presumption of Incarceration or a Mandatory Minimum Period of Parole Ineligibility; Criteria for Imposing Special Probation; Ineli-



gible Offenders; Commitment to Residential Treatment Facilities or Participation in a Nonresidential Treatment Program; Presumption of Revocation; Brief Incarceration in Lieu of Permanent Revocation.

a. Any person who is ineligible for probation due to a conviction for a crime which is subject to a presumption of incarceration or a mandatory minimum period of parole ineligibility may be sentenced to a term of special probation in accordance with this section, and may not apply for drug and alcohol treatment pursuant to N.J.S.2C:45-1. Nothing in this section shall be construed to prohibit a person who is eligible for probation in accordance with N.J.S.2C:45-1 due to a conviction for an offense which is not subject to a presumption of incarceration or a mandatory minimum period of parole ineligibility from applying for drug or alcohol treatment as a condition of probation pursuant to N.J.S.2C:45-1; provided, however, that a person in need of treatment as defined in subsection f. of section 2 of P.L.2012, c.23 (C.2C:35-14.2) shall be sentenced in accordance with that section. Notwithstanding the presumption of incarceration pursuant to the provisions of subsection d. of N.J.S.2C:44-1, whenever a drug or alcohol dependent person who is subject to sentencing under this section is convicted of or adjudicated delinquent for an offense, other than one described in subsection b. of this section, the court, upon notice to the prosecutor, may, on motion of the person, or on the court's own motion, place the person on special probation, which shall be for a term of five years, provided that the court finds on the record that:

(1) the person has undergone a professional diagnostic assessment to determine whether and to what extent the person is drug or alcohol dependent and would benefit from treatment; and

(2) the person is a drug or alcohol dependent person within the meaning of N.J.S.2C:35-2 and was drug or alcohol dependent at the time of the commission of the present offense; and

(3) the present offense was committed while the person was under the influence of a controlled dangerous substance, controlled substance analog, or alcohol, or was committed to acquire property or monies in order to support the person's drug or alcohol dependency; and

(4) substance use disorders treatment and monitoring will serve to benefit the person by addressing the person's drug or alcohol dependency and will thereby reduce the likelihood that the person will thereafter commit another offense; and

(5) the person did not possess a firearm at the time of the present offense and did not possess a firearm at the time of any pending criminal charge; and

(6) the person has not been previously convicted on two or more separate occasions of crimes of the first or second degree, other than those listed in paragraph (7); or the person has not been previously convicted on two or more separate occasions, where one of the offenses is a crime of the third degree, other than crimes defined in N.J.S.2C:35-10, and one of the offenses is a crime of the first or second degree; and

(7) the person has not been previously convicted or adjudicated delinquent for, and does not have a pending charge of murder, aggravated manslaughter, manslaughter, kidnapping, aggravated assault, aggravated sexual assault or sexual assault, or a similar crime under the laws of any other state or the United States; and

(8) a suitable treatment facility licensed and approved by the Department of Human Services is able and has agreed to provide appropriate treatment services in accordance with the requirements of this section; and

(9) no danger to the community will result from the person being placed on special probation pursuant to this section.

In determining whether to sentence the person pursuant to this section, the court shall consider all relevant circumstances, and shall take judicial notice of any evidence, testimony, or information adduced at the trial, plea hearing, or other court proceedings, and shall also consider the presentence report and the results of the professional diagnostic assessment to determine whether and to what extent the person is drug or alcohol dependent and would benefit from treatment. The court shall give priority to a person who has moved to be sentenced to special probation over a person who is being considered for a sentence to special probation on the court's own motion or in accordance with the provisions of section 2 of P.L.2012, c.23 (C.2C:35-14.2).

As a condition of special probation, the court shall order the person to enter a residential treatment program at a facility licensed and approved by the Department of Human Services or a program of nonresidential treatment by a licensed and approved treatment provider, which program may include the use of medication-assisted treatment as defined in paragraph (7) of subsection f. of this section, to comply with program rules and the requirements of the course of treatment, to cooperate fully with the treatment provider, and to comply with such other reasonable terms and conditions as may be required by the court or by law, pursuant to N.J.S.2C:45-1, and which shall include periodic urine testing for drug or alcohol usage throughout the period of special probation. In determining whether to order the person to participate in a nonresidential rather than a residential treatment program, the court shall follow the procedure set forth in subsection j. of this section. Subject to the requirements of subsection d. of this section,

the conditions of special probation may include different methods and levels of community-based or residential supervision.

b. A person shall not be eligible for special probation pursuant to this section if the person is convicted of or adjudicated delinquent for:

(1) a crime of the first degree;

(2) a crime of the first or second degree enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2), other than a crime of the second degree involving N.J.S.2C:15-1 (robbery) or N.J.S.2C:18-2 (burglary);

(3) a crime, other than that defined in section 1 of P.L.1987, c.101 (C.2C:35-7), for which a mandatory minimum period of incarceration is prescribed under chapter 35 of this Title or any other law; or

(4) an offense that involved the distribution or the conspiracy or attempt to distribute a controlled dangerous substance or controlled substance analog to a juvenile near or on school property.

c. (Deleted by amendment, P.L.2012, c.23)

d. Except as otherwise provided in subsection j. of this section, a person convicted of or adjudicated delinquent for a crime of the second degree or of a violation of section 1 of P.L.1987, c.101 (C.2C:35-7), or who previously has been convicted of or adjudicated delinquent for an offense under subsection a. of N.J.S.2C:35-5 or a similar offense under any other law of this State, any other state, or the United States, who is placed on special probation under this section shall be committed to the custody of a residential substance use disorders treatment facility licensed and approved by the Department of Human Services. Subject to the authority of the court to temporarily suspend imposition of all or any portion of the term of commitment to a residential treatment facility pursuant to subsection j. of this section, the person shall be committed to the residential treatment facility immediately, unless the facility cannot accommodate the person, in which case the person shall be incarcerated to await commitment to the residential treatment facility. The term of such commitment shall be for a minimum of six months, or until the court, upon recommendation of the treatment provider, determines that the person has successfully completed the residential treatment program, whichever is later, except that no person shall remain in the custody of a residential treatment facility pursuant to this section for a period in excess of five years. Upon successful completion of the required residential treatment program, the person shall complete the period of special probation, as authorized by subsection a. of this section, with credit for time served for any imprisonment served as a condition of probation and credit for each day during which the person satisfactorily complied with the terms and conditions of special probation while committed pursuant to this

section to a residential treatment facility. Except as otherwise provided in subsection l. of this section, the person shall not be eligible for early discharge of special probation pursuant to N.J.S.2C:45-2, or any other provision of the law. The court, in determining the number of credits for time spent in residential treatment, shall consider the recommendations of the treatment provider. A person placed into a residential treatment facility pursuant to this section shall be deemed to be subject to official detention for the purposes of N.J.S.2C:29-5 (escape).

e. The probation department or other appropriate agency designated by the court to monitor or supervise the person's special probation shall report periodically to the court as to the person's progress in treatment and compliance with court-imposed terms and conditions. The treatment provider shall promptly report to the probation department or other appropriate agency all significant failures by the person to comply with any court imposed term or condition of special probation or any requirements of the course of treatment, including but not limited to a positive drug or alcohol test, which shall only constitute a violation for a person using medication-assisted treatment as defined in paragraph (7) of subsection f. of this section if the positive test is unrelated to the person's medication-assisted treatment, or the unexcused failure to attend any session or activity, and shall immediately report any act that would constitute an escape. The probation department or other appropriate agency shall immediately notify the court and the prosecutor in the event that the person refuses to submit to a periodic drug or alcohol test or for any reason terminates the person's participation in the course of treatment, or commits any act that would constitute an escape.

f. (1) Upon a first violation of any term or condition of the special probation authorized by this section or of any requirements of the course of treatment, the court in its discretion may permanently revoke the person's special probation.

(2) Upon a second or subsequent violation of any term or condition of the special probation authorized by this section or of any requirements of the course of treatment, the court shall, subject only to the provisions of subsection g. of this section, permanently revoke the person's special probation unless the court finds on the record that there is a substantial likelihood that the person will successfully complete the treatment program if permitted to continue on special probation, and the court is clearly convinced, considering the nature and seriousness of the violations, that no danger to the community will result from permitting the person to continue on special probation pursuant to this section. The court's determination to permit the person to continue on

special probation following a second or subsequent violation pursuant to this paragraph may be appealed by the prosecution.

(3) In making its determination whether to revoke special probation, and whether to overcome the presumption of revocation established in paragraph (2) of this subsection, the court shall consider the nature and seriousness of the present infraction and any past infractions in relation to the person's overall progress in the course of treatment, and shall also consider the recommendations of the treatment provider. The court shall give added weight to the treatment provider's recommendation that the person's special probation be permanently revoked, or to the treatment provider's opinion that the person is not amenable to treatment or is not likely to complete the treatment program successfully.

(4) If the court permanently revokes the person's special probation pursuant to this subsection, the court shall impose any sentence that might have been imposed, or that would have been required to be imposed, originally for the offense for which the person was convicted or adjudicated delinquent. The court shall conduct a de novo review of any aggravating and mitigating factors present at the time of both original sentencing and resentencing. If the court determines or is required pursuant to any other provision of this chapter or any other law to impose a term of imprisonment, the person shall receive credit for any time served in custody pursuant to N.J.S.2C:45-1 or while awaiting placement in a treatment facility pursuant to this section, and for each day during which the person satisfactorily complied with the terms and conditions of special probation while committed pursuant to this section to a residential treatment facility. The court, in determining the number of credits for time spent in a residential treatment facility, shall consider the recommendations of the treatment provider.

(5) Following a violation, if the court permits the person to continue on special probation pursuant to this section, the court shall order the person to comply with such additional terms and conditions, including but not limited to more frequent drug or alcohol testing, as are necessary to deter and promptly detect any further violation.

(6) Notwithstanding any other provision of this subsection, if the person at any time refuses to undergo urine testing for drug or alcohol usage as provided in subsection a. of this section, the court shall, subject only to the provisions of subsection g. of this section, permanently revoke the person's special probation. Notwithstanding any other provision of this section, if the person at any time while committed to the custody of a residential treatment facility pursuant to this section commits an act that would constitute an escape, the court shall forthwith permanently revoke the person's special probation.

(7) An action for a violation under this section may be brought by a probation officer or prosecutor or on the court's own motion. Failure to complete successfully the required treatment program shall constitute a violation of the person's special probation. In the case of the temporary or continued management of a person's drug or alcohol dependency by means of medication-assisted treatment as defined herein, whenever supported by a report from the treatment provider of existing satisfactory progress and reasonably predictable long-term success with or without further medication-assisted treatment, the person's use of the medication-assisted treatment, even if continuing, shall not be the basis to constitute a failure to complete successfully the treatment program. A person who fails to comply with the terms of the person's special probation pursuant to this section and is thereafter sentenced to imprisonment in accordance with this subsection shall thereafter be ineligible for entry into the Intensive Supervision Program, provided however that this provision shall not affect the person's eligibility for entry into the Intensive Supervision Program for a subsequent conviction.

As used in this section, the term "medication-assisted treatment" means the use of any medications approved by the federal Food and Drug Administration to treat substance use disorders, including extended-release naltrexone, methadone, and buprenorphine, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.

g. When a person on special probation is subject to a presumption of revocation on a second or subsequent violation pursuant to paragraph (2) of subsection f. of this section, or when the person refuses to undergo drug or alcohol testing pursuant to paragraph (6) of subsection f. of this section, the court may, in lieu of permanently revoking the person's special probation, impose a term of incarceration for a period of not less than 30 days nor more than six months, after which the person's term of special probation pursuant to this section may be reinstated. In determining whether to order a period of incarceration in lieu of permanent revocation pursuant to this subsection, the court shall consider the recommendations of the treatment provider with respect to the likelihood that such confinement would serve to motivate the person to make satisfactory progress in treatment once special probation is reinstated. This disposition may occur only once with respect to any person unless the court is clearly convinced that there are compelling and extraordinary reasons to justify reimposing this disposition with respect to the person. Any such determination by the court to reimpose this disposition may be appealed by the prosecution. Nothing in this subsection shall be construed to limit the authority of the court at any time during the period of special probation to order a person on special

probation who is not subject to a presumption of revocation pursuant to paragraph (2) of subsection f. of this section to be incarcerated over the course of a weekend, or for any other reasonable period of time, when the court in its discretion determines that such incarceration would help to motivate the person to make satisfactory progress in treatment.

h. The court, as a condition of its order, and after considering the person's financial resources, shall require the person to pay that portion of the costs associated with the person's participation in any residential or nonresidential treatment program imposed pursuant to this section which, in the opinion of the court, is consistent with the person's ability to pay, taking into account the court's authority to order payment or reimbursement to be made over time and in installments.

i. The court shall impose, as a condition of the special probation, any fine, penalty, fee, or restitution applicable to the offense for which the person was convicted or adjudicated delinquent.

j. Where the court finds that a person has satisfied all of the eligibility criteria for special probation and would otherwise be required to be committed to the custody of a residential substance use disorders treatment facility pursuant to the provisions of subsection d. of this section, the court may temporarily suspend imposition of all or any portion of the term of commitment to a residential treatment facility and may instead order the person to enter a nonresidential treatment program, provided that the court finds on the record that:

(1) the person conducting the diagnostic assessment required pursuant to paragraph (1) of subsection a. of this section has recommended in writing that the proposed course of nonresidential treatment services is clinically appropriate and adequate to address the person's treatment needs; and

(2) no danger to the community would result from the person participating in the proposed course of nonresidential treatment services; and

(3) a suitable treatment provider is able and has agreed to provide clinically appropriate nonresidential treatment services.

If the prosecutor objects to the court's decision to suspend the commitment of the person to a residential treatment facility pursuant to this subsection, the sentence of special probation imposed pursuant to this section shall not become final for ten days in order to permit the appeal by the prosecution of the court's decision.

After a period of six months of nonresidential treatment, if the court, considering all available information including but not limited to the recommendation of the treatment provider, finds that the person has made satisfactory progress in treatment and that there is a substantial likelihood that

the person will successfully complete the nonresidential treatment program and period of special probation, the court, on notice to the prosecutor, may permanently suspend the commitment of the person to the custody of a residential treatment program, in which event the special monitoring provisions set forth in subsection k. of this section shall no longer apply.

Nothing in this subsection shall be construed to limit the authority of the court at any time during the term of special probation to order the person to be committed to a residential or nonresidential treatment facility if the court determines that such treatment is clinically appropriate and necessary to address the person's present treatment needs.

k. (1) When the court temporarily suspends the commitment of the person to a residential treatment facility pursuant to subsection j. of this section, the court shall, in addition to ordering participation in a prescribed course of nonresidential treatment and any other appropriate terms or conditions authorized or required by law, order the person to undergo urine testing for drug or alcohol use not less than once per week unless otherwise ordered by the court. The court-ordered testing shall be conducted by the probation department or the treatment provider. The results of all tests shall be reported promptly to the court and to the prosecutor. If the person is involved with a program that is providing the person medication-assisted treatment as defined in paragraph (7) of subsection f. of this section, only a positive urine test for drug or alcohol use unrelated to the medication-assisted treatment shall constitute a violation of the terms and conditions of special probation. In addition, the court shall impose appropriate curfews or other restrictions on the person's movements, and may order the person to wear electronic monitoring devices to enforce such curfews or other restrictions as a condition of special probation.

(2) The probation department or other appropriate agency shall immediately notify the court and the prosecutor in the event that the person fails or refuses to submit to a drug or alcohol test, knowingly defrauds the administration of a drug test, terminates the person's participation in the course of treatment, or commits any act that would constitute absconding from parole. If the person at any time while entered in a nonresidential treatment program pursuant to subsection j. of this section knowingly defrauds the administration of a drug test, goes into hiding, or leaves the State with a purpose of avoiding supervision, the court shall permanently revoke the person's special probation.

l. If the court finds that the person has made exemplary progress in the course of treatment, the court may, upon recommendation of the person's supervising probation officer or on the court's own motion, and upon notice to the prosecutor, grant early discharge from a term of special probation provided that the person: (1) has satisfactorily completed the treatment



program ordered by the court; (2) has served at least two years of special probation; (3) within the preceding 12 months, did not commit a substantial violation of any term or condition of special probation, including but not limited to a positive urine test, which shall only constitute a violation for a person using medication-assisted treatment as defined in paragraph (7) of subsection f. of this section if the positive test is unrelated to the person's medication-assisted treatment; and (4) is not likely to relapse or commit an offense if probation supervision and related services are discontinued.

**C.2C:45-5 Medication-assisted treatment.**

2. In the case of a person who is sentenced to probation in accordance with N.J.S.2C:45-1, and who is ordered by the court as a condition of probation to undergo treatment for a substance use disorder involving drugs or alcohol, the temporary or continued management of a person's drug or alcohol dependency by means of medication-assisted treatment as defined herein, whenever supported by a report from the treatment provider of existing satisfactory progress and reasonably predictable long-term success with or without further medication-assisted treatment, the person's use of the medication-assisted treatment, even if continuing, shall not be the basis to constitute a failure to complete successfully the treatment program.

As used in this section, the term "medication-assisted treatment" means the use of any medications approved by the federal Food and Drug Administration to treat substance use disorders, including extended-release naltrexone, methadone, and buprenorphine, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.

3. This act shall take effect immediately.

Approved August 10, 2015.

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CHAPTER 94

AN ACT concerning electric power net metering and amending P.L.1999, c.23.

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

1. Section 38 of P.L.1999, c.23 (C.48:3-87) is amended to read as follows:

**C.48:3-87 Environmental disclosure requirements; standards; rules.**

38. a. The board shall require an electric power supplier or basic generation service provider to disclose on a customer's bill or on customer contracts or marketing materials, a uniform, common set of information about the environmental characteristics of the energy purchased by the customer, including, but not limited to:

(1) Its fuel mix, including categories for oil, gas, nuclear, coal, solar, hydroelectric, wind and biomass, or a regional average determined by the board;

(2) Its emissions, in pounds per megawatt hour, of sulfur dioxide, carbon dioxide, oxides of nitrogen, and any other pollutant that the board may determine to pose an environmental or health hazard, or an emissions default to be determined by the board; and

(3) Any discrete emission reduction retired pursuant to rules and regulations adopted pursuant to P.L.1995, c.188.

b. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, in consultation with the Department of Environmental Protection, after notice and opportunity for public comment and public hearing, interim standards to implement this disclosure requirement, including, but not limited to:

(1) A methodology for disclosure of emissions based on output pounds per megawatt hour;

(2) Benchmarks for all suppliers and basic generation service providers to use in disclosing emissions that will enable consumers to perform a meaningful comparison with a supplier's or basic generation service provider's emission levels; and

(3) A uniform emissions disclosure format that is graphic in nature and easily understandable by consumers. The board shall periodically review the disclosure requirements to determine if revisions to the environmental disclosure system as implemented are necessary.

Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

c. (1) The board may adopt, in consultation with the Department of Environmental Protection, after notice and opportunity for public comment, an emissions portfolio standard applicable to all electric power suppliers and basic generation service providers, upon a finding that:

(a) The standard is necessary as part of a plan to enable the State to meet federal Clean Air Act or State ambient air quality standards; and

(b) Actions at the regional or federal level cannot reasonably be expected to achieve the compliance with the federal standards.

(2) By July 1, 2009, the board shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a greenhouse gas emissions portfolio standard to mitigate leakage or another regulatory mechanism to mitigate leakage applicable to all electric power suppliers and basic generation service providers that provide electricity to customers within the State. The greenhouse gas emissions portfolio standard or any other regulatory mechanism to mitigate leakage shall:

(a) Allow a transition period, either before or after the effective date of the regulation to mitigate leakage, for a basic generation service provider or electric power supplier to either meet the emissions portfolio standard or other regulatory mechanism to mitigate leakage, or to transfer any customer to a basic generation service provider or electric power supplier that meets the emissions portfolio standard or other regulatory mechanism to mitigate leakage. If the transition period allowed pursuant to this subparagraph occurs after the implementation of an emissions portfolio standard or other regulatory mechanism to mitigate leakage, the transition period shall be no longer than three years; and

(b) Exempt the provision of basic generation service pursuant to a basic generation service purchase and sale agreement effective prior to the date of the regulation.

Unless the Attorney General or the Attorney General's designee determines that a greenhouse gas emissions portfolio standard would unconstitutionally burden interstate commerce or would be preempted by federal law, the adoption by the board of an electric energy efficiency portfolio standard pursuant to subsection g. of this section, a gas energy efficiency portfolio standard pursuant to subsection h. of this section, or any other enhanced energy efficiency policies to mitigate leakage shall not be considered sufficient to fulfill the requirement of this subsection for the adoption of a greenhouse gas emissions portfolio standard or any other regulatory mechanism to mitigate leakage.

d. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall

initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, renewable energy portfolio standards that shall require:

(1) that two and one-half percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from Class I or Class II renewable energy sources;

(2) beginning on January 1, 2001, that one-half of one percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from Class I renewable energy sources. The board shall increase the required percentage for Class I renewable energy sources so that by January 1, 2006, one percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider shall be from Class I renewable energy sources and shall additionally increase the required percentage for Class I renewable energy sources by one-half of one percent each year until January 1, 2012, when four percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider shall be from Class I renewable energy sources.

An electric power supplier or basic generation service provider may satisfy the requirements of this subsection by participating in a renewable energy trading program approved by the board in consultation with the Department of Environmental Protection;

(3) that the board establish a multi-year schedule, applicable to each electric power supplier or basic generation service provider in this State, beginning with the one-year period commencing on June 1, 2010, and continuing for each subsequent one-year period up to and including, the one-year period commencing on June 1, 2028, that requires the following number or percentage, as the case may be, of kilowatt-hours sold in this State by each electric power supplier and each basic generation service provider to be from solar electric power generators connected to the distribution system in this State:

EY 2011	306 Gigawatthours (Gwhrs)
EY 2012	442 Gwhrs
EY 2013	596 Gwhrs
EY 2014	2.050%
EY 2015	2.450%
EY 2016	2.750%
EY 2017	3.000%
EY 2018	3.200%
EY 2019	3.290%

EY 2020	3.380%
EY 2021	3.470%
EY 2022	3.560%
EY 2023	3.650%
EY 2024	3.740%
EY 2025	3.830%
EY 2026	3.920%
EY 2027	4.010%

EY 2028 4.100%, and for every energy year thereafter, at least 4.100% per energy year to reflect an increasing number of kilowatt-hours to be purchased by suppliers or providers from solar electric power generators connected to the distribution system in this State, and to establish a framework within which, of the electricity that the generators sell in this State, suppliers and providers shall each obtain at least 3.470% in the energy year 2021 and 4.100% in the energy year 2028 from solar electric power generators connected to the distribution system in this State, provided, however, that:

(a) The board shall determine an appropriate period of no less than 120 days following the end of an energy year prior to which a provider or supplier must demonstrate compliance for that energy year with the annual renewable portfolio standard;

(b) No more than 24 months following the date of enactment of P.L.2012, c.24, the board shall complete a proceeding to investigate approaches to mitigate solar development volatility and prepare and submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a report to the Legislature, detailing its findings and recommendations. As part of the proceeding, the board shall evaluate other techniques used nationally and internationally;

(c) The solar renewable portfolio standards requirements in this paragraph shall exempt those existing supply contracts which are effective prior to the date of enactment of P.L.2012, c.24 from any increase beyond the number of SRECs mandated by the solar renewable portfolio standards requirements that were in effect on the date that the providers executed their existing supply contracts. This limited exemption for providers' existing supply contracts shall not be construed to lower the Statewide solar sourcing requirements set forth in this paragraph. Such incremental requirements that would have otherwise been imposed on exempt providers shall be distributed over the providers not subject to the existing supply contract exemption until such time as existing supply contracts expire and all providers are subject to the new requirement in a manner that is competitively neutral among all providers and suppliers. The board shall implement the

provisions of this subsection in a manner so as to prevent any subsidies between suppliers and providers and to promote competition in the electricity supply industry.

An electric power supplier or basic generation service provider may satisfy the requirements of this subsection by participating in a renewable energy trading program approved by the board in consultation with the Department of Environmental Protection, or compliance with the requirements of this subsection may be demonstrated to the board by suppliers or providers through the purchase of SRECs.

The renewable energy portfolio standards adopted by the board pursuant to paragraphs (1) and (2) of this subsection shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

The renewable energy portfolio standards adopted by the board pursuant to this paragraph shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 30 months after such filing, and shall, thereafter, be amended, adopted or readopted by the board in accordance with the "Administrative Procedure Act"; and

(4) within 180 days after the date of enactment of P.L.2010, c.57 (C.48:3-87.1 et al.), that the board establish an offshore wind renewable energy certificate program to require that a percentage of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from offshore wind energy in order to support at least 1,100 megawatts of generation from qualified offshore wind projects.

The percentage established by the board pursuant to this paragraph shall serve as an offset to the renewable energy portfolio standard established pursuant to paragraphs (1) and (2) of this subsection and shall reduce the corresponding Class I renewable energy requirement.

The percentage established by the board pursuant to this paragraph shall reflect the projected OREC production of each qualified offshore wind project, approved by the board pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1), for twenty years from the commercial operation start date of the qualified offshore wind project which production projection and OREC purchase requirement, once approved by the board, shall not be subject to reduction.

An electric power supplier or basic generation service provider shall comply with the OREC program established pursuant to this paragraph through the purchase of offshore wind renewable energy certificates at a

price and for the time period required by the board. In the event there are insufficient offshore wind renewable energy certificates available, the electric power supplier or basic generation service provider shall pay an offshore wind alternative compliance payment established by the board. Any offshore wind alternative compliance payments collected shall be refunded directly to the ratepayers by the electric public utilities.

The rules established by the board pursuant to this paragraph shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

e. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing:

(1) net metering standards for electric power suppliers and basic generation service providers. The standards shall require electric power suppliers and basic generation service providers to offer net metering at non-discriminatory rates to industrial, large commercial, residential and small commercial customers, as those customers are classified or defined by the board, that generate electricity, on the customer's side of the meter, using a Class I renewable energy source, for the net amount of electricity supplied by the electric power supplier or basic generation service provider over an annualized period. Systems of any sized capacity, as measured in watts, are eligible for net metering. If the amount of electricity generated by the customer-generator, plus any kilowatt hour credits held over from the previous billing periods, exceeds the electricity supplied by the electric power supplier or basic generation service provider, then the electric power supplier or basic generation service provider, as the case may be, shall credit the customer-generator for the excess kilowatt hours until the end of the annualized period at which point the customer-generator will be compensated for any remaining credits or, if the customer-generator chooses, credit the customer-generator on a real-time basis, at the electric power supplier's or basic generation service provider's avoided cost of wholesale power or the PJM electric power pool's real-time locational marginal pricing rate, adjusted for losses, for the respective zone in the PJM electric power pool. Alternatively, the customer-generator may execute a bilateral agreement with an electric power supplier or basic generation service provider for the sale and purchase of the customer-generator's excess generation. The customer-

generator may be credited on a real-time basis, so long as the customer-generator follows applicable rules prescribed by the PJM electric power pool for its capacity requirements for the net amount of electricity supplied by the electric power supplier or basic generation service provider. The board may authorize an electric power supplier or basic generation service provider to cease offering net metering to customers that are not already net metered whenever the total rated generating capacity owned and operated by net metering customer-generators Statewide equals 2.9 percent of the total annual kilowatt-hours sold in this State by each electric power supplier and each basic generation service provider during the prior one-year period;

(2) safety and power quality interconnection standards for Class I renewable energy source systems used by a customer-generator that shall be eligible for net metering.

Such standards or rules shall take into consideration the goals of the New Jersey Energy Master Plan, applicable industry standards, and the standards of other states and the Institute of Electrical and Electronic Engineers. The board shall allow electric public utilities to recover the costs of any new net meters, upgraded net meters, system reinforcements or upgrades, and interconnection costs through either their regulated rates or from the net metering customer-generator;

(3) credit or other incentive rules for generators using Class I renewable energy generation systems that connect to New Jersey's electric public utilities' distribution system but who do not net meter; and

(4) net metering aggregation standards to require electric public utilities to provide net metering aggregation to single electric public utility customers that operate a solar electric power generation system installed at one of the customer's facilities or on property owned by the customer, provided that any such customer is a State entity, school district, county, county agency, county authority, municipality, municipal agency, or municipal authority. The standards shall provide that, in order to qualify for net metering aggregation, the customer must operate a solar electric power generation system using a net metering billing account, which system is located on property owned by the customer, provided that: (a) the property is not land that has been actively devoted to agricultural or horticultural use and that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year period prior to the effective date of P.L.2012, c.24, provided, however, that the municipal planning board of a municipality in which a solar electric power generation system is located may waive the requirement of this subparagraph (a), (b) the system is not an on-site generation facility, (c)



all of the facilities of the single customer combined for the purpose of net metering aggregation are facilities owned or operated by the single customer and are located within its territorial jurisdiction except that all of the facilities of a State entity engaged in net metering aggregation shall be located within five miles of one another, and (d) all of those facilities are within the service territory of a single electric public utility and are all served by the same basic generation service provider or by the same electric power supplier. The standards shall provide that in order to qualify for net metering aggregation, the customer's solar electric power generation system shall be sized so that its annual generation does not exceed the combined metered annual energy usage of the qualified customer facilities, and the qualified customer facilities shall all be in the same customer rate class under the applicable electric public utility tariff. For the customer's facility or property on which the solar electric generation system is installed, the electricity generated from the customer's solar electric generation system shall be accounted for pursuant to the provisions of paragraph (1) of this subsection to provide that the electricity generated in excess of the electricity supplied by the electric power supplier or the basic generation service provider, as the case may be, for the customer's facility on which the solar electric generation system is installed, over the annualized period, is credited at the electric power supplier's or the basic generation service provider's avoided cost of wholesale power or the PJM electric power pool real-time locational marginal pricing rate. All electricity used by the customer's qualified facilities, with the exception of the facility or property on which the solar electric power generation system is installed, shall be billed at the full retail rate pursuant to the electric public utility tariff applicable to the customer class of the customer using the electricity. A customer may contract with a third party to operate a solar electric power generation system, for the purpose of net metering aggregation. Any contractual relationship entered into for operation of a solar electric power generation system related to net metering aggregation shall include contractual protections that provide for adequate performance and provision for construction and operation for the term of the contract, including any appropriate bonding or escrow requirements. Any incremental cost to an electric public utility for net metering aggregation shall be fully and timely recovered in a manner to be determined by the board. The board shall adopt net metering aggregation standards within 270 days after the effective date of P.L.2012, c.24.

Such rules shall require the board or its designee to issue a credit or other incentive to those generators that do not use a net meter but otherwise generate electricity derived from a Class I renewable energy source and to

issue an enhanced credit or other incentive, including, but not limited to, a solar renewable energy credit, to those generators that generate electricity derived from solar technologies.

Such standards or rules shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

f. The board may assess, by written order and after notice and opportunity for comment, a separate fee to cover the cost of implementing and overseeing an emission disclosure system or emission portfolio standard, which fee shall be assessed based on an electric power supplier's or basic generation service provider's share of the retail electricity supply market. The board shall not impose a fee for the cost of implementing and overseeing a greenhouse gas emissions portfolio standard adopted pursuant to paragraph (2) of subsection c. of this section, the electric energy efficiency portfolio standard adopted pursuant to subsection g. of this section, or the gas energy efficiency portfolio standard adopted pursuant to subsection h. of this section.

g. The board may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), an electric energy efficiency portfolio standard that may require each electric public utility to implement energy efficiency measures that reduce electricity usage in the State by 2020 to a level that is 20 percent below the usage projected by the board in the absence of such a standard. Nothing in this section shall be construed to prevent an electric public utility from meeting the requirements of this section by contracting with another entity for the performance of the requirements.

h. The board may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a gas energy efficiency portfolio standard that may require each gas public utility to implement energy efficiency measures that reduce natural gas usage for heating in the State by 2020 to a level that is 20 percent below the usage projected by the board in the absence of such a standard. Nothing in this section shall be construed to prevent a gas public utility from meeting the requirements of this section by contracting with another entity for the performance of the requirements.

i. After the board establishes a schedule of solar kilowatt-hour sale or purchase requirements pursuant to paragraph (3) of subsection d. of this section, the board may initiate subsequent proceedings and adopt, after appropriate notice and opportunity for public comment and public hearing, increased minimum solar kilowatt-hour sale or purchase requirements, pro-

vided that the board shall not reduce previously established minimum solar kilowatt-hour sale or purchase requirements, or otherwise impose constraints that reduce the requirements by any means.

j. The board shall determine an appropriate level of solar alternative compliance payment, and permit each supplier or provider to submit an SACP to comply with the solar electric generation requirements of paragraph (3) of subsection d. of this section. The value of the SACP for each Energy Year, for Energy Years 2014 through 2028 per megawatt hour from solar electric generation required pursuant to this section, shall be:

EY 2014	\$339
EY 2015	\$331
EY 2016	\$323
EY 2017	\$315
EY 2018	\$308
EY 2019	\$300
EY 2020	\$293
EY 2021	\$286
EY 2022	\$279
EY 2023	\$272
EY 2024	\$266
EY 2025	\$260
EY 2026	\$253
EY 2027	\$250
EY 2028	\$239.

The board may initiate subsequent proceedings and adopt, after appropriate notice and opportunity for public comment and public hearing, an increase in solar alternative compliance payments, provided that the board shall not reduce previously established levels of solar alternative compliance payments, nor shall the board provide relief from the obligation of payment of the SACP by the electric power suppliers or basic generation service providers in any form. Any SACP payments collected shall be refunded directly to the ratepayers by the electric public utilities.

k. The board may allow electric public utilities to offer long-term contracts through a competitive process, direct electric public utility investment and other means of financing, including but not limited to loans, for the purchase of SRECs and the resale of SRECs to suppliers or providers or others, provided that after such contracts have been approved by the board, the board's approvals shall not be modified by subsequent board orders. If the board allows the offering of contracts pursuant to this subsection, the board may establish a process, after hearing, and opportunity for public

comment, to provide that a designated segment of the contracts approved pursuant to this subsection shall be contracts involving solar electric power generation facility projects with a capacity of up to 250 kilowatts.

1. The board shall implement its responsibilities under the provisions of this section in such a manner as to:

(1) place greater reliance on competitive markets, with the explicit goal of encouraging and ensuring the emergence of new entrants that can foster innovations and price competition;

(2) maintain adequate regulatory authority over non-competitive public utility services;

(3) consider alternative forms of regulation in order to address changes in the technology and structure of electric public utilities;

(4) promote energy efficiency and Class I renewable energy market development, taking into consideration environmental benefits and market barriers;

(5) make energy services more affordable for low and moderate income customers;

(6) attempt to transform the renewable energy market into one that can move forward without subsidies from the State or public utilities;

(7) achieve the goals put forth under the renewable energy portfolio standards;

(8) promote the lowest cost to ratepayers; and

(9) allow all market segments to participate.

m. The board shall ensure the availability of financial incentives under its jurisdiction, including, but not limited to, long-term contracts, loans, SRECs, or other financial support, to ensure market diversity, competition, and appropriate coverage across all ratepayer segments, including, but not limited to, residential, commercial, industrial, non-profit, farms, schools, and public entity customers.

n. For projects which are owned, or directly invested in, by a public utility pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), the board shall determine the number of SRECs with which such projects shall be credited; and in determining such number the board shall ensure that the market for SRECs does not detrimentally affect the development of non-utility solar projects and shall consider how its determination may impact the ratepayers.

o. The board, in consultation with the Department of Environmental Protection, electric public utilities, the Division of Rate Counsel in, but not of, the Department of the Treasury, affected members of the solar energy industry, and relevant stakeholders, shall periodically consider increasing the renewable energy portfolio standards beyond the minimum amounts set

forth in subsection d. of this section, taking into account the cost impacts and public benefits of such increases including, but not limited to:

- (1) reductions in air pollution, water pollution, land disturbance, and greenhouse gas emissions;
- (2) reductions in peak demand for electricity and natural gas, and the overall impact on the costs to customers of electricity and natural gas;
- (3) increases in renewable energy development, manufacturing, investment, and job creation opportunities in this State; and
- (4) reductions in State and national dependence on the use of fossil fuels.

p. Class I RECs and ORECs shall be eligible for use in renewable energy portfolio standards compliance in the energy year in which they are generated, and for the following two energy years. SRECs shall be eligible for use in renewable energy portfolio standards compliance in the energy year in which they are generated, and for the following four energy years.

q. (1) During the energy years of 2014, 2015, and 2016, a solar electric power generation facility project that is not: (a) net metered; (b) an on-site generation facility; (c) qualified for net metering aggregation; or (d) certified as being located on a brownfield, on an area of historic fill or on a properly closed sanitary landfill facility, as provided pursuant to subsection t. of this section may file an application with the board for approval of a designation pursuant to this subsection that the facility is connected to the distribution system. An application filed pursuant to this subsection shall include a notice escrow of \$40,000 per megawatt of the proposed capacity of the facility. The board shall approve the designation if: the facility has filed a notice in writing with the board applying for designation pursuant to this subsection, together with the notice escrow; and the capacity of the facility, when added to the capacity of other facilities that have been previously approved for designation prior to the facility's filing under this subsection, does not exceed 80 megawatts in the aggregate for each year. The capacity of any one solar electric power supply project approved pursuant to this subsection shall not exceed 10 megawatts. No more than 90 days after its receipt of a completed application for designation pursuant to this subsection, the board shall approve, conditionally approve, or disapprove the application. The notice escrow shall be reimbursed to the facility in full upon either rejection by the board or the facility entering commercial operation, or shall be forfeited to the State if the facility is designated pursuant to this subsection but does not enter commercial operation pursuant to paragraph (2) of this subsection.

(2) If the proposed solar electric power generation facility does not commence commercial operations within two years following the date of

the designation by the board pursuant to this subsection, the designation of the facility shall be deemed to be null and void, and the facility shall not be considered connected to the distribution system thereafter.

r. (1) For all proposed solar electric power generation facility projects except for those solar electric power generation facility projects approved pursuant to subsection q. of this section, and for all projects proposed in each energy year following energy year 2016, a proposed solar electric power generation facility that is neither net metered nor an on-site generation facility, may be considered "connected to the distribution system" only upon designation as such by the board, after notice to the public and opportunity for public comment or hearing. A proposed solar power electric generation facility seeking board designation as "connected to the distribution system" shall submit an application to the board that includes for the proposed facility: the nameplate capacity; the estimated energy and number of SRECs to be produced and sold per year; the estimated annual rate impact on ratepayers; the estimated capacity of the generator as defined by PJM for sale in the PJM capacity market; the point of interconnection; the total project acreage and location; the current land use designation of the property; the type of solar technology to be used; and such other information as the board shall require.

(2) The board shall approve the designation of the proposed solar power electric generation facility as "connected to the distribution system" if the board determines that:

(a) the SRECs forecasted to be produced by the facility do not have a detrimental impact on the SREC market or on the appropriate development of solar power in the State;

(b) the approval of the designation of the proposed facility would not significantly impact the preservation of open space in this State;

(c) the impact of the designation on electric rates and economic development is beneficial; and

(d) there will be no impingement on the ability of an electric public utility to maintain its property and equipment in such a condition as to enable it to provide safe, adequate, and proper service to each of its customers.

(3) The board shall act within 90 days of its receipt of a completed application for designation of a solar power electric generation facility as "connected to the distribution system," to either approve, conditionally approve, or disapprove the application. If the proposed solar electric power generation facility does not commence commercial operations within two years following the date of the designation by the board pursuant to this subsection, the designation of the facility as "connected to the distribution

system" shall be deemed to be null and void, and the facility shall thereafter be considered not "connected to the distribution system."

s. In addition to any other requirements of P.L.1999, c.23 or any other law, rule, regulation or order, a solar electric power generation facility that is not net metered or an on-site generation facility and which is located on land that has been actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year period prior to the effective date of P.L.2012, c.24, shall only be considered "connected to the distribution system" if (1) the board approves the facility's designation pursuant to subsection q. of this section; or (2) (a) PJM issued a System Impact Study for the facility on or before June 30, 2011, (b) the facility files a notice with the board within 60 days of the effective date of P.L.2012, c.24, indicating its intent to qualify under this subsection, and (c) the facility has been approved as "connected to the distribution system" by the board. Nothing in this subsection shall limit the board's authority concerning the review and oversight of facilities, unless such facilities are exempt from such review as a result of having been approved pursuant to subsection q. of this section.

t. (1) No more than 180 days after the date of enactment of P.L.2012, c.24, the board shall, in consultation with the Department of Environmental Protection and the New Jersey Economic Development Authority, and, after notice and opportunity for public comment and public hearing, complete a proceeding to establish a program to provide SRECs to owners of solar electric power generation facility projects certified by the board, in consultation with the Department of Environmental Protection, as being located on a brownfield, on an area of historic fill or on a properly closed sanitary landfill facility, including those owned or operated by an electric public utility and approved pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1). Projects certified under this subsection shall be considered "connected to the distribution system", shall not require such designation by the board, and shall not be subject to board review required pursuant to subsections q. and r. of this section. Notwithstanding the provisions of section 3 of P.L.1999, c.23 (C.48:3-51) or any other law, rule, regulation, or order to the contrary, for projects certified under this subsection, the board shall establish a financial incentive that is designed to supplement the SRECs generated by the facility in order to cover the additional cost of constructing and operating a solar electric power generation facility on a brownfield, on an area of historic fill or on a properly closed sanitary landfill facility. Any financial benefit realized in relation to a project owned or operated by an electric public utility and approved by the

board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), as a result of the provision of a financial incentive established by the board pursuant to this subsection, shall be credited to ratepayers. The issuance of SRECs for all solar electric power generation facility projects pursuant to this subsection shall be deemed "Board of Public Utilities financial assistance" as provided under section 1 of P.L.2009, c.89 (C.48:2-29.47).

(2) Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) or any other law, rule, regulation, or order to the contrary, the board, in consultation with the Department of Environmental Protection, may find that a person who operates a solar electric power generation facility project that has commenced operation on or after the effective date of P.L.2012, c.24, which project is certified by the board, in consultation with the Department of Environmental Protection pursuant to paragraph (1) of this subsection, as being located on a brownfield for which a final remediation document has been issued, on an area of historic fill or on a properly closed sanitary landfill facility, which projects shall include, but not be limited to projects located on a brownfield for which a final remediation document has been issued, on an area of historic fill or on a properly closed sanitary landfill facility owned or operated by an electric public utility and approved pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), or a person who owns property acquired on or after the effective date of P.L.2012, c.24 on which such a solar electric power generation facility project is constructed and operated, shall not be liable for cleanup and removal costs to the Department of Environmental Protection or to any other person for the discharge of a hazardous substance provided that:

(a) the person acquired or leased the real property after the discharge of that hazardous substance at the real property;

(b) the person did not discharge the hazardous substance, is not in any way responsible for the hazardous substance, and is not a successor to the discharger or to any person in any way responsible for the hazardous substance or to anyone liable for cleanup and removal costs pursuant to section 8 of P.L.1976, c.141 (C.58:10-23.11g);

(c) the person, within 30 days after acquisition of the property, gave notice of the discharge to the Department of Environmental Protection in a manner the Department of Environmental Protection prescribes;

(d) the person does not disrupt or change, without prior written permission from the Department of Environmental Protection, any engineering or institutional control that is part of a remedial action for the contaminated site or any landfill closure or post-closure requirement;



- (e) the person does not exacerbate the contamination at the property;
- (f) the person does not interfere with any necessary remediation of the property;
- (g) the person complies with any regulations and any permit the Department of Environmental Protection issues pursuant to section 19 of P.L.2009, c.60 (C.58:10C-19) or paragraph (2) of subsection a. of section 6 of P.L.1970, c.39 (C.13:1E-6);
- (h) with respect to an area of historic fill, the person has demonstrated pursuant to a preliminary assessment and site investigation, that hazardous substances have not been discharged; and
- (i) with respect to a properly closed sanitary landfill facility, no person who owns or controls the facility receives, has received, or will receive, with respect to such facility, any funds from any post-closure escrow account established pursuant to section 10 of P.L.1981, c.306 (C.13:1E-109) for the closure and monitoring of the facility.

Only the person who is liable to clean up and remove the contamination pursuant to section 8 of P.L.1976, c.141 (C.58:10-23.11g) and who does not have a defense to liability pursuant to subsection d. of that section shall be liable for cleanup and removal costs.

u. No more than 180 days after the date of enactment of P.L.2012, c.24, the board shall complete a proceeding to establish a registration program. The registration program shall require the owners of solar electric power generation facility projects connected to the distribution system to make periodic milestone filings with the board in a manner and at such times as determined by the board to provide full disclosure and transparency regarding the overall level of development and construction activity of those projects Statewide.

v. The issuance of SRECs for all solar electric power generation facility projects pursuant to this section, for projects connected to the distribution system with a capacity of one megawatt or greater, shall be deemed "Board of Public Utilities financial assistance" as provided pursuant to section 1 of P.L.2009, c.89 (C.48:2-29.47).

w. No more than 270 days after the date of enactment of P.L.2012, c.24, the board shall, after notice and opportunity for public comment and public hearing, complete a proceeding to consider whether to establish a program to provide, to owners of solar electric power generation facility projects certified by the board as being three megawatts or greater in capacity and being net metered, including facilities which are owned or operated by an electric public utility and approved by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), a financial incentive that is designed to

supplement the SRECs generated by the facility to further the goal of improving the economic competitiveness of commercial and industrial customers taking power from such projects. If the board determines to establish such a program pursuant to this subsection, the board may establish a financial incentive to provide that the board shall issue one SREC for no less than every 750 kilowatt-hours of solar energy generated by the certified projects. Any financial benefit realized in relation to a project owned or operated by an electric public utility and approved by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), as a result of the provisions of a financial incentive established by the board pursuant to this subsection, shall be credited to ratepayers.

x. Solar electric power generation facility projects that are located on an existing or proposed commercial, retail, industrial, municipal, professional, recreational, transit, commuter, entertainment complex, multi-use, or mixed-use parking lot with a capacity to park 350 or more vehicles where the area to be utilized for the facility is paved, or an impervious surface may be owned or operated by an electric public utility and may be approved by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1).

2. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 95

AN ACT concerning local governments and designated as the Division of Local Government Services Modernization and Local Mandate Relief Act of 2015, and amending and repealing various parts of the statutory law.

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

1. N.J.S.18A:8-12 is amended to read as follows:

**Petition, hearing relative to effect of proposed separations.**

18A:8-12. Within 15 days after the filing of the answers to the petition, the Commissioner of Education shall hold a hearing thereon at the request of any interested party and shall consider the effect of the proposed separation upon the educational and financial condition of both the new and re-

maining districts on the basis of the allegations of the petition and answers and of any other factors which might have been alleged in the answers as hereinbefore provided.

2. N.J.S.18A:8-13 is amended to read as follows:

**Grant or denial of petition.**

18A:8-13. Within 60 days after the receipt of the petition and answers, the Commissioner of Education shall grant the application and determine the amount of indebtedness, if any, to be assumed by the remaining and new districts, respectively, or deny the same.

3. N.J.S.18A:8-22 is amended to read as follows:

**Title to vest in district board of education.**

18A:8-22. Upon the creation of the new district, title to all school grounds and buildings and the furnishings and equipment thereof situate therein shall vest in the board of education of that district, and such board shall thereupon assume such amount of the indebtedness of the original school district as shall have been determined upon by the Commissioner of Education and shall pay to the board of the remaining district, at least five days before the same shall become due, the amount of the principal and interest of the indebtedness so assumed, and said principal and interest shall be paid by the board of the remaining district as and when the same becomes due and payable.

4. Section 6 of P.L.1975, c.360 (C.18A:13-56) is amended to read as follows:

**C.18A:13-56 Review of petition; hearing; actions by commissioner.**

6. The Commissioner of Education shall review the petition and answers for a determination as to whether or not the petition should be granted, and if so, the amount of indebtedness, if any, to be assumed by the remaining and the new district, or by each of the constituent districts in the event of a dissolution, upon approval of the legal voters pursuant to section 9 of P.L.1975, c.360 (C.18A:13-59) at a special school election. The commissioner shall consider the effect of the proposed withdrawal or dissolution upon the educational and financial condition of the withdrawing and the remaining districts, or upon each of the constituent districts in the event of a dissolution, and shall schedule and hold a public hearing on the petition upon the application of any interested party. In considering the effect of the proposed withdrawal or dissolution upon the educational and financial condition

of the withdrawing and remaining districts, or upon each of the constituent districts in the event of a dissolution, the commissioner shall:

- a. Consent to the granting of the application; or
- b. Oppose the same because, if the same be granted
  1. An excessive debt burden will be imposed upon the remaining districts, or the withdrawing district, or upon any of the constituent districts in the event of a dissolution;
  2. An efficient school system cannot be maintained in the remaining districts or the withdrawing district, or in any of the constituent districts in the event of a dissolution, without excessive costs;
  3. Insufficient pupils will be left in the remaining districts, or in any of the constituent districts in the event of a dissolution, to maintain a properly graded school system; or
  4. Any other reason, which it may deem to be sufficient; or
- c. Request that if the petition be granted, the amount of debt which the remaining districts, or any of the constituent districts in the event of a dissolution, would be required to assume, calculated as hereinbefore provided, be reduced for the reason that--
  1. Such amount of indebtedness, together with all other indebtedness of the municipalities or school districts would be excessive;
  2. The amount of expenditure for debt service which would be required would be so great that sufficient funds would not be available for current expenses without excessive taxation; or
  3. Such amount of indebtedness is inequitable in relation to the value of the property to be acquired by the remaining districts, or by any of the constituent districts in the event of a dissolution, and would materially impair the credit of the municipalities or such districts and the ability to pay punctually the principal and interest of their debt and to supply such essential educational facilities and public improvements and services as might reasonably be anticipated would be required of them.

The commissioner shall make findings and render a determination within 60 days of the receipt of the petition and answers.

5. Section 11 of P.L.1975, c.360 (C.18A:13-61) is amended to read as follows:

**C.18A:13-61 Taking title to and control of grounds, buildings and furnishings by districts; assumption of indebtedness.**

11. The withdrawing district and the remaining districts, or each constituent district in the event of a dissolution, shall take title to and control of

all school grounds and buildings, and the furnishings and equipment therein, other than those which had been rotated or shared among the regional schools, situated in their respective districts on the effective date of withdrawal or dissolution as established by the commissioner. The county superintendent shall allot a fair proportion of the shared or rotated furnishings and equipment to the withdrawing district or to each of the constituent districts in the event of a dissolution.

Upon the assumption of title, each board shall also assume such amount of the indebtedness of the original regional school district as shall have been determined by the commissioner. In the event of a withdrawal, the withdrawing district shall pay to the regional board of education, at least five days before it becomes due, the amount of the principal and interest of the assumed indebtedness; such principal and interest shall be paid by the regional board, together with such amount due on its assumed indebtedness, at and when it becomes due and payable. In the event of a dissolution, the county superintendent and commissioner, in determining the amount of indebtedness to be assumed by each constituent district, shall give due regard to the value of school buildings and grounds being conveyed to the constituent district in which those buildings and grounds are located.

6. Section 6 of P.L.1989, c.90 (C.18A:13-71) is amended to read as follows:

**C.18A:13-71 Review of petition; granting, denial.**

6. The Commissioner of Education shall review the petition and answers for a determination as to whether or not the petition should be granted, and if so, the amount of indebtedness, if any, to be assumed by the withdrawing municipality and the all purpose regional district upon approval of the legal voters of the withdrawing municipality and the remaining constituent municipalities at a special school election. The commissioner shall consider the effect of the proposed withdrawal upon the educational and financial condition of the withdrawing municipality and the all purpose regional district and shall schedule and hold a public hearing on the petition upon the application of any interested party. In considering the effect of the proposed withdrawal upon the educational and financial condition of the withdrawing and remaining municipalities, the commissioner shall:

- a. Consent to the granting of the application;
- b. Oppose the granting of the application because, if it is granted:

(1) An excessive debt burden will be imposed upon the withdrawing municipality and regional district;

(2) An efficient school system cannot be maintained in the all purpose regional district or the withdrawing municipality without excessive costs;

(3) Insufficient pupils will be left in the all purpose regional district to maintain a properly graded school system; or

(4) Any other reason, which it may deem to be sufficient; or

c. Request that if the petition is granted, the amount of debt which the regional district would be required to assume, calculated as hereinbefore provided, be reduced for the reason that:

(1) The amount of indebtedness, together with all other indebtedness of the constituent municipalities of the all purpose regional district would be excessive;

(2) The amount of expenditure for debt service which would be required would be so great that sufficient funds would not be available for current expenses without excessive taxation; or

(3) The amount of indebtedness is inequitable in relation to the value of the property to be acquired by the all purpose regional district and would materially impair the credit of the constituent municipalities of the district, and the ability to pay punctually the principal and interest of their debt and so supply the essential educational facilities and public improvements and services that might reasonably be anticipated would be required of them.

The commissioner shall make findings and render a determination within 60 days of the receipt of the petition and answers.

7. Section 12 of P.L.1989, c.90 (C.18A:13-77) is amended to read as follows:

**C.18A:13-77 Title to school grounds, etc.; assumption of indebtedness.**

12. The new district and the all purpose regional district shall take title to and control of all school grounds and buildings, and the furnishings and equipment therein, other than those which had been rotated or shared among the regional schools, situated in their respective districts on the effective date of withdrawal as established by the commissioner. The county superintendent shall allot a fair proportion of the shared or rotated furnishings and equipment to the new district.

Upon the assumption of title, each board shall also assume the amount of the indebtedness of the original all purpose regional district as determined by the commissioner. The new district shall pay to the regional board of education, at least five days before it becomes due, the amount of the principal and interest of the assumed indebtedness. The principal and

interest shall be paid by the regional board, together with the amount due on its assumed indebtedness, as and when it becomes due and payable.

8. Section 1 of P.L.1964, c.81 (C.39:10A-1) is amended to read as follows:

**C.39:10A-1 Public auction of abandoned motor vehicles; notices required.**

1. a. When the State or any county, county park commission, municipality or any authority created by any thereof, hereinafter referred to as a "public agency," shall have taken possession of a motor vehicle found abandoned, such taking of possession shall be reported immediately to

(1) The Chief Administrator of the Motor Vehicle Commission on a form prescribed by the administrator, for verification of ownership and

(2) The National Insurance Crime Bureau.

(3) Upon receipt of verification of ownership of the vehicle from the administrator, the public agency shall within three business days provide notice of possession of the vehicle to the owner of record and the holder of any security interest filed with the administrator by telephone, mail, facsimile or electronically. The public agency may assess the person claiming the vehicle, be it the owner of record or the holder of any security interest, for the actual costs of providing the notice required under this paragraph.

(4) The public agency shall also within three business days notify the person storing the abandoned motor vehicle. The notice shall be given in the same manner as in the case of notification of the owner of record and the security interest holder and shall include the name and address of the owner of record and the holder of any security interest in the stored motor vehicle.

(5) Upon receipt of the notice required by paragraph (4) of this subsection, the person storing the abandoned motor vehicle shall provide notice to the owner of record and to any security interest holder.

(a) The notice shall be by first class mail, with a certificate of mailing, and shall include a schedule of the costs imposed for storing the motor vehicle and instructions explaining how the owner of record or the security interest holder may claim the stored motor vehicle.

(b) Except as provided in subparagraph (c) of this paragraph, if the person storing the motor vehicle fails to provide this notice to the owner of record and to the security interest holder within 30 days of the date on which the storer of the vehicle received the notice required under paragraph (4) from the public agency, the maximum amount that person may charge the owner of record or the security interest holder for storing that motor vehicle shall be \$750, provided that the owner of record or security interest

holder submits a proper claim for the vehicle not later than the 30th day following the date the notice is delivered from the public agency to the person storing the motor vehicle.

(c) When a vehicle is abandoned due to the death or incapacitation of the driver or any passenger, the person storing the vehicle shall charge the owner of record or the security interest holder no more than \$100 for the first 72 hours after the vehicle is placed on the premises.

(d) If the owner of record or security interest holder fails to submit a proper claim for the vehicle on or before that 30th day, the person storing the motor vehicle may charge the security interest holder reasonable costs for the removal and storage of the motor vehicle. If the notice is properly provided by the person storing the motor vehicle, that person may charge the owner of record or the security interest holder reasonable costs for the removal and storage of the motor vehicle from the date the person removed and stored the motor vehicle.

(e) The public agency may assess the person storing the abandoned motor vehicle, and the person storing the abandoned motor vehicle may assess the security interest holder, for the actual costs of providing the notices required under paragraphs (4) and (5) of this subsection.

b. When such motor vehicle which has been ascertained not to be stolen and to be one which can be certified for a junk title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) shall have remained unclaimed by the owner or other person having a legal right thereto for a period of 15 business days, even if at that time the owner has not been identified as a result of efforts to make identification by the public agency or the Motor Vehicle Commission, the same may be sold at auction in a public place. If the certified motor vehicle is sold at auction prior to identification of the owner, the public agency shall document the condition of the motor vehicle in writing and with photographs prior to the sale; document the amount obtained from the sale of the motor vehicle; and notify the owner, if his name and address are identified after the sale, of the actions taken by the public agency to dispose of the motor vehicle.

c. When a motor vehicle which cannot be certified for a junk title certificate under section 3 of P.L.1964, c.81 (C.39:10A-3) remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the motor vehicle may be sold at auction in a public place, but shall be sold no later than 90 business days after the public agency takes possession of the vehicle.

d. The public agency shall give notice of a sale conducted pursuant to subsection b. or c. of this section, by certified mail, to the owner, if his



name and address be known and to the holder of any security interest filed with the administrator, and by publication in a form to be prescribed by the administrator by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which such motor vehicle is held.

9. Section 2 of P.L.1998, c.115 (C.40:56-71.2) is amended to read as follows:

**C.40:56-71.2 "Downtown business improvement zone" designation.**

2. With the exception of a municipality in which an urban enterprise zone has been designated, any municipality which has adopted or adopts an ordinance authorizing the establishment of a special improvement district pursuant to section 7 of P.L.1972, c.134 (C.40:56-71) may, by ordinance, designate all or any portion of that district which contains primarily businesses providing retail goods and services as a "downtown business improvement zone."

10. Section 22 of P.L.1984, c.151 (C.40:56-88) is amended to read as follows:

**C.40:56-88 District management corporation; annual audit.**

22. The district management corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the governing body of the municipality, and for that purpose the corporation shall employ a certified public accountant of New Jersey. The annual audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the corporation.

11. Section 3 of P.L.1981, c.547 (C.40:68A-43.1) is amended to read as follows:

**C.40:68A-43.1 Provisions relative to municipal port authorities.**

3. In accordance with rules and regulations which the Local Finance Board is hereby authorized to adopt, municipal port authorities created pursuant to P.L.1960, c.192 (C.40:68A-29 et seq.) are subject to the following provisions:

(a) Every authority shall be required to submit an annual budget to the Director of the Division of Local Government Services in the Department of Community Affairs for approval.

(b) The issuance of any obligations of an authority, agreements regarding municipal guaranties of authority bonds, financing agreements entered

into by an authority, and all leases, sales or dispositions of real property made by an authority shall be subject to the approval of the Local Finance Board.

12. N.J.S.40A:2-26 is amended to read as follows:

**Maturities of bonds.**

40A:2-26. Maturities of all bonds shall be as determined by bond ordinance or by subsequent resolution and within the following limitations:

a. All bonds shall mature within the period or average period of usefulness determined in the bond ordinance.

b. All bonds shall mature in annual installments, the first of which shall be payable not more than one year from the date of the bonds. No annual installment shall exceed by more than 100% the amount of the smallest prior installment.

c. The first installment of bonds to finance a municipal public utility may be made payable not later than the end of the second year's operation, computed from the estimated date of completion, as fixed in the project report submitted pursuant to this chapter.

d. Bonds to finance that part of the cost of a local improvement which is to be assessed on property shall mature in annual installments not exceeding in number the number of annual installments or average thereof fixed in the bond ordinance for the payment of special assessments. The first annual installment of such bonds shall be payable not more than two years from the date of the bonds, and no annual installment shall exceed the amount of the smallest prior installment.

e. A governing body which has concluded that the limitations as to maturities or amounts of annual installments will adversely affect the financial position of the local unit, may make written application to the Local Finance Board setting forth its conclusion and the reasons therefor and the desired maturities or the amounts of annual installments for bonds about to be issued. If the Local Finance Board finds such conclusion to be well founded, it may, by order, fix the maturities or amounts of annual installments of such bonds as desired by the local unit, or fix any such other maturities or amounts of annual installments which the circumstances warrant. Application to the Local Finance Board shall not be required if the maturities or the amounts of annual installments have been determined by (1) the "New Jersey Environmental Infrastructure Trust," created pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4), in connection with a loan made by the trust or (2) the State, acting by and through the Department of Environmental Protection, in connection with a loan made by the State, in each case relating to the financing of one or more envi-

ronmental infrastructure projects as defined in section 3 of P.L.1985, c.334 (C.58:11B-3).

f. The governing body, by resolution, may provide for a single and combined issue of bonds not exceeding the aggregate amount of bonds authorized by two or more bond ordinances. The bonds of such issue shall mature within the average period of usefulness which shall be determined in said resolution, taking into consideration the respective amount of bonds authorized by each of the bond ordinances and the period or average period of usefulness therein determined. The provisions of this chapter applicable to the sale and issuance of a single issue of bonds shall apply to the sale and issuance of such combined issue of bonds.

g. The governing body, by resolution, may allow the adjustment of, or otherwise delegate to a finance officer the authority to adjust, the maturity schedule of the bonds, up to 24 hours prior to the time advertised for the receipt of bids and within 24 hours after the award of bids; provided that no maturity schedule adjustment shall exceed 10% of the principal for any maturity with the aggregate adjustment to maturity not to exceed 10% of the principal for the overall issue. When an adjustment has been made to a maturity schedule previously approved by the Local Finance Board, a copy of the final maturity schedule which meets or complies with the limitations in this subsection shall be filed with the board within 30 days of the sale and shall be conclusively deemed to have been approved by the board.

13. Section 3 of P.L.1976, c.38 (C.40A:3-4) is amended to read as follows:

**C.40A:3-4 Issuance of qualified bonds.**

3. a. Bonds issued by any municipality pursuant to provisions of this act shall be "qualified bonds" and shall be entitled to the benefit of the provisions of this act.

b. Whenever the governing body of a municipality determines, by passage of a bond ordinance upon first reading, to issue bonds for any lawful purpose, it may file an application and a certified copy of the ordinance as passed on first reading with the Local Finance Board to qualify the bonds pursuant to the provisions of this act. Upon receipt of any such application, the Local Finance Board shall cause an investigation to be made, taking into consideration such factors as the need for the facilities to be financed from the proceeds of such proposed qualified bonds, the ability of the municipality to supply other essential public improvements and services and during the ensuing 10 years to pay punctually the principal and interest on its debts, the

reasonableness of the amounts to be expended for each of the purposes or improvements to be financed pursuant to such bonds, and such other factors as the Local Finance Board may deem necessary.

c. If such investigation shows to the satisfaction of the Local Finance Board that such municipality should be entitled to issue qualified bonds pursuant to the provisions of this act, the Local Finance Board may by resolution determine that such municipality is entitled to issue qualified bonds. In considering any ordinance submitted to it and before endorsing its consent thereon, the Local Finance Board may require the governing body of any municipality to adopt resolutions restricting or limiting any future proceedings with respect to the authorization of bonds or other matters deemed by the Local Finance Board to affect any estimate made or to be made by it in accordance with subsection b. of this section. Every resolution so adopted shall constitute a valid and binding obligation of such municipality running to and enforceable by, and releasable by the Local Finance Board.

d. Within 60 days after the submission to it of an application made in accordance with subsection b. of this section, the Local Finance Board shall cause its consent to be endorsed upon the ordinance authorizing the issuance of qualified bonds, if it shall be satisfied and record by resolution that the municipality is entitled to issue qualified bonds. If the Local Finance Board is not so satisfied, it shall cause its disapproval to be endorsed upon such ordinance within said period of 60 days.

e. If the governing body of a municipality shall determine by resolution that a maturity schedule for its qualified bonds, other than the maturity schedule approved by the Local Finance Board pursuant to subsection c. of this section, is in the best interest of said municipality, it may make application to the Local Finance Board setting forth such belief and the grounds therefor and requesting approval of a schedule of maturities for such qualified bonds set forth in the application. Within 60 days after submission to the Local Finance Board of such application, the Local Finance Board shall cause its approval to be endorsed thereon if it shall be satisfied, and shall record by resolution its findings, that the belief set forth in such application is well founded and that the issuance of the bonds pursuant to the revised maturity schedule in such application would not materially impair the credit of the municipality or substantially reduce its ability, during the ensuing 10 years, to pay punctually the principal of and interest on its debts and supply essential public improvements and services. If the Local Finance Board is not so satisfied, it shall cause its disapproval to be endorsed on such copy within said period of 60 days.

f. A municipality that has issued qualified bonds shall not be required to obtain the approval of the Local Finance Board prior to issuing any other bonds solely by reason of having previously issued qualified bonds, unless such approval is otherwise required by law.

14. N.J.S.40A:4-8 is amended to read as follows:

**Public hearing; time and place.**

40A:4-8. The public hearing shall be held at the time and place specified in the advertisement thereof, but may be adjourned from time to time until the hearing is closed.

The budget shall be read, at the public hearing in full, or it may be read by its title, if

1. At least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget,
  - a. shall be made available for public inspection, and
  - b. shall be made available to each person upon request, and
2. The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the budget shall be read by its title and declare that the conditions set forth in subsection 1. of this section have been met.

After closing the hearing, the governing body may adopt the budget, by title without amendments, or may approve amendments as provided in N.J.S.40A:4-9 before adoption.

15. N.J.S.40A:4-10 is amended to read as follows:

**Adoption of budget; public inspection.**

40A:4-10. No budget or amendment thereof shall be adopted unless the director shall have previously certified his approval thereof. Final adoption shall be by resolution adopted by a majority of the full membership of the governing body, and may be by title where the procedures required by N.J.S.40A:4-8 and N.J.S.40A:4-9 or section 12 of P.L.1995, c.259 (C.40A:4-6.1), as applicable, have been followed.

The budget shall be adopted in the case of a county not later than February 25, and in the case of a municipality not later than March 20 of the calendar fiscal year or September 20 of the State fiscal year, except that the governing body may adopt the budget at any time within 10 days after the director shall have certified his approval thereof and returned the same, if such certification shall be later than the date of the advertised hearing.

If, in the case of a municipality which operates on the State fiscal year, the governing body fails to adopt the budget within the permitted time, the chief financial officer of the local unit shall so notify the director the next working day after the expiration of the permitted time.

Copies of the budget, as adopted, in such form and in such quantity as determined by the Local Finance Board, shall be transmitted to the director within three days after adoption.

Upon adoption, the budget shall constitute an appropriation for the purposes stated therein and an authorization of the amount to be raised by taxation for the purposes of the local unit.

The adopted budget shall be provided for public inspection on the local unit's website, if one exists, or, if one does not exist, the budget shall be provided for public inspection on the website of the Department of Community Affairs, and made available online and in print as required by this section in a "user-friendly" summary format using plain language. In addition to the current year adopted budget, the local unit's adopted budgets of the immediately preceding three budget years also shall be provided for public inspection on the local unit's website, if one exists, or, if one does not exist, those budgets also shall be provided for public inspection on the website of the Department of Community Affairs. Any adopted budget posted online pursuant to this section shall remain posted online for the duration of the local budget year. The Local Finance Board shall promulgate a "user-friendly," plain language summary format for use by local units for this purpose pursuant to section 39 of P.L.2007, c.63 (C.40A:5-48).

16. Section 8 of P.L.1977, c.396 (C.40A:5-15.1) is amended to read as follows:

**C.40A:5-15.1 Securities which may be purchased by local units.**

**8. Securities which may be purchased by local units.**

a. When authorized by a cash management plan approved pursuant to N.J.S.40A:5-14, any local unit may use moneys which may be in hand for the purchase of the following types of securities which, if suitable for registry, may be registered in the name of the local unit:

(1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;

(2) Government money market mutual funds;

(3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided

that such obligation bears a fixed rate of interest not dependent on any index or other external factor;

(4) Bonds or other obligations of the local unit or bonds or other obligations of school districts of which the local unit is a part or within which the school district is located;

(5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Local Government Services in the Department of Community Affairs for investment by local units;

(6) Local government investment pools;

(7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, c.281 (C.52:18A-90.4); or

(8) Agreements for the repurchase of fully collateralized securities, if:

(a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a.;

(b) the custody of collateral is transferred to a third party;

(c) the maturity of the agreement is not more than 30 days;

(d) the underlying securities are purchased through a public depository as defined in section 1 of P.L.1970, c.236 (C.17:9-41); and

(e) a master repurchase agreement providing for the custody and security of collateral is executed.

b. Any investment instruments in which the security is not physically held by the local unit shall be covered by a third party custodial agreement which shall provide for the designation of such investments in the name of the local unit and prevent unauthorized use of such investments.

c. Purchase of investment securities shall be executed by the "delivery versus payment" method to ensure that securities are either received by the local unit or a third party custodian prior to or upon the release of the local unit's funds.

d. Any investments not purchased and redeemed directly from the issuer, government money market mutual fund, local government investment pool, or the State of New Jersey Cash Management Fund, shall be purchased and redeemed through the use of a national or State bank located within this State or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L.1967, c.93 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities

and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

e. For the purposes of this section:

(1) a "government money market mutual fund" means an investment company or investment trust:

(a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940," 15 U.S.C. s.80a-1 et seq., and operated in accordance with 17 C.F.R. s.270.2a-7;

(b) the portfolio of which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. s.270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities in which direct investment may be made pursuant to paragraphs (1) and (3) of subsection a. of this section; and

(c) which is rated by a nationally recognized statistical rating organization.

(2) a "local government investment pool" means an investment pool:

(a) which is managed in accordance with 17 C.F.R. s.270.2a-7;

(b) which is rated in the highest category by a nationally recognized statistical rating organization;

(c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities in which direct investment may be made pursuant to paragraphs (1) and (3) of subsection a. of this section;

(d) which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;

(e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and

(f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two



years pursuant to section 9 of P.L.1967, c.93 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

f. Investments in, or deposits or purchases of financial instruments made pursuant to this section shall not be subject to the requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

17. Section 6 of P.L.1983, c.313 (C.40A:5A-6) is amended to read as follows:

**C.40A:5A-6 Review of financing.**

6. Prior to the adoption of a bond resolution by an authority, or the adoption of an ordinance or resolution of a local unit or units authorizing a service contract that is part of a project financing, the proposed project financing shall be submitted to the Local Finance Board for its review. The Local Finance Board may adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to permit project financing to proceed without such application and review if the project financing is a refunding that will result in debt service savings on outstanding bond debt. The Local Finance Board shall, in the course of its review, give consideration to:

- a. The nature, purpose, and scope of the proposed project financing;
- b. The engineering and feasibility studies prepared in connection therewith;
- c. The terms and provisions of the proposed service contracts, bond resolutions and, in the instance of a negotiated offering, the proposed or maximum terms and conditions of sale;
- d. An estimate of the proposed or maximum schedule of debt service payments required, and the impact thereof on the budget and financial condition of the authority and of the local unit;
- e. The estimate of the annual cost of operating and maintaining the project as set forth in the engineering report or feasibility studies; and
- f. The initial rate, rent, fee, or charge schedule proposed by the authority, or any other proposed method of raising the amounts required to finance the operations and payments of debt service on the obligations of the authority.

The Local Finance Board may examine the estimates, computations or calculations made in connection with the submission, may require the production of papers, documents, witnesses or information, may make or cause to be made an audit or investigation and may take any other action which it may deem necessary to its review of the submission.

18. Section 10 of P.L.1983, c.313 (C.40A:5A-10) is amended to read as follows:

**C.40A:5A-10 Submission of budget.**

10. a. Each authority shall submit a budget for each fiscal year to the director prior to its adoption thereof. The budget shall comply with the terms and provisions of any bond resolutions, and shall be in such form and detail as to items of revenue, expenditure and other content as shall be required by law or by rules and regulations of the Local Finance Board.

b. The Local Finance Board shall prescribe by rule or regulation the procedure for the adoption of budgets by authorities. The rules and regulations may include or be similar to any provisions of the "Local Budget Law" (N.J.S.40A:4-1 et seq.) which the Local Finance Board shall deem to be practicable or necessary, and may further include any other provisions and requirements which the Local Finance Board shall deem appropriate or necessary. The rules and regulations shall provide for approval or disapproval of a budget within 45 days of the director's receipt thereof.

c. The Local Finance Board shall also prescribe by rule or regulation the procedures and requirements for execution of any budget after adoption, and for the administration of financial affairs of authorities. The rules and regulations may include, without limitation, any provisions of the "Local Budget Law" (N.J.S.40A:4-1 et seq.), and the "Local Fiscal Affairs Law" (N.J.S.40A:5-1 et seq.), which the Local Finance Board shall deem to be practicable and necessary.

d. Notwithstanding the provisions of subsection a. of this section and N.J.S.40A:5A-11, the Local Finance Board is authorized to adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to exempt certain authorities from the requirement that the director approve their annual budgets and to provide instead for a system of local examination and approval of such budgets by authority officials, provided that:

(1) the director finds that such authorities are fiscally sound and that their fiscal practices are conducted in accordance with law and sound administrative practice;

(2) the director shall examine the budgets of such authorities in accordance with the provisions of this section and N.J.S.40A:5A-11, at least every third year;

(3) the governing body and chief financial officer of each such authority shall each file a certification with the director stating that, with reference to the adopted budget of the authority, they have:

(a) examined the budget in the manner prescribed under this section and N.J.S.40A:5A-11, and determined that the budget complies with requirements set forth therein; and

(b) determined that the budget complies with all other provisions of law, including, but not limited to, the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), and the regulations of the Local Finance Board;

(4) all budget documents required by law or the regulations adopted by the Local Finance Board shall be filed with the director on a timely basis;

(5) other criteria and responsibilities as established by the regulations adopted by the Local Finance Board are met.

The director shall act to require immediate compliance with the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), if the director finds that any such exemption impairs the fiscal integrity or solvency of any such authority. Any appeal of a governing body's action in adopting an annual budget shall be made to the director.

19. Section 11 of P.L.1983, c.313 (C.40A:5A-11) is amended to read as follows:

**C.40A:5A-11 Approval of budget.**

11. No authority budget subject to the provisions of subsection a. of section 10 of P.L.1983, c.313 (C.40A:5A-10) shall be finally adopted until the director shall have approved same. In granting the approval, the director shall consider whether or not:

- a. All estimates of revenue are reasonable, accurate and correctly stated;
- b. Items of appropriation are properly set forth;
- c. In itemization, form and content, the budget will permit the exercise of the comptroller function within the authority;
- d. The schedule of rates, fees and charges then in effect will produce sufficient revenues, together with all other anticipated revenues, to satisfy all obligations to the holders of bonds of the authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for

such reserves, all as may be required by law, regulation or terms of contracts and agreements.

The director may require such documentation, records and other information, and undertake any audit or investigation, as he may deem necessary in connection with his review.

If the director finds that all requirements of law and the rules and regulations of the Local Finance Board have been met, he shall, within 45 days of his receipt of the budget, approve it; otherwise he shall within that time refuse to approve it. The director, in refusing to approve the budget, shall not substitute his discretion with respect to the amount of an appropriation when that amount is not made mandatory by law or regulation.

Any decision of the director in the course of budget review under this section may be appealed to the Local Finance Board in the manner generally provided by law.

20. Section 17 of P.L.1983, c.313 (C.40A:5A-17) is amended to read as follows:

**C.40A:5A-17 Certification of review of audit.**

17. The members of the governing body of each authority shall, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled Schedule of Findings and Questioned Costs and General Comments and Recommendations, and has evidenced same by group affidavit signed by a majority of the full membership of the authority in the form prescribed by the Local Finance Board. Failure to comply with this provision may subject the members of the authority to the penalty provisions of section 52 of P.L.1947, c.151 (C.52:27BB-52).

21. Section 3 of P.L.1991, c.29 (C.40A:9-22.3) is amended to read as follows:

**C.40A:9-22.3 Definitions.**

3. As used in this act:

- a. "Board" means the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs;
- b. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity;

c. "Governing body" means, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality, and, in the case of a county, the board of chosen freeholders, or, in the case of a county having adopted the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), as defined in the form of government adopted by the county under that act;

d. "Interest" means the ownership or control of more than 10% of the profits, assets or stock of a business organization but shall not include the control of assets in a nonprofit entity or labor union;

e. "Local government agency" means any agency, board, governing body, including the chief executive officer, bureau, division, office, commission or other instrumentality within a county or municipality, and any independent local authority, including any entity created by more than one county or municipality, which performs functions other than of a purely advisory nature, but shall not include a school board;

f. "Local government employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on a local government agency who is not a local government officer, but shall not mean any employee of a school district;

g. "Local government officer" means any person whether compensated or not, whether part-time or full-time: (1) elected to any office of a local government agency; (2) serving on a local government agency which has the authority to enact ordinances, approve development applications or grant zoning variances; (3) who is a member of an independent municipal, county or regional authority; or (4) who is a managerial executive employee of a local government agency, as defined in rules and regulations adopted by the Director of the Division of Local Government Services in the Department of Community Affairs pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), but shall not mean any employee of a school district or member of a school board;

h. "Local government officer or employee" means a local government officer or a local government employee;

i. "Member of immediate family" means the spouse or dependent child of a local government officer or employee residing in the same household.

22. Section 6 of P.L.1991, c.29 (C.40A:9-22.6) is amended to read as follows:

**C.40A:9-22.6 Annual financial disclosure statement.**

6. a. Local government officers shall annually file a financial disclosure statement. All financial disclosure statements filed pursuant to P.L.1991, c.29 shall include the following information which shall specify, where applicable, the name and address of each source and the local government officer's job title:

(1) Each source of income, earned or unearned, exceeding \$2,000 received by the local government officer or a member of his immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the local government officer or member of his immediate family has an interest in the business organization;

(2) Each source of fees and honorariums having an aggregate amount exceeding \$250 from any single source for personal appearances, speeches or writings received by the local government officer or a member of his immediate family during the preceding calendar year;

(3) Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives, received by the local government officer or a member of his immediate family during the preceding calendar year;

(4) The name and address of all business organizations in which the local government officer or a member of his immediate family had an interest during the preceding calendar year; and

(5) The address and brief description of all real property in the State in which the local government officer or a member of his immediate family held an interest during the preceding calendar year.

b. The Local Finance Board shall prescribe a financial disclosure statement form for filing purposes. For counties and municipalities which have not established ethics boards, the board shall transmit sufficient copies of the forms to the municipal clerk in each municipality and the county clerk in each county for filing in accordance with this act. The municipal clerk shall make the forms available to the local government officers serving the municipality. The county clerk shall make the forms available to the local government officers serving the county.

For counties and municipalities which have established ethics boards, the Local Finance Board shall transmit sufficient copies of the forms to the ethics boards for filing in accordance with this act. The ethics boards shall make the forms available to the local government officers within their jurisdiction.

For local government officers serving the municipality, the original statement shall be filed with the municipal clerk in the municipality in which the local government officer serves. For local government officers serving the county, the original statement shall be filed with the county clerk in the county in which the local government officer serves. A copy of the statement shall be filed with the board. In counties or municipalities which have established ethics boards a copy of the statement shall also be filed with the ethics board having jurisdiction over the local government officer. Local government officers shall file the initial financial disclosure statement within 90 days following the effective date of this act. Thereafter, statements shall be filed on or before April 30th each year, except that each local government officer shall file a financial disclosure statement within 30 days of taking office.

c. All financial disclosure statements filed shall be public records.

d. The Division of Local Government Services in the Department of Community Affairs may establish an electronic filing system for financial disclosure statements required to be filed pursuant to this section.

23. Section 5 of P.L.1988, c.110 (C.40A:9-140.10) is amended to read as follows:

**C.40A:9-140.10 Municipality required to have chief financial officer; exceptions.**

5. a. Notwithstanding the provisions of any law to the contrary, in every municipality there shall be a chief financial officer appointed by the governing body of the municipality. The requirement that every municipality shall have a chief financial officer may be fulfilled by the sharing of a chief financial officer with another municipality or municipalities under a shared service agreement entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.). Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and, with respect to pilot municipalities, section 3 of P.L.2013, c.166 (C.40A:65-4.2). The term of office shall be four years, which shall run from January 1 in the year in which the chief financial officer is appointed. The compensation for the chief financial officer shall be separately set forth in a municipal salary ordinance.

If a governing body fails or refuses to comply with this section, and has received an order from the director to do so, the members of a governing body who willfully fail or refuse to comply shall each be subject to a personal penalty of \$25 for each day after the date fixed for final action that failure or refusal to comply continues. The amount of the penalty may be recovered by the di-

rector in the name of the State as a personal debt of the member of the governing body, and shall be paid, upon receipt, into the State Treasury.

In the case of a pilot municipality, a tenured chief financial officer may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. The removal of a chief financial officer under this section shall not require the pilot municipality to fulfill the requirements of section 2 of P.L.1977, c.39 (C.40A:9-140.8). Instead, the pilot municipality shall provide the chief financial officer with a written copy of the shared service agreement entered into by the pilot municipality, and a letter stating that the position of chief financial officer in the pilot municipality is being eliminated for reasons of economy or efficiency as the result of the shared service agreement.

b. The requirement that every municipality shall have a chief financial officer may be temporarily fulfilled by the appointment of a private entity to perform the duties of a chief financial officer. A municipality shall not appoint a private entity to fulfill the duties of a chief financial officer for more than two consecutive one-year terms. A municipality shall not make such appointment or reappointment unless approved by the Director of the Division of Local Government Services in the Department of Community Affairs. Such approval shall only be granted if the municipality demonstrates that it has made a good faith effort to hire an individual who holds a municipal finance officer certificate issued pursuant to the provisions of P.L.1971, c.413 (C.40A:9-140.1 et seq.). The term of office of a private entity appointed pursuant to this subsection shall not exceed two consecutive years. Any work performed by such private entity on behalf of the municipality shall be supervised by at least one employee who holds a municipal finance officer certificate issued pursuant to the provisions of P.L.1971, c.413 (C.40A:9-140.1 et seq.). Any documents requiring signature of the chief financial officer of the municipality shall be executed on behalf of the private entity by an employee holding a municipal finance officer certificate.

24. Section 8 of P.L.1988, c.110 (C.40A:9-140.13) is amended to read as follows:

**C.40A:9-140.13 Municipal finance officer certificate required; tenure; vacancies.**

8. a. Commencing January 1, 1991, no person shall be appointed or reappointed as a chief financial officer unless he holds a municipal finance



officer certificate issued pursuant to the provisions of P.L.1971, c.413 (C.40A:9-140.1 et seq.) or P.L.1988, c.110.

b. Any person who has, on or before the effective date of P.L.1988, c.110 been granted tenure pursuant to the provisions of section 2 of P.L.1977, c.39 (C.40A:9-140.8) or the provisions of N.J.S.40A:9-152, may continue to serve in his current position and shall not be removed from office or denied reappointment except for just cause and then only after a public hearing conducted pursuant to sections 2 and 3 of P.L.1977, c.39 (C.40A:9-140.8 and C.40A:9-140.9).

c. Any certified municipal finance officer who has been appointed as the chief financial officer of a municipality pursuant to section 5 of P.L.1988, c.110 (C.40A:9-140.10) subsequent to the effective date of P.L.1988, c.110 and who thereafter filed with the clerk of that municipality and with the Division of Local Government Services in the Department of Community Affairs a notification that he had complied with the requirements of section 2 of P.L.1977, c.39 (C.40A:9-140.8) shall be considered to have been granted tenure and shall accordingly be entitled to the protections set forth in subsection b. of section 2 of P.L.1977, c.39 (C.40A:9-140.8).

d. Notwithstanding the provisions of any other law to the contrary, any person who has served as a municipal finance officer in the same municipality for a period of not less than five consecutive years while holding a municipal finance officer certificate issued in accordance with P.L.1971, c.413 (C.40A:9-140.1 et seq.), and who thereafter is appointed as the chief financial officer of that municipality, shall be granted tenure of office upon the filing with the clerk of the municipality and the Director of the Division of Local Government Services in the Department of Community Affairs a notification evidencing his compliance with this section.

e. A municipal finance officer who has held office continuously for five consecutive years in the same municipality may continue to serve in his current position and shall not be removed from office or denied reappointment for failure to qualify as a certified municipal finance officer pursuant to provisions of P.L.1971, c.413 (C.40A:9-140.1 et seq.) or P.L.1988, c.110. However, any such individual shall not be entitled to be appointed as the chief financial officer of that municipality unless he possesses a municipal finance officer certificate.

f. When a vacancy occurs in the office of chief financial officer following the appointment of a certified municipal finance officer to that office, the governing body or chief executive officer, as appropriate, may appoint, for a period not to exceed one year and commencing on the date of the vacancy, a person who does not hold a municipal finance officer certifi-

cate to serve as a temporary chief financial officer. Any person so appointed may, with the approval of the director, be reappointed as chief financial officer following the termination of the temporary appointment for up to two additional one-year terms. No local unit shall have a temporary chief financial officer for more than three consecutive years. Time served as a temporary chief financial officer shall not count as time served as a chief financial officer for the purpose of acquiring tenure pursuant to subsection a. of section 2 of P.L.1977, c.39 (C.40A:9-140.8) or subsection d. of this section.

g. Upon application by a municipal governing body to the director, an individual without a municipal finance officer certificate may, with the approval of the director, be appointed to serve as the chief financial officer in a municipality in which he is presently employed if that individual meets all of the requirements established under subsection a. of section 2 of P.L.1971, c.413 (C.40A:9-140.2) and further has completed four of the seven training courses identified in subsection b. of section 2 of P.L.1971, c.413 (C.40A:9-140.2), at least two of which shall be accounting courses. If any individual appointed as a chief financial officer pursuant to this subsection fails to obtain a municipal finance officer certificate prior to January 1, 1992, his appointment as chief financial officer shall lapse and the municipal governing body shall appoint a certified municipal finance officer as the municipality's chief financial officer.

25. Section 1 of P.L.1999, c.440 (C.40A:11-4.1) is amended to read as follows:

**C.40A:11-4.1 Purposes for which competitive contracting may be used by local units.**

1. Notwithstanding the provisions of any law, rule or regulation to the contrary, competitive contracting may be used by local contracting units in lieu of public bidding for procurement of specialized goods and services the price of which exceeds the bid threshold, for the following purposes:

a. The purchase or licensing of proprietary computer software designed for contracting unit purposes, which may include hardware intended for use with the proprietary software. This subsection shall not be utilized for the purpose of acquiring general purpose computer hardware or software;

b. The hiring of a for-profit entity or a not-for-profit entity incorporated under Title 15A of the New Jersey Statutes for the purpose of:

(1) the operation and management of a wastewater treatment system or a water supply or distribution facility of the type described in subsection (37) of section 15 of P.L.1971, c.198 (C.40A:11-15), provided that competitive

contracting shall not be used as a means of awarding contracts pursuant to P.L.1985, c.37 (C.58:26-1 et al.) and P.L.1985, c.72 (C.58:27-1 et al.);

(2) the operation, management or administration of recreation or social service facilities or programs, which shall not include the administration of benefits under the Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), or under General Assistance; or

(3) the operation, management or administration of data processing services;

- c. (Deleted by amendment, P.L.2009, c.4).
- d. Homemaker--home health services;
- e. Laboratory testing services;
- f. Emergency medical services;
- g. Contracted food services;
- h. Performance of patient care services by contracted medical staff at county hospitals, correctional facilities and long-term care facilities;
- i. At the option of the governing body of the contracting unit, any good or service that is exempt from bidding pursuant to section 5 of P.L.1971, c.198 (C.40A:11-5);
- j. Concessions;
- k. The operation, management or administration of other services, with the approval of the Director of the Division of Local Government Services;
- l. Maintenance, custodial, and groundskeeping services;
- m. Consulting services;
- n. Emergency medical billing services;
- o. Property appraisal services;
- p. Reassessment or revaluation services;
- q. Grant writing services;
- r. Animal control services.

Any purpose included herein shall not be considered by a contracting unit as an extraordinary unspecifiable service pursuant to subparagraph (ii) of paragraph (a) of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5).

26. Section 4 of P.L.2001, c.310 (C.40A:12A-67) is amended to read as follows:

**C.40A:12A-67 Issuance of bonds by municipality.**

4. a. The municipality may issue bonds itself in the manner provided for herein or pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.) or may apply to the authority to issue bonds, regardless of whether the redevelopment project is undertaken under

municipal authority pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.) or by a State entity redeveloper pursuant to a State entity redevelopment agreement, which in any case may be secured by payments in lieu of taxes or special assessments or both or a portion thereof, by the adoption of a resolution or ordinance, as applicable, of the governing body of the municipality, authority or State entity to that effect.

b. A municipality that has designated a redevelopment area or in which a redevelopment project is undertaken by a State entity redeveloper pursuant to a State entity redevelopment agreement may, by resolution of its governing body, if it determines to issue bonds through the authority, enter into contracts with the authority relating to that redevelopment project, or to act as a redeveloper or to finance or refinance a redevelopment project undertaken by a State entity redeveloper pursuant to a State entity redevelopment agreement within a redevelopment area. A resolution so adopted shall contain findings and determinations of the governing body: (1) that all or a portion of the redevelopment project undertaken within the municipality will result in the redevelopment of the municipality; and, (2) that the contract with the authority or, to the extent applicable, the financial agreement with the State entity redeveloper, is a necessary or important inducement to the undertaking of the project or the redevelopment project undertaken by the State entity redeveloper in that it makes the financing thereof feasible. The contract or contracts, or the terms of any bonds issued directly by a municipality may provide for the assignment, for the benefit of bondholders, of all or any portion of payments in lieu of taxes, or special assessments, or both. A contract may be made and entered into for a term beginning currently or at some future or contingent date, and with or without consideration, and for a specified or unlimited time, and on any terms and conditions which may be requested by the municipality and, to the extent applicable, the State entity redeveloper, and, if applicable, as may be agreed to by the authority and, to the extent applicable, the State entity redeveloper, in conformity with its contracts with the holders of bonds, and shall be valid and binding on the municipality. The municipality is hereby authorized and directed to do and perform any contract so entered into by it and to provide for the discharge of any obligation thereunder in the same manner as other obligations of the municipality.

Any contract, and any instrument making or evidencing the same, may be pledged or assigned by the authority, with the consent of the municipality executing the contract, and, to the extent applicable, the consent of the State entity redeveloper, to secure its bonds and thereafter may not be mod-

ified except as provided by the terms of the instrument or by the terms of the pledge or assignment.

The municipality may include in the terms of a bond or contract, including a financial agreement, a provision that the payments in lieu of taxes or special assessments shall constitute a municipal charge for the purposes of R.S.54:4-66.

c. The payments in lieu of taxes or special assessments, or both, may be assigned directly by the municipality or the authority or the trustee for the bonds as payment or security for the bonds. Notwithstanding any law to the contrary, the assignment shall be an absolute assignment of all the municipality's right, title, and interest in the payment in lieu of taxes or special assessments, or both, or portion thereof, along with the rights and remedies provided to the municipality under the agreement including, but not limited to, the right of collection of payments due. Payments in lieu of taxes and special assessments assigned as provided hereunder shall not be included in the general funds of the municipality, nor shall they be subject to any laws regarding the receipt, deposit, investment or appropriation of public funds and shall retain such status notwithstanding enforcement of the payment or assessment by the municipality or assignee as provided herein. The municipality shall be a "person" within the meaning of that term as defined in section 3 of P.L.1974, c.80 (C.34:1B-3); and the purpose described in this section shall be a "project" within the meaning of that term as defined in section 3 of P.L.1974, c.80 (C.34:1B-3).

d. Notwithstanding the provisions of subsection g. of section 37 of P.L.1992, c.79 (C.40A:12A-37), the bonds issued pursuant to this section may be issued as non-recourse obligations, and unless otherwise provided for by a separate action of the municipality to guarantee such bonds or otherwise provide for a pledge of the municipality's full faith and credit shall not, except for such action, be considered to be direct and general obligations of the municipality, and, absent such action, the municipality shall not be obligated to levy and collect a tax sufficient in an amount to pay the principal and interest on the bonds when the same become due and payable. The provisions of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.) shall not apply to any bonds issued or authorized pursuant to this section and those bonds shall not be considered gross debt of the municipality on any debt statement filed in accordance with the "Local Bond Law," N.J.S.40A:2-1 et seq., and the provisions of chapter 27 of Title 52 of the Revised Statutes shall not apply to such bonds.

e. The proceeds from the sale of bonds and any funds provided by any department of the State, authority created by the State or bi-state authority

for the purposes described in the "Redevelopment Area Bond Financing Law," sections 1 through 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.) or for the purpose of financing or refinancing a redevelopment project pursuant to a State entity redevelopment agreement, shall not require compliance with public bidding laws, including the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), or any other statute where the redeveloper or State entity redeveloper, as the case may be, shall undertake the redevelopment project. The use of these funds shall be subject to public accountability and oversight by the issuer of those bonds, regardless of whether the municipality, agency or authority provides the funds.

f. In order to provide additional security for any loan to a redeveloper or a State entity redeveloper, as the case may be, or to bonds issued to finance a redevelopment project, regardless of whether that redevelopment project is undertaken under municipal authority pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.) or by a State entity redeveloper pursuant to a State entity redevelopment agreement, the municipality may utilize powers otherwise provided by law, including the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), to provide for any extension of the municipality's credit to any redeveloper or State entity redeveloper, as the case may be, or its full faith and credit which may include a full faith and credit lease as security for the bonds or any loan to a redeveloper or State entity redeveloper, as the case may be. To the extent that the municipality provides for a full faith and credit guarantee of any loan to a redeveloper or State entity redeveloper, as the case may be, or any bonds, but determines not to authorize the issuance of bonds or notes to provide for the funding source thereof, or otherwise determines to enter into a full faith and credit lease, it may do so by an ordinance introduced, adopted, and published in accordance with the provisions of N.J.S.40A:2-17 and N.J.S.40A:2-19. Such ordinance shall take effect 20 days after the first publication of the ordinance or of a summary thereof after final adoption. To the extent that bonds or notes are authorized as provided above, such bonds or notes shall be authorized pursuant to the provisions of the "Local Bond Law," N.J.S.40A:2-1 et seq., and shall be deductible from the gross debt of the municipality until such time as such bonds or notes are actually issued, and only up to the amount actually issued, to fund such guarantee.

g. A financial instrument, whether issued by a municipality or an authority, that is secured in whole or in part by payments in lieu of taxes or by special assessments, or both, as provided herein shall be subject to the review and approval of the board. That review and approval shall be made prior to approval of, in the case of a municipality, an introduced ordinance

or, in the case of an authority, a resolution. The board shall be entitled to receive from the applicant an amount sufficient to provide for all reasonable professional and other fees and expenses incurred by it for the review, analysis and determination with respect thereto. As part of its review, the board shall specifically solicit comments from the Office of State Planning and the New Jersey Economic Development Authority in addition to comments from the public. The Office of State Planning shall provide comments on whether the redevelopment project or plan promotes congestion reduction, enhanced mobility, further redevelopment, and otherwise improves the quality of life of residents. As part of the board's review and approval, it shall consider the comments submitted and whether the issuance of the redevelopment area bond will adversely impact the financial stability of the municipality or service area of the authority.

h. A municipality that has assigned any portion of the payments in lieu of taxes it receives pursuant to a financial agreement, as payment or security for bonds, may also pledge a portion of those payments in lieu of taxes as payment or security for bonds in order to finance or refinance any cost or expense of the municipality, State entity or authority.

i. In the case of a municipality which is otherwise subject to tax or revenue sharing pursuant to law and which assigns a portion of the payments in lieu of taxes or special assessments pursuant to a financial agreement to secure bonds issued by the municipality or the authority, the assigned portion of those payments in lieu of taxes or special assessments shall not be considered part of the tax or revenue sharing formula or calculation of municipal revenues for the purpose of determining whether that municipality is obligated to make payment to, or receive a credit from, any tax sharing or revenue sharing pool.

27. N.J.S.40A:14-34 is amended to read as follows:

**Municipal appropriations to fire companies.**

40A:14-34. The governing body of any municipality may raise and appropriate funds to be granted to the boards of fire commissioners of any fire district or volunteer fire companies located therein, up to a total annual appropriation of \$150,000, which shall be adjusted biennially for inflation by the Director of the Division of Local Government Services in the Department of Community Affairs in accordance with the cost-of-living adjustment promulgated pursuant to section 4 of P.L.1983, c.49 (C.40A:4-45.1a). In any municipality in which there are more than three such boards or companies, or both, the governing body may raise and appropriate an

additional \$50,000 annually for each such additional board or company. Any such board or company shall use not less than 50% of the funds received pursuant to this section for the purchase of fire equipment, materials and supplies. All funds appropriated under this section shall be accounted for to the governing body annually.

Any municipality may appropriate such additional sums as it may deem necessary for the purchase of fire equipment, supplies and materials for use by fire companies or boards, the title to which shall remain with the municipality, provided that the funds shall be controlled and disbursed by the municipality. In the case of a joint purchase made by the governing bodies of two or more municipalities pursuant to the provisions of the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.), the title to the purchase shall be held by the joint meeting formed by the contracting governing bodies.

28. Section 9 of P.L.1991, c.431 (C.40A:20-9) is amended to read as follows:

**C.40A:20-9 Financial agreement for approved projects, form and contents of contracts.**

9. Every approved project shall be evidenced by a financial agreement between the municipality and the urban renewal entity. The agreement shall be prepared by the entity and submitted as a separate part of its application for project approval. The agreement shall not take effect until approved by ordinance of the municipality. Any amendments or modifications of the agreement made thereafter shall be by mutual consent of the municipality and the urban renewal entity, and shall be subject to approval by ordinance of the municipal governing body upon recommendation of the mayor or other chief executive officer of the municipality prior to taking effect.

The financial agreement shall be in the form of a contract requiring full performance within 30 years from the date of completion of the project, and shall include the following:

a. That the profits of or dividends payable by the urban renewal entity shall be limited according to terms appropriate for the type of entity in conformance with the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.).

b. That all improvements and land, to the extent authorized pursuant to section 12 of P.L.1991, c.431 (C.40A:20-12), in the project to be constructed or acquired by the urban renewal entity shall be exempt from taxation as provided in P.L.1991, c.431 (C.40A:20-1 et seq.).



c. That the urban renewal entity shall make payments for municipal services as provided in P.L.1991, c.431 (C.40A:20-1 et seq.).

d. That the urban renewal entity shall submit annually, within 90 days after the close of its fiscal year, its auditor's reports to the mayor and governing body of the municipality.

e. That the urban renewal entity shall, upon request, permit inspection of property, equipment, buildings and other facilities of the entity, and also permit examination and audit of its books, contracts, records, documents and papers by authorized representatives of the municipality or the State.

f. That in the event of any dispute between the parties matters in controversy shall be resolved by arbitration in the manner provided in the financial agreement.

g. That operation under the financial agreement shall be terminable by the urban renewal entity in the manner provided by P.L.1991, c.431 (C.40A:20-1 et seq.).

h. That the urban renewal entity shall at all times prior to the expiration or other termination of the financial agreement remain bound by the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.).

The financial agreement shall contain detailed representations and covenants by the urban renewal entity as to the manner in which it proposes to use, manage or operate the project. The financial agreement shall further set forth the method for computing gross revenue for the urban renewal entity, the method of determining insurance, operating and maintenance expenses paid by a tenant which are ordinarily paid by a landlord, the plans for financing the project, including the estimated total project cost, the amortization rate on the total project cost, the source of funds, the interest rates to be paid on the construction financing, the source and amount of paid-in capital, the terms of mortgage amortization or payment of principal on any mortgage, a good faith projection of initial sales prices of any condominium units and expenses to be incurred in promoting and consummating such sales, and the rental schedules and lease terms to be used in the project. Any financial agreement may allow the municipality to levy an annual administrative fee, not to exceed two percent of the annual service charge.

29. Section 12 of P.L.1991, c.431 (C.40A:20-12) is amended to read as follows:

**C.40A:20-12 Tax exemption, duration; annual service charges.**

12. The rehabilitation or improvements made in the development or redevelopment of a redevelopment area or area appurtenant thereto or for a

redevelopment relocation housing project, pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.), shall be exempt from taxation for a limited period as hereinafter provided. When housing is to be constructed, acquired or rehabilitated by an urban renewal entity, the land upon which that housing is situated shall be exempt from taxation for a limited period as hereinafter provided. The exemption shall be allowed when the clerk of the municipality wherein the property is situated shall certify to the municipal tax assessor that a financial agreement with an urban renewal entity for the development or the redevelopment of the property, or the provision of a redevelopment relocation housing project, or the provision of a low and moderate income housing project has been entered into and is in effect as required by P.L.1991, c.431 (C.40A:20-1 et seq.).

Delivery by the municipal clerk to the municipal tax assessor of a certified copy of the ordinance of the governing body approving the tax exemption and financial agreement with the urban renewal entity shall constitute the required certification. For each exemption granted pursuant to P.L.2003, c.125 (C.40A:12A-4.1 et al.), upon certification as required hereunder, the tax assessor shall implement the exemption and continue to enforce that exemption without further certification by the clerk until the expiration of the entitlement to exemption by the terms of the financial agreement or until the tax assessor has been duly notified by the clerk that the exemption has been terminated.

Whenever an exemption status changes during a tax year, the procedure for the apportionment of the taxes for the year shall be the same as in the case of other changes in tax exemption status during the tax year. Tax exemptions granted pursuant to P.L.2003, c.125 (C.40A:12A-4.1 et al.) represent long term financial agreements between the municipality and the urban renewal entity and as such constitute a single continuing exemption from local property taxation for the duration of the financial agreement. The validity of a financial agreement or any exemption granted pursuant thereto may be challenged only by filing an action in lieu of prerogative writ within 20 days from the publication of a notice of the adoption of an ordinance by the governing body granting the exemption and approving the financial agreement. Such notice shall be published in a newspaper of general circulation in the municipality and in a newspaper of general circulation in the county if different from the municipal newspaper.

a. The duration of the exemption for urban renewal entities shall be as follows: for all projects, a term of not more than 30 years from the completion of the entire project, or unit of the project if the project is undertaken in

units, or not more than 35 years from the execution of the financial agreement between the municipality and the urban renewal entity.

b. During the term of any exemption, in lieu of any taxes to be paid on the buildings and improvements of the project and, to the extent authorized pursuant to this section, on the land, the urban renewal entity shall make payment to the municipality of an annual service charge, which shall remit a portion of that revenue to the county as provided hereinafter. In addition, the municipality may assess an administrative fee, not to exceed two percent of the annual service charge, for the processing of the application. The annual service charge for municipal services supplied to the project to be paid by the urban renewal entity for any period of exemption, shall be determined as follows:

(1) An annual amount equal to a percentage determined pursuant to this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), of the annual gross revenue from each unit of the project, if the project is undertaken in units, or from the total project, if the project is not undertaken in units. The percentage of the annual gross revenue shall not be more than 15% in the case of a low and moderate income housing project, nor less than 10% in the case of all other projects.

At the option of the municipality, or where because of the nature of the development, ownership, use or occupancy of the project or any unit thereof, if the project is to be undertaken in units, the total annual gross rental or gross shelter rent or annual gross revenue cannot be reasonably ascertained, the governing body shall provide in the financial agreement that the annual service charge shall be a sum equal to a percentage determined pursuant to this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), of the total project cost or total project unit cost determined pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.) calculated from the first day of the month following the substantial completion of the project or any unit thereof, if the project is undertaken in units. The percentage of the total project cost or total project unit cost shall not be more than 2% in the case of a low and moderate income housing project, and shall not be less than 2% in the case of all other projects.

(2) In either case, the financial agreement shall establish a schedule of annual service charges to be paid over the term of the exemption period, which shall be in stages as follows:

(a) For the first stage of the exemption period, which shall commence with the date of completion of the unit or of the project, as the case may be, and continue for a time of not less than six years nor more than 15 years, as specified in the financial agreement, the urban renewal entity shall pay the

municipality an annual service charge for municipal services supplied to the project in an annual amount equal to the amount determined pursuant to paragraph (1) of this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11). For the remainder of the period of the exemption, if any, the annual service charge shall be determined as follows:

(b) For the second stage of the exemption period, which shall not be less than one year nor more than six years, as specified in the financial agreement, an amount equal to either the amount determined pursuant to paragraph (1) of this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), or 20% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater;

(c) For the third stage of the exemption period, which shall not be less than one year nor more than six years, as specified in the financial agreement, an amount equal to either the amount determined pursuant to paragraph (1) of this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), or 40% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater;

(d) For the fourth stage of the exemption period, which shall not be less than one year nor more than six years, as specified in the financial agreement, an amount equal to either the amount determined pursuant to paragraph (1) of this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), or 60% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater; and

(e) For the final stage of the exemption period, the duration of which shall not be less than one year and shall be specified in the financial agreement, an amount equal to either the amount determined pursuant to paragraph (1) of this subsection and section 11 of P.L.1991, c.431 (C.40A:20-11), or 80% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater.

If the financial agreement provides for an exemption period of less than 30 years from the completion of the entire project, or less than 35 years from the execution of the financial agreement, the financial agreement shall set forth a schedule of annual service charges for the exemption period which shall be based upon the minimum service charges and staged adjustments set forth in this section.

The annual service charge shall be paid to the municipality on a quarterly basis in a manner consistent with the municipality's tax collection schedule.

Each municipality which enters into a financial agreement on or after the effective date of P.L.2003, c.125 (C.40A:12A-4.1 et al.) shall remit 5

percent of the annual service charge to the county upon receipt of that charge in accordance with the provisions of this section.

Against the annual service charge the urban renewal entity shall be entitled to credit for the amount, without interest, of the real estate taxes on land paid by it in the last four preceding quarterly installments.

Notwithstanding the provisions of this section or of the financial agreement, the minimum annual service charge shall be the amount of the total taxes levied against all real property in the area covered by the project in the last full tax year in which the area was subject to taxation, and the minimum annual service charge shall be paid in each year in which the annual service charge calculated pursuant to this section or the financial agreement would be less than the minimum annual service charge.

c. All exemptions granted pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) shall terminate at the time prescribed in the financial agreement.

Upon the termination of the exemption granted pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.), the project, all affected parcels, land and all improvements made thereto shall be assessed and subject to taxation as are other taxable properties in the municipality. After the date of termination, all restrictions and limitations upon the urban renewal entity shall terminate and be at an end upon the entity's rendering its final accounting to and with the municipality.

30. Section 14 of P.L.1947, c.151 (C.52:27BB-14) is amended to read as follows:

**C.52:27BB-14 Hearings; rules of procedure.**

14. The board shall adopt rules of procedure to govern hearings and other proceedings before the board. The board may hold hearings at the office of the director, or any other place convenient to the parties. The rules of procedure adopted by the board shall govern all hearings and a record of proceedings shall be taken, which at the request of a party to the hearing may be stenographic. Decision shall be made by a majority vote of the board; provided, however, that the board shall not authorize fees charged for financings that are greater than 0.125 percent of the par value of the bonds to be issued unless the same is approved by at least a two-thirds majority of the board.

31. R.S.54:4-65 is amended to read as follows:

**Form and content of property tax bills.**

54:4-65. a. The Director of the Division of Local Government Services in the Department of Community Affairs shall approve the form and content of property tax bills.

b. (1) Each tax bill shall have printed thereon a brief tabulation showing the distribution of the amount raised by taxation in the taxing district, in such form as to disclose the rate per \$100.00 of assessed valuation or the number of cents in each dollar paid by the taxpayer which is to be used for the payment of State school taxes, other State taxes, county taxes, local school expenditures, free public library taxes, and other local expenditures. The last named item may be further subdivided so as to show the amount for each of the several departments of the municipal government. In lieu of printing such information on the tax bill, any municipality may furnish the tabulation required hereunder and any other pertinent information in a statement accompanying the mailing or delivery of the tax bill.

(2) When a parcel receives a homestead property tax credit pursuant to the provisions of P.L.2007, c.62 (C.18A:7F-37 et al.), the amount of the credit shall be included with the tax calculation as a reduction in the total tax calculation for the year. One-half of the amount of the credit shall be deducted from taxes otherwise due for the third installment and the remaining one-half shall be deducted from taxes otherwise due for the fourth installment.

(3) There shall be included on or with the tax bill the delinquent interest rate or rates to be charged and any end of year penalty that is authorized and any other such information that the director may require from time to time.

c. The tax bill shall also include a statement about the availability of, on the Internet website of the Department of Community Affairs, the amounts of State aid and assistance received by the municipality, school districts, special districts, free public libraries, county governments that offset property taxes that are otherwise due on each parcel. The tax bill shall also include the link to the Internet website of the Department of Community Affairs containing this information. The director shall cause the amounts of said State aid and assistance that shall serve as the basis for the calculation for each parcel to be displayed on the Internet website of the Department of Community Affairs. The director shall set standards for the display of the statement on the tax bill.

d. The tax bill or form mailed with the tax bill shall include thereon the date upon which each installment is due.

e. If a property tax bill includes in its calculation a homestead property tax credit, the bill shall, in addition to the calculation showing taxes due, either display a notice concerning the credit on the face of the property tax

bill or with a separate notice, with the content and wording as the director provides.

32. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read as follows:

**C.58:11B-9 Loans to local governments.**

9. a. (1) The trust may make and contract to make loans to local government units, or to a local government unit on behalf of another local government unit, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money.

(2) The trust may make and contract to make loans to public water utilities, or to any other person or local government unit on behalf of a public water utility, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply project, which the public water utility may lawfully undertake or acquire.

(3) The trust may make and contract to make loans to private persons other than local government units, or to any other person or local government unit on behalf of a private person, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of stormwater management systems.

The loans may be made subject to those terms and conditions as the trust shall determine to be consistent with the purposes thereof. Each loan by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the loan. Each loan to a local government unit, public water utility or any other person shall be evidenced by notes, bonds or other obligations thereof issued to the trust. In the case of each local government unit, notes and bonds to be issued to the trust and, if applicable, the State, acting by and through the Department of Environmental Protection, by the local government unit (1) shall be authorized and issued as provided by law for the issuance of notes and bonds by the local government unit, (2) notwithstanding any provisions of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) to the contrary, shall be approved by the Director of the Division of

Local Government Services in the Department of Community Affairs, and (3), notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29 or any other provisions of law to the contrary, may be sold at private sale to the trust or the State, as the case may be, at any price, whether or not less than par value, and shall be subject to redemption prior to maturity at any times and at any prices as the trust or the State, as the case may be, and local government units may agree. Each loan to a local government unit, public water utility or any other person and the notes, bonds or other obligations thereby issued shall bear interest at a rate or rates per annum as the trust or the State, as the case may be, and the local government unit, public water utility or any other person, as the case may be, may agree.

b. The trust is authorized to guarantee or contract to guarantee the payment of all or any portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money, and the guarantee shall constitute an obligation of the trust for the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.). Each guarantee by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the guarantee.

c. The trust shall not make or contract to make any loans or guarantees to local government units, public water utilities or any other person, or otherwise incur any additional indebtedness, on or after June 30, 2033.

d. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may receive funds from any source or issue its bonds, notes or other obligations in any principal amounts as in the judgment of the trust shall be necessary to provide sufficient funds to finance or refinance short-term or temporary loans to local government units, public water utilities or private persons for any wastewater treatment system projects included on the project priority list and eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or water supply projects included on the project priority list and eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, any administrative or legislative approvals.

The trust shall create and establish a special fund (hereinafter referred to as the "Interim Financing Program Fund") for the short-term or tempo-



rary loan financing or refinancing program (hereinafter referred to as the "Interim Financing Program").

Any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section from any source of funds anticipated to be received by the trust. Any such short-term or temporary loan made pursuant to the Interim Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor. The trust may make short-term or temporary loans pursuant to the Interim Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list (hereinafter referred to as the "Interim Financing Program Eligibility List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

Incremental revisions or supplements to the Interim Financing Program Eligibility List may be submitted to the Legislature at any time between January 15th and May 15th of each year.

The Interim Financing Program Eligibility List, including any revision thereof or supplement thereto, shall be submitted to the Legislature on or before June 30 of each year on a day when both Houses are meeting. The President of the Senate and the Speaker of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Financing Program Eligibility List shall not be eligible for a short-term or temporary loan from the Interim Financing Program Fund.

33. N.J.S.40A:2-11 is amended to read as follows:

**Down payment.**

40A:2-11. a. No bond ordinance shall be finally adopted unless it appropriates to the purpose, or ratably to the respective purposes to be financed, in addition to the obligations thereby authorized, a sum as a down payment which is not less than 5% of the amount of the obligations authorized.

b. Said sum so appropriated as a down payment must have been made available prior to final adoption of the bond ordinance from any one or more of the following:

1. by provision in a previously adopted budget or budgets of the local unit for down payment or for capital improvement purposes;

2. from moneys then actually held by the local unit and previously contributed for such purpose other than by the local unit; or

3. by emergency appropriation.

c. The provisions of this section shall not apply to a bond ordinance which authorizes obligations solely for any purpose referred to in paragraphs a., b., c., d., e. and h. of section 40A:2-7 or for those bond ordinances which involve projects funded by State grants such as Green Acres, Transportation Trust Fund, and other similar programs, or for those bond ordinances which involve environmental infrastructure projects, as defined in section 3 of P.L.1985, c.334 (C.58:11B-3), funded by loans from the "New Jersey Environmental Infrastructure Trust," created pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4), or the State, acting by and through the Department of Environmental Protection.

34. N.J.S.40A:2-32 is amended to read as follows:

**Sale of bonds; bidding requirements.**

40A:2-32. a. (1) All bidders shall be required to deposit cash delivered by wire or otherwise or a certified or cashier's or treasurer's check, drawn upon a bank or trust company, equal to not less than 2% of the bonds to secure the local unit in part from any loss resulting from the failure of the bidder to comply with the terms of his bid, or as liquidated damages for such failure.

(2) The local finance board may adopt rules to permit local units to accept a financial surety bond in lieu of a certified, cashier's or treasurer's check as required in paragraph (1) of this subsection.

b. All sealed bids for bonds shall be publicly opened and announced, and all bids received electronically shall be received and announced, at the advertised time and place of sale, except upon a postponement and recommencement of the public sale made in accordance with the provisions of subsection b. of N.J.S.40A:2-30 in which case such bids or proposals shall be publicly opened, received and announced, as appropriate, at the postponed and recommenced date. Such bids as comply with the terms of the notice of sale shall be considered, and any bid not complying with the terms of such notice may be rejected. All bids received may be rejected.

c. Bonds of two or more issues may be sold on the basis of combined maturities, or the maturities of each issue offered for sale.

d. Bonds may be offered for sale at a single rate of interest, or bidders may be requested to name a single rate of interest, but no proposal shall be considered which offers to pay less than the principal amount of bonds of-

ferred for sale or which names a rate of interest higher than the lowest rate of interest stated in any legally acceptable proposal. As between proposals naming the same lowest rate of interest, the proposal offering to accept the least amount of bonds shall be accepted, the bonds to be accepted shall be those first maturing, and as between such proposals, the proposal offering to pay the greatest premium shall be accepted. The amount of premium bid for the bonds shall in no event exceed \$1,000.00 for the principal amount of bonds offered for sale. In order to effect the foregoing, a sufficient number of the last maturing bonds shall be of the denomination of \$1,000.00 or less.

e. (1) Bonds may be offered for sale at different rates of interest for the same issue or different rates of interest for different issues, or parts thereof, or bidders may be requested to name any such rates of interest. No proposal shall be considered under which the total loan is made at an interest cost higher than the lowest net interest cost or the true interest cost to the local unit under any legally acceptable proposal. The governing body shall specify in its notice of public sale advertised pursuant to N.J.S.40A:2-30 whether the award shall be based on net interest cost or true interest cost.

(2) The net interest cost shall be computed by adding to the total principal amount of bonds bid for, the total interest cost to maturity in accordance with such bid and by deduction therefrom of the amount of premium, if any, bid or the addition thereto of the amount of discount, if any, bid.

(3) The true interest cost shall be computed in each instance by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date of the bonds and to the price bid, excluding interest accrued to the delivery date.

f. The governing body may establish additional terms or conditions of sale.

g. The governing body may, by resolution, allow or otherwise delegate to a finance officer the authority to permit bidders to aggregate consecutive principal maturities for which such bidder bid the same interest rate into term bonds, provided that mandatory sinking funds for which redemptions in lieu of the principal maturities are provided. For the purposes of this subsection "term bond" means a bond that is due in a certain year but has mandatory retirement provisions for portions of the term bond on specified dates prior to the maturity date of the term bond itself.

35. Section 1 of P.L.1976, c.38 (C.40A:3-2) is amended to read as follows:

**C.40A:3-2 Findings, declarations.**

1. The Legislature finds and declares that:
  - a. Maintenance of strong financial credit in New Jersey municipalities is essential in providing necessary capital improvement or property at minimum cost, for the citizens of this State;
  - b. While the credit status of New Jersey's municipalities is sound, it can be strengthened by a pledge of and statutory lien on State Urban Aid, Gross Receipts Tax, State Revenue Sharing, Municipal Purposes Tax Assistance Fund distributions, Business Personal Property Tax Replacement Revenues and any other funds appropriated as State aid and not otherwise dedicated to specific municipal programs to guarantee debt service payments on qualified bonds;
  - c. Such a pledge and statutory lien should expand the market for and lower the interest costs on qualified bonds issued pursuant to the terms of P.L.1976, c.38, thus reducing the borrowing costs of participating municipalities.

36. Section 2 of P.L.1976, c.38 (C.40A:3-3) is amended to read as follows:

**C.40A:3-3 Definitions.**

2. For the purposes of P.L.1976, c.38, unless the context clearly requires a different meaning:
  - a. "Business Personal Property Tax Replacement Revenues" means the funds distributed to municipalities pursuant to P.L.1966, c.135 (C.54:11D-1 et seq.) or pursuant to any other law hereafter enacted providing for funds to municipalities in lieu of or in substitution for or supplementing the funds presently provided pursuant to P.L.1966, c.135 (C.54:11D-1 et seq.);
  - b. "Debt service" means and includes payments of principal and interest upon qualified bonds issued pursuant to the terms of P.L.1976, c.38 or amounts required in order to satisfy sinking fund payment requirements and any other amounts, including fees and charges due under the applicable documents, with respect to such bonds;
  - c. "Director" means Director of the Division of Local Government Services in the Department of Community Affairs, established pursuant to P.L.1974, c.35 (C.52:27D-18.1);
  - d. "Local Finance Board" means the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs, established pursuant to P.L.1974, c.35 (C.52:27D-18.1);

e. "Paying agent" means any bank, trust company or national banking association having the power to accept and administer trusts, named or designated in any qualified bond of a municipality as the agent for the payment of the principal of and interest thereon and shall include the holder of any sinking fund established for the payment of such bonds;

f. "Qualified bonds" means those bonds of a municipality authorized and issued in conformity with the provisions of P.L.1976, c.38;

g. "State urban aid" means the funds made available to municipalities pursuant to P.L.1971, c.64 and all acts supplementing that act or pursuant to any other law hereafter enacted providing for funds to municipalities in lieu of or in substitution for the funds presently provided pursuant to acts supplementing P.L.1971, c.64;

h. "State revenue sharing" means the funds made available to municipalities pursuant to P.L.1976, c.73 (C.54A:10-1 et seq.) or pursuant to any other law hereafter enacted providing for funds to municipalities in lieu of or in substitution for the funds presently provided pursuant to P.L.1976, c.73;

i. "Gross receipts tax revenues" means funds collected pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.), and apportioned and paid to municipalities pursuant to those acts; and

j. "Municipal Purposes Tax Assistance Fund distributions" means the moneys distributed to municipalities from the "Municipal Purposes Tax Assistance Fund" pursuant to the "Municipal Purposes Tax Assistance Act of 1980," P.L.1980, c.12 (C.54:1-46 et seq.), or pursuant to any other law hereafter enacted for the distribution of moneys to municipalities in lieu of or in substitution for the monies distributed pursuant to the "Municipal Purposes Tax Assistance Act of 1980," P.L.1980, c.12 (C.54:1-46 et seq.).

37. Section 4 of P.L.1976, c.38 (C.40A:3-5) is amended to read as follows:

**C.40A:3-5 Recitals in bonds; authorization; issuance; maturity.**

4. a. All qualified bonds when issued shall contain a recital to the effect that they are issued pursuant to Title 40 of the Revised Statutes or Title 40A of the New Jersey Statutes and are entitled to the benefits of the provisions of P.L.1976, c.38. Except as otherwise provided in P.L.1976, c.38, all qualified bonds shall be authorized and issued in the manner provided for in Title 40 or Title 40A. Qualified bonds shall mature not later than 30 years from their date of issuance without regard to any limitations as to maturities or amounts of annual installments for bonds as provided in Title 40 or Title 40A.

b. The proceedings of the municipality authorizing the issuance of qualified bonds shall contain such covenants and provisions for protecting and enforcing the rights and remedies of the bondholders as set forth in P.L.1976, c.38 or as may be reasonable and proper and not in violation of law, including covenants restricting the issuance of additional qualified bonds.

38. Section 6 of P.L.1976, c.38 (C.40A:3-7) is amended to read as follows:

**C.40A:3-7 Certification, withholding; lien; covenants.**

6. a. Each municipality which issues qualified bonds shall certify to the State Treasurer the name and address of the paying agent, the maturity schedule, interest rate and dates of payment of debt service on such qualified bonds within 10 days after the date of issuance of such qualified bonds. After receipt of such certificate the State Treasurer shall withhold from the amount of business personal property tax replacement revenues, gross receipts tax revenues, municipal purposes tax assistance fund distributions, State urban aid, State revenue sharing and any other funds appropriated as State aid and not otherwise dedicated to specific municipal programs payable to such municipality an amount of such business personal property tax replacement revenues, gross receipts tax revenues, municipal purposes tax assistance fund distributions, State urban aid, State revenue sharing and any other funds appropriated as State aid and not otherwise dedicated to specific municipal programs which will be sufficient to pay the debt service on such qualified bonds as the same shall mature and become due. The State Treasurer shall, on or before each principal and interest payment date, forward such withheld amounts to the paying agent for such qualified bonds for deposit to the account established with such paying agent for the purpose of paying the debt service on such qualified bonds. Notwithstanding any other provision of law to the contrary, a statutory lien and trust is automatically and without further act or filing created and impressed upon the business personal property tax replacement revenues, gross receipts tax revenues, municipal purposes tax assistance fund distributions, State urban aid, State revenue sharing, and any other funds appropriated as State aid and not otherwise dedicated to specific municipal programs so payable to such municipality that are withheld or are required to be withheld by the State Treasurer under P.L.1976, c.38 (C.40A:3-1 et seq.), which statutory lien and trust shall be paramount and superior to all other liens and interests of any kind in favor of the holders of qualified bonds, for the sole purpose of paying debt service on the qualified bonds issued pursuant to P.L.1976,

c.38 (C.40A:3-1 et seq.). The lien created under this subsection for the benefit of bondholders is perfected without delivery, recording, or notice. All such business personal property tax replacement revenues, gross receipts tax revenues, municipal purposes tax assistance fund distributions, State urban aid, State revenue sharing, and any other funds appropriated as State aid and not otherwise dedicated to specific municipal programs that are withheld or are required to be withheld by the State Treasurer under P.L.1976, c.38 (C.40A:3-1 et seq.) shall be exempt from being levied upon, taken, sequestered, or applied toward paying the debts of the municipality other than for payment of debt service on such qualified bonds. All such business personal property tax replacement revenues, gross receipts tax revenues, municipal purposes tax assistance fund distributions, State urban aid, State revenue sharing, and any other funds appropriated as State aid and not otherwise dedicated to specific municipal programs that are withheld or are required to be withheld by the State Treasurer under P.L.1976, c.38 (C.40A:3-1 et seq.) shall be deemed to be held in trust for the sole purpose of paying the debt service on such qualified bonds.

b. The State of New Jersey hereby covenants with the purchasers, holders and owners, from time to time, of qualified bonds that it will not repeal, revoke, rescind, modify or amend the provisions of subsection a. of this section so as to create any lien or charge on or pledge, assignment, diversion, withholding payment or other use of or deduction from any business personal property tax replacement revenues, gross receipts tax revenues, municipal purposes tax assistance fund distributions, State urban aid, State revenue sharing or any other funds appropriated as State aid and not otherwise dedicated to specific municipal programs to be apportioned and paid to any paying agent of qualified bonds which is prior in time or superior in right to the payment required by subsection a. of this section; provided, however, that nothing herein contained shall be deemed or construed to require the State of New Jersey to continue to make payments of business personal property tax replacement revenues, gross receipts tax revenues, municipal purposes tax assistance fund distributions, State urban aid, State revenue sharing or any other funds appropriated as State aid and not otherwise dedicated to specific municipal programs or to limit or prohibit the State from repealing or amending any law heretofore or hereafter enacted for the payment or apportionment of said revenues or aid or the manner, time, or amount thereof.

c. It being the original and continuing intent of the State that all such business personal property tax replacement revenues, gross receipts tax revenues, municipal purposes tax assistance fund distributions, State urban aid, State revenue sharing, and any other funds appropriated as State aid and not

otherwise dedicated to specific municipal programs that are withheld or are required to be withheld by the State Treasurer under P.L.1976, c.38 (C.40A:3-1 et seq.) shall be subject to a statutory lien and trust, the provisions of P.L.2015, c.95 shall apply to all qualified bonds whether issued prior to or following enactment of that act. All persons shall be forever estopped from denying that qualified bonds, whenever issued pursuant to subsection a. above, are entitled to the benefits of the provisions of P.L.1976, c.38 (C.40A:3-1 et seq.), including but not limited to the statutory lien and trust created pursuant to subsection a. of this section.

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

**Special emergency appropriations.**

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

- a. Preparation of an approved tax map.
- b. Preparation and execution of a complete program of revaluation of real property for the use of the local assessor, or of any program to update and make current any previous revaluation program when such is ordered by the county board of taxation.
- c. Preparation of a revision and codification of its ordinances.
- d. Engagement of special consultants for the preparation, and the preparation of a master plan or plans, when required to conform to the planning laws of the State.
- e. Preparation of drainage maps for flood control purposes.
- f. Preliminary engineering studies and planning necessary for the installation and construction of a sanitary sewer system.
- g. Authorized expenses of a consolidation commission established pursuant to the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.) or the "Uniform Shared Services and Consolidation Act," sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through C.40A:65-35).
- h. Contractually required severance liabilities resulting from the layoff or retirement of employees. Such liabilities shall be paid without interest and, at the sole discretion of the local unit, may be paid in equal annual installments over a period not to exceed five years.
- i. Preparation of a sanitary or storm system map.
- j. Liabilities incurred to the Department of Labor and Workforce Development for the reimbursement of unemployment benefits paid to former employees.



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

40. Section 3 of P.L.1993, c.87 (C.40A:9-28.3) is amended to read as follows:

**C.40A:9-28.3 Renewal of certificates; fee; continuing education; mitigating circumstances.**

3. a. Commencing July 1, 1995, all county finance officer certificates shall be renewed upon application, payment of the required fee of \$50 and verification that the applicant has met continuing education requirements, all as set forth in this section. Each renewal shall be for a period of two years. The renewal date shall be 30 days prior to the expiration date.

b. Each applicant for renewal of a county finance officer certificate, on a form prescribed by the director, shall furnish proof of having earned at least 3.0 continuing education units in subject areas and minimum contact hours as prescribed by the director. For the purposes of this section, 1.0 continuing education unit equals 10 contact hours. Upon verification of this requirement and upon payment of a fee of \$50 to the order of the Treasurer of the State of New Jersey, the director shall renew the county finance officer certificate.

c. When the holder of a county finance officer certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within six months of the expiration of the certificate, then application may be made in the same manner as a renewal; provided, however, that such application may be made in the same manner as a renewal within 12 months of the expiration of the certificate if the director determines that either of the following circumstances prevents a certificate holder from earning the required continuing education units within six months of the expiration of the certificate:

(1) a flood, hurricane, superstorm, tornado, or other natural disaster, and a state of emergency has been declared as a result thereof by the Governor; or

(2) a medical event or condition.

41. Section 8 of P.L.1997, c.279 (C.40A:9-133.10) is amended to read as follows:

**C.40A:9-133.10 Renewal of certificates; conditions; fee.**

8. a. Commencing October 1, 1998 all registered municipal clerk certificates issued pursuant to section 3 or section 4 of P.L.1985, c.174 (C.40A:9-133.3 or C.40A:9-133.4), or section 7 of P.L.1997, c.279 (C.40A:9-133.9)

shall be renewed upon application, payment of the required fee, and verification that the applicant has met the requirements as set forth in this section. Each renewal shall be for a period of two years. The renewal date shall be 30 days prior to the expiration date.

b. All registered municipal clerk certificates subject to renewal pursuant to this section issued prior to October 1, 1998 shall have an expiration date of September 30, 2000. All registered municipal clerk certificates issued on or after October 1, 1998 shall expire two years from the date on which the certificate was originally issued.

c. Each applicant for renewal of a registered municipal clerk certificate shall, on a form prescribed by the director, furnish proof of having earned at least 2.0 continuing education units in subject areas related to the statutory duties of the municipal clerk and minimum contact hours as prescribed by the director. For the purposes of this section, 1.0 continuing education unit equals 10 contact hours. Upon verification of this requirement, and upon payment of a fee of \$50 to the order of the Treasurer of the State of New Jersey, the director shall renew the registered municipal clerk certificate.

d. Where the holder of a registered municipal clerk certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within six months of the expiration of the certificate, then application may be made in the same manner as renewal but the application shall be accompanied by the fee for a new application; provided, however, that such application may be made in the same manner as a renewal within 12 months of the expiration of the certificate if the director determines that either of the following circumstances prevents a certificate holder from earning the required continuing education units within six months of the expiration of the certificate:

- (1) a flood, hurricane, superstorm, tornado, or other natural disaster, and a state of emergency has been declared as a result thereof by the Governor; or
- (2) a medical event or condition.

42. Section 10 of P.L.1988, c.110 (C.40A:9-140.15) is amended to read as follows:

**C.40A:9-140.15 Renewal of municipal finance officer certificates.**

10. a. Commencing January 1, 1991, all municipal finance officer certificates, except those issued pursuant to section 4 of P.L.1971, c.413 (C.40A:9-140.4) or pursuant to section 6 of P.L.1988, c.110 (C.40A:9-140.11), shall be renewed upon application, payment of the required fee of \$50, and verification that the applicant has met continuing education re-

quirements, all as set forth in this section. Each renewal shall be for a period of two years. The renewal date shall be 30 days prior to the expiration date.

b. Each municipal finance officer certificate subject to renewal pursuant to this section issued prior to January 1, 1992 shall expire on January 1, 1994. Each municipal finance officer certificate issued on or after January 1, 1992 shall expire two years from the date on which the certificate was originally issued.

c. Each applicant for renewal of a municipal finance officer certificate shall, on a form prescribed by the director, furnish proof of having earned at least 3.0 continuing education units. For the purposes of this section, 1.0 continuing education unit equals 10 contact hours. Upon verification of this requirement, and upon payment of a fee of \$50 to the order of the Treasurer of the State of New Jersey, the director shall renew the municipal finance officer certificate.

d. Where the holder of a municipal finance officer certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within six months of the expiration of the certificate, then application may be made in the same manner as a renewal; provided, however, that such application may be made in the same manner as a renewal within 12 months of the expiration of the certificate if the director determines that either of the following circumstances prevents a certificate holder from earning the required continuing education units within six months of the expiration of the certificate:

(1) a flood, hurricane, superstorm, tornado, or other natural disaster, and a state of emergency has been declared as a result thereof by the Governor; or

(2) a medical event or condition.

43. Section 7 of P.L.1993, c.25 (C.40A:9-145.3b) is amended to read as follows:

**C.40A:9-145.3b Expiration, renewal of outstanding, lapsed certificates; fee.**

7. Commencing on the effective date of P.L.1993, c.25 (C.40A:9-145.3a et al.) all outstanding tax collector certificates shall expire and be renewed in accordance with the following procedure:

a. All tax collector certificates shall be renewed upon application, payment of the required fee, and verification that the applicant has met continuing education requirements, as set forth in subsection c. of this section. Each renewal shall be for a period of two years. The renewal date shall be 30 days prior to the expiration date.

b. All tax collector certificates subject to renewal pursuant to this section issued prior to January 1, 1993 shall have an expiration date of December 31, 1994. All tax collector certificates issued on or after January 1, 1993 shall have an expiration date of either June 30 or December 31, whichever is sooner, of the second year following the year in which the certificates were originally issued, provided that no certificate shall expire sooner than two years from the date of original issue.

c. Prior to the renewal date of a tax collector certificate, every tax collector shall, on a form prescribed by the director, furnish proof of having earned at least 1.5 continuing education units. For the purpose of this section, 1.5 continuing education units equals 15 contact hours with a minimum number of hours, as determined by the director.

Under verification of this requirement, and upon payment of a fee of \$50 to the order of the Treasurer of the State of New Jersey, the director shall renew the tax collector certificate.

d. When the holder of a tax collector certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within six months of the expiration of the certificate, then application may be made in the same manner as a renewal, but the application shall be accompanied by the fee required for a new application; provided, however, that such application may be made in the same manner as a renewal within 12 months of the expiration of the certificate if the director determines that either of the following circumstances prevents a certificate holder from earning the required continuing education units within six months of the expiration of the certificate:

- (1) a flood, hurricane, superstorm, tornado, or other natural disaster, and a state of emergency has been declared as a result thereof by the Governor; or
- (2) a medical event or condition.

44. Section 8 of P.L.1991, c.258 (C.40A:9-154.6h) is amended to read as follows:

**C.40A:9-154.6h Renewal of certificates.**

8. a. Commencing January 1, 1997, all public works manager certificates shall be renewed upon application, payment of the required fee, and verification that the applicant has met continuing education requirements, all as set forth in this section. Each renewal shall be for a period of three years. The renewal date shall be 30 days prior to the expiration date.

b. All public works manager certificates subject to renewal pursuant to this section that were issued prior to January 1, 1995 shall have an expi-

ration date of December 31, 1998. All public works manager certificates issued on or after January 1, 1995 shall have an expiration date of either June 30 or December 31, whichever is sooner, of the third year following the year in which the certificates were originally issued, provided that no certificate shall expire sooner than December 31, 1998.

c. Each applicant for renewal of a public works manager certificate shall, on a form prescribed by the director, furnish proof of having earned at least two continuing education units in fields of study related to public works activity. For the purposes of this section, one continuing education unit equals 10 contact hours. Upon verification of this requirement, and upon payment of a fee, the director shall renew the public works manager certificate.

d. If the holder of a public works manager certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within six months of the expiration of the lapsed certificate, then application may be made in the same manner as a renewal, but the application shall be accompanied by the fee for a new application; provided, however, that such application may be made in the same manner as a renewal within 12 months of the expiration of the certificate if the director determines that either of the following circumstances prevents a certificate holder from earning the required continuing education units within six months of the expiration of the certificate:

- (1) a flood, hurricane, superstorm, tornado, or other natural disaster, and a state of emergency has been declared as a result thereof by the Governor; or
- (2) a medical event or condition.

45. Section 9 of P.L.1971, c.198 (C.40A:11-9) is amended to read as follows:

**C.40A:11-9 Designation of purchasing agent; qualifications; certification.**

9. a. The governing body of any contracting unit may by ordinance, in the case of a municipality, by ordinance or resolution, as the case may be, in the case of a county, or by resolution in all other cases, designate an individual to serve as the contracting unit's purchasing agent. The individual designated as the purchasing agent pursuant to this subsection shall be assigned the authority, responsibility, and accountability for the purchasing activity for the contracting unit, to prepare public advertising for bids and to receive bids for the provision or performance of goods or services on behalf of the contracting unit and to award contracts permitted pursuant to subsection a. of section 3 of P.L.1971, c.198 (C.40A:11-3) in the name of the contracting

unit, and conduct any activities as may be necessary or appropriate to the purchasing function of the contracting unit as its contracting agent. The individual designated to serve as the purchasing agent of a contracting unit pursuant to this subsection shall possess a qualified purchasing agent certificate pursuant to this section. The individual designated as the purchasing agent pursuant to this subsection may be a part-time or full-time employee of the contracting unit, an independent contractor, or an individual employed by another contracting unit through a shared services agreement.

b. The Director of the Division of Local Government Services, after consultation with the Commissioner of Education, shall establish criteria to qualify individuals who have completed appropriate training and possess such purchasing experience as deemed necessary to serve as a purchasing agent, and, when determined to be necessary by the director, have passed an examination administered by the director pursuant to this section. The criteria established by the director shall include, but are not limited to, the following:

- (1) is a citizen of the United States;
- (2) is of good moral character;
- (3) is a high school graduate or equivalent;
- (4) has at least two years of higher education, and two years of full time governmental experience performing duties relative to those of public procurement provided, however, that additional years of experience may be substituted for years of higher education, on a one to one basis;
- (5) has successfully received certificates indicating satisfactory completion of a series of training courses in public procurement as determined by the director and provided by either the Division of Local Government Services, or, with the approval of the director, by a county college or Rutgers, The State University of New Jersey, all under the supervision of instructors who meet criteria established by the director;
- (6) has submitted completed application forms, including proof of education and experience, as set forth in this subsection, accompanied by a fee in the amount of \$150 payable to the State Treasurer, to the Director of the Division of Local Government Services at least 30 days prior to the administration of a State examination;
- (7) has successfully passed a State examination for a qualified purchasing agent certificate. The director shall hold examinations semi-annually or at such times as the director may deem appropriate. An individual shall be eligible to take the State examination for a qualified purchasing agent certificate without having taken the courses required pursuant to paragraph (5) of this subsection if the individual has been certified by the division as a

certified municipal finance officer, a certified county finance officer, or a certified county purchasing officer.

The director shall issue a qualified purchasing agent certificate to an individual who passes the examination upon payment to the director of a fee of \$25 which shall be payable to the State Treasurer.

c. The criteria established by the director to authorize purchasing agents, pursuant to subsection b. of this section, shall include, but are not limited to, completion of a course in green product purchasing, as established by the director pursuant to regulation. Any person qualified pursuant to subsection b. of this section prior to the establishment of the course in green product purchasing, shall in order to continue to be qualified, take and successfully complete the course within four years from the date the course is established. For the purposes of this subsection and section 2 of P.L.2007, c.332 (C.40A:11-9.1), "green product" means any commodity or service that has a lesser or reduced negative effect on human health and the environment when compared with competing commodities or services. Items considered in this comparison may include, but are not limited to: raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal, energy efficiency, recycled content resource use, transportation, and durability.

d. (1) Renewal of the qualified purchasing agent certification shall be required every three years, subject to the applicant's fulfillment of continuing education requirements, the submission of an application for renewal, and the payment of a renewal fee, all as determined by the director.

(2) In the event that an individual holding a qualified purchasing agent certificate allows the certificate to lapse by failing to renew the certificate, the individual shall be required to apply to take the qualifying examination required pursuant to subsection b. of this section and pay a fee as determined by the director, except that when an individual applies within six months of the expiration of the certificate, the application may be made in the same manner as renewal and except that such application may be made in the same manner as a renewal within 12 months of the expiration of the certificate if the director determines that either of the following circumstances prevents a certificate holder from earning the required continuing education units within six months of the expiration of the certificate:

(a) a flood, hurricane, superstorm, tornado, or other natural disaster, and a state of emergency has been declared as a result thereof by the Governor; or

(b) a medical event or condition.

e. (1) An individual who obtained a qualified purchasing agent certificate prior to enactment of P.L.2009, c.166 (C.40A:11-9a et al.) shall be exempt from taking the State qualifying examination, but shall adhere to all requirements for renewal pursuant to subsection d. of this section. If such a qualified purchasing agent certificate expires due to the failure of the holder to renew the certificate as prescribed in subsection d. of this section, that individual shall be required to pass the qualifying examination as provided pursuant to subsection b. of this section in order to be issued a new qualified purchasing agent certificate.

(2) An individual who has been certified by the Department of Education as a school business administrator and has performed duties relative to public procurement for at least three years shall be exempt from taking the courses required pursuant to paragraph (5) of subsection b. of this section and the state qualifying examination, and upon application to the director and the payment of the fee imposed pursuant to subsection b. of this section, shall be issued a qualified purchasing agent certificate.

f. Those persons who have been performing the duties of a purchasing agent for a contracting unit pursuant to P.L.1971, c.198 (C.40A:11-1 et seq.), or school board pursuant to N.J.S.18A:18A-1 et seq. for at least three continuous years, prior to the first day of the sixth month following the promulgation of rules and regulations to effectuate the purposes of P.L.2009, c.166 (C.40A:11-9a et al.), and did not possess a qualified purchasing agent certificate at that time, may take the State qualifying examination, if not otherwise exempt under subsection e. of this section, without the courses required in subsection b. of this section.

g. Following the appointment of a purchasing agent for a contracting unit pursuant to subsection a. of this section, if the person appointed no longer performs such duties, the governing body or chief executive officer, as appropriate to the form of government, may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a qualified purchasing agent certificate to serve as a temporary purchasing agent. Any person so appointed may, with the approval of the director, be reappointed as a temporary purchasing agent for a maximum of one additional year following the end of the first temporary appointment. No contracting unit shall employ a temporary purchasing agent for more than two consecutive years.

h. The director may revoke or suspend a qualified purchasing agent certificate for dishonest practices or willful or intentional failure, neglect, or refusal to comply with the laws relating to procurement, or for other good cause. The governing body, together with the chief executive officer of any contract-



ing unit, or a board of education, may request the director to review the behavior or practices of a person holding a qualified purchasing agent certificate. Prior to taking any adverse action against a person, the director or the director's designee shall convene a hearing, upon due notice, affording the person an opportunity to be heard. If the qualified purchasing agent certificate held by a person serving as a purchasing agent is revoked, the director shall order that person to no longer perform the duties of purchasing agent, and the person shall not be eligible to serve as a purchasing agent or to make application for recertification for a period of five years from the date of revocation.

i. The director may adopt and promulgate rules and regulations to effectuate the purposes of P.L.1971, c.198. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, any such regulations shall be effective immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 365 days and may thereafter be amended, adopted or readopted by the director in accordance with the requirements of P.L.1968, c.410. In order to better manage the workload of implementing the provisions of P.L.1971, c.198, the director may establish a transition process for administering an examination for individuals serving as purchasing agents on the effective date of P.L.1971, c.198, issuing and renewing qualified purchasing agent certificates to eligible individuals, prescribing a schedule by which such certificates will be issued and renewed, and such other matters as the director determines to be necessary to the implementation of P.L.1971, c.198.

46. Section 2 of P.L.1987, c.38 (C.52:14-15f) is amended to read as follows:

**C.52:14-15f Deposit of net pay; information available to employees.**

2. a. Upon the adoption of an ordinance or resolution, as appropriate, the governing body of a county or municipality may provide for the deposit of the net pay of any employee of the county or municipality, or of a board, commission, bureau, department, or other public agency thereof, in a specific banking institution in a designated checking account, savings account, or share account. When the employee shall indicate in writing to the proper disbursing officer his or her desire to have his or her net pay deposited, the disbursing officer shall make the deposit in the respective banking institution on behalf of the employee. As used in P.L.1981, c.385 (C.52:14-15a et seq.), "employee" shall also mean any person holding public office, position, or employment whose compensation is paid by a county or municipality or any board, commission, bureau, department, or other public agency thereof.

b. On or after July 1, 2014, the governing body of a county, municipality, or local authority or other entity subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), may determine by the adoption of an ordinance or resolution, as appropriate, to provide for the mandatory direct deposit of net pay for all employees of the county, municipality, or local authority or other entity subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), or of a board, commission, bureau, department, or other public agency thereof, in a specific banking institution based on information provided by the employee. If the governing body provides for such direct deposit, compliance by an employee shall be mandatory. No ordinance or resolution shall be adopted under subsection a. of this section on or after July 1, 2014. The governing body is authorized to grant an exemption from the requirements adopted pursuant to this subsection on such terms and conditions as the governing body may deem necessary. The governing body is authorized to grant an exemption for seasonal and temporary employees as the governing body may deem necessary.

c. The governing body may make available for such employees who have net pay directly deposited as described in subsection a. of this section, and shall make available for such employees who have net pay directly deposited as described in subsection b. of this section, any information concerning net pay, any accompanying information approved for distribution with net pay, and W-2 forms in accordance with applicable federal law, only on the Internet with restricted access and policies and procedures to protect the integrity and confidentiality of the information.

**Repealer.**

47. The following sections are repealed:

Section 15 of P.L.1941, c.151 (C.4:19-15.15);

Section 4 of P.L.1985, c.174 (C.40A:9-133.4); and

Section 7 of P.L.1997, c.279 (C.40A:9-133.9).

48. This act shall take effect immediately.

Approved August 10, 2015.

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CHAPTER 96

AN ACT requiring the Department of Education to conduct a study on school start times.

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

1. a. The Department of Education shall conduct a study on the issues, benefits, and options for instituting a later start time to the school day in middle school and high school. The study shall:

(1) consider the recent recommendations of the American Academy of Pediatrics on the establishment of later school start times;

(2) include an assessment of the health, academic, and safety benefits associated with establishing later start times in middle schools and high schools;

(3) evaluate any potential negative impacts on school districts and families that may be associated with a later start time and consider strategies for addressing potential problems; and

(4) review all available literature and data on the experiences of school districts in the nation that have instituted later start times.

b. The department shall submit a report on the study to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) that details the findings of the study. The report shall include a recommendation on the advisability of establishing a pilot program to test later school start times in select middle schools and high schools throughout the State that are interested in participating in the program.

2. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 97

AN ACT concerning proof for the display of veteran status on driver's licenses and identification cards, and amending P.L.2013, c.165 and P.L.1980, c.47.

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

1. Section 1 of P.L.2013, c.165 (C.39:3-10f6) is amended to read as follows:

**C.39:3-10f6 Display of veteran status on driver's licenses, identification cards.**

1. a. In addition to the requirements for the form and content of a motor vehicle driver's license under R.S.39:3-10 and a probationary license issued

under section 4 of P.L.1950, c.127 (C.39:3-13.4), the Chief Administrator of the New Jersey Motor Vehicle Commission shall, upon submission of satisfactory proof, designate on an initial license, renewal license, or probationary license, as appropriate, that the license holder is a veteran of the Armed Forces of the United States of America. The designation of veteran status on an initial license, renewal license, or probationary license shall not be deemed sufficient valid proof of veteran status for official governmental purposes when any other statute, or any regulation or other directive of a governmental entity, requires documentation of veteran status.

b. For the purpose of this section:

"Veteran" means a person who has been honorably discharged from the active military service of the United States; and

"Satisfactory proof" means a copy of form DD-214 or federal activation orders showing service under Title 10, section 672 or section 12301, of the United States Code, or a county veteran identification card only if issuance of the card requires a copy of form DD-214 discharge papers or approved separation forms as outlined by all branches of the military and duly recorded by the county clerk's office.

2. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read as follows:

**C.39:3-29.3 Identification cards, issuance; contents.**

2. a. The New Jersey Motor Vehicle Commission shall issue an identification card to any resident of the State who is 14 years of age or older and who is not the holder of a valid permit or basic driver's license. The identification card shall attest to the true name, correct age, and veteran status, upon submission of satisfactory proof, by any veteran, and shall contain other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant and shall be accompanied by the written consent of at least one parent or the person's legal guardian if the person is under 17 years of age and shall be supported by such documentary evidence of the age, identity, and veteran status, or blindness, disability, or handicap, of such person as the chief administrator may require. In addition to requiring an applicant for an identification card to submit satisfactory proof of identity, age, and, if appropriate, veteran status, the chief administrator also shall require the applicant to provide, as a condition for obtaining the card, satisfactory proof that the applicant's presence in the United States is authorized under federal law. If the chief administrator has reasonable cause to sus-

pect that any document presented by an applicant as proof of identity, age, veteran status, or legal residency is altered, false or otherwise invalid, the chief administrator shall refuse to grant the identification card until such time as the document may be verified by the issuing agency to the chief administrator's satisfaction.

b. The designation of veteran status on an identification card shall not be deemed sufficient valid proof of veteran status for official governmental purposes when any other statute, or any regulation or other directive of a governmental entity, requires documentation of veteran status.

c. For the purpose of this section:

"Veteran" means a person who has been honorably discharged from the active military service of the United States; and

"Satisfactory proof" means a copy of form DD-214 or federal activation orders showing service under Title 10, section 672 or section 12301, of the United States Code, or a county veteran identification card only if issuance of the card requires a copy of form DD-214 discharge papers or approved separation forms as outlined by all branches of the military and duly recorded by the county clerk's office.

3. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 98

AN ACT concerning domestic violence, pretrial intervention, and criminal coercion and amending various parts of the statutory law.

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

1. N.J.S.2C:12-1 is amended to read as follows:

**Assault.**

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if he:

- (1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or
- (2) Negligently causes bodily injury to another with a deadly weapon; or
- (3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section upon:

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority or because of his status as a law enforcement officer; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member, school administrator, teacher, school bus driver or other employee of a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a public or nonpublic school or school board or any school bus driver employed by an operator under contract to a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a school bus driver; or

(e) Any employee of the Division of Child Protection and Permanency while clearly identifiable as being engaged in the performance of his duties or because of his status as an employee of the division; or

(f) Any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge while clearly identifiable as be-

ing engaged in the performance of judicial duties or because of his status as a member of the judiciary; or

(g) Any operator of a motorbus or the operator's supervisor or any employee of a rail passenger service while clearly identifiable as being engaged in the performance of his duties or because of his status as an operator of a motorbus or as the operator's supervisor or as an employee of a rail passenger service; or

(h) Any Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or any sheriff, undersheriff, or sheriff's officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority; or

(i) Any employee, including any person employed under contract, of a utility company as defined in section 2 of P.L.1971, c.224 (C.2A:42-86) or a cable television company subject to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in the performance of his duties in regard to connecting, disconnecting or repairing or attempting to connect, disconnect or repair any gas, electric or water utility, or cable television or telecommunication service; or

(j) Any health care worker employed by a licensed health care facility to provide direct patient care, any health care professional licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, except a direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession; or

(k) Any direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession, provided that the actor is not a patient or resident at the facility who is classified by the facility as having a mental illness or developmental disability; or

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person; or

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury; or

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel involved in fire suppression activities, rendering emergency medical services resulting from the fire or explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this paragraph, "emergency services personnel" shall include, but not be limited to, any paid or volunteer fireman, any person engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S.2C:17-1 which resulted in bodily injury to any emergency services personnel; or

(9) Knowingly, under circumstances manifesting extreme indifference to the value of human life, points or displays a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer; or

(10) Knowingly points, displays or uses an imitation firearm, as defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer with the purpose to intimidate, threaten or attempt to put the officer in fear of bodily injury or for any unlawful purpose; or

(11) Uses or activates a laser sighting system or device, or a system or device which, in the manner used, would cause a reasonable person to believe that it is a laser sighting system or device, against a law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority. As used in this paragraph, "laser sighting system or device" means any system or device that is integrated with or affixed to a firearm and emits a laser light beam that is used to assist in the sight alignment or aiming of the firearm; or

(12) Attempts to cause significant bodily injury or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly causes significant bodily injury to a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c. 261 (C.2C:25-19).



Aggravated assault under paragraphs (1) and (6) of subsection b. of this section is a crime of the second degree; under paragraphs (2), (7), (9) and (10) of subsection b. of this section is a crime of the third degree; under paragraphs (3) and (4) of subsection b. of this section is a crime of the fourth degree; and under paragraph (5) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Aggravated assault under paragraph (8) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury; if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree. Aggravated assault under paragraph (11) of subsection b. of this section is a crime of the third degree. Aggravated assault under paragraph (12) of subsection b. of this section is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply.

c. (1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results. Proof that the defendant was operating a hand-held wireless telephone while driving a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-97.3) may give rise to an inference that the defendant was driving recklessly.

(2) Assault by auto or vessel is a crime of the third degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and is a crime of the fourth degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

(3) Assault by auto or vessel is a crime of the second degree if serious bodily injury results from the defendant operating the auto or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) while:

(a) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

Assault by auto or vessel is a crime of the third degree if bodily injury results from the defendant operating the auto or vessel in violation of this paragraph.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of paragraph (3) of this subsection.

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of paragraph (3) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be a defense to a prosecution under subparagraph (a) or (b) of paragraph (3) of this subsection that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

(4) Assault by auto or vessel is a crime of the third degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and serious bodily injury results and is a crime of the fourth degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and bodily injury results. For purposes of this paragraph, "driving a vehicle in an aggressive manner" shall include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

As used in this subsection, "vessel" means a means of conveyance for travel on water and propelled otherwise than by muscular power.

d. A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

e. (Deleted by amendment, P.L.2001, c.443).

f. A person who commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section in the presence of a child under 16 years of age at a school or community sponsored youth sports event is guilty of a crime of the fourth degree. The defendant shall be strictly liable upon proof that the offense occurred, in fact, in the presence of a child under 16 years of age. It shall not be a defense that the defendant did not know that the child was present or reasonably believed that the child was 16 years of age or older. The provisions of this subsection shall not be construed to create any liability on the

part of a participant in a youth sports event or to abrogate any immunity or defense available to a participant in a youth sports event. As used in this act, "school or community sponsored youth sports event" means a competition, practice or instructional event involving one or more interscholastic sports teams or youth sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a youth league organized by or affiliated with a county or municipal recreation department and shall not include collegiate, semi-professional or professional sporting events.

2. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to read as follows:

**C.2C:25-19 Definitions.**

3. As used in this act:

a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:

- |  |                              |
|--|------------------------------|
| (1) Homicide   | N.J.S.2C:11-1 et seq.        |
| (2) Assault  | N.J.S.2C:12-1                |
| (3) Terroristic threats  | N.J.S.2C:12-3                |
| (4) Kidnapping   | N.J.S.2C:13-1                |
| (5) Criminal restraint   | N.J.S.2C:13-2                |
| (6) False imprisonment   | N.J.S.2C:13-3                |
| (7) Sexual assault   | N.J.S.2C:14-2                |
| (8) Criminal sexual contact  | N.J.S.2C:14-3                |
| (9) Lewdness   | N.J.S.2C:14-4                |
| (10) Criminal mischief   | N.J.S.2C:17-3                |
| (11) Burglary  | N.J.S.2C:18-2                |
| (12) Criminal trespass   | N.J.S.2C:18-3                |
| (13) Harassment  | N.J.S.2C:33-4                |
| (14) Stalking  | P.L.1992, c.209 (C.2C:12-10) |
| (15) Criminal coercion   | N.J.S.2C:13-5                |
| (16) Robbery   | N.J.S.2C:15-1                |
| (17) Contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly persons offense   |                              |
| (18) Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) |                              |

When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute

"domestic violence," but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

b. "Law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.

c. "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.

d. "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

e. "Emancipated minor" means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.

3. N.J.S.2C:13-5 is amended to read as follows:

**Criminal coercion.**

**2C:13-5. Criminal Coercion.**

a. Offense defined. A person is guilty of criminal coercion if, with purpose unlawfully to restrict another's freedom of action to engage or refrain from engaging in conduct, he threatens to:

(1) Inflict bodily injury on anyone or commit any other offense, regardless of the immediacy of the threat;

(2) Accuse anyone of an offense;

(3) Expose any secret which would tend to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute;

(4) Take or withhold action as an official, or cause an official to take or withhold action;

(5) Bring about or continue a strike, boycott or other collective action, except that such a threat shall not be deemed coercive when the restriction compelled is demanded in the course of negotiation for the benefit of the group in whose interest the actor acts;

(6) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(7) Perform any other act which would not in itself substantially benefit the actor but which is calculated to substantially harm another person with respect to his health, safety, business, calling, career, financial condition, reputation or personal relationships.

It is an affirmative defense to prosecution based on paragraphs (2), (3), (4), (6) and (7) that the actor believed the accusation or secret to be true or the proposed official action justified and that his purpose was limited to compelling the other to behave in a way reasonably related to the circumstances which were the subject of the accusation, exposure or proposed official action, as by desisting from further misbehavior, making good a wrong done, or refraining from taking any action or responsibility for which the actor believes the other disqualified.

b. Grading. Criminal coercion is a crime of the fourth degree unless the threat is to commit a crime more serious than one of the fourth degree or the actor's purpose is criminal, in which cases the offense is a crime of the third degree.

4. N.J.S.2C:43-12 is amended to read as follows:

**Supervisory treatment – pretrial intervention.**

2C:43-12. Supervisory Treatment--Pretrial Intervention.

a. Public policy. The purpose of N.J.S.2C:43-12 through N.J.S.2C:43-22 is to effectuate a Statewide program of Pretrial Intervention. It is the policy of the State of New Jersey that supervisory treatment should ordinarily be limited to persons who have not previously been convicted of any criminal offense under the laws of New Jersey, or under any criminal law of the United States, or any other state when supervisory treatment would:

(1) Provide applicants, on an equal basis, with opportunities to avoid ordinary prosecution by receiving early rehabilitative services or supervision, when such services or supervision can reasonably be expected to deter future criminal behavior by an applicant, and when there is apparent causal connection between the offense charged and the rehabilitative or supervisory need, without which cause both the alleged offense and the need to prosecute might not have occurred; or

(2) Provide an alternative to prosecution for applicants who might be harmed by the imposition of criminal sanctions as presently administered, when such an alternative can be expected to serve as sufficient sanction to deter criminal conduct; or

(3) Provide a mechanism for permitting the least burdensome form of prosecution possible for defendants charged with "victimless" offenses, other than defendants who were public officers or employees charged with offenses that involved or touched their office or employment; or

(4) Provide assistance to criminal calendars in order to focus expenditure of criminal justice resources on matters involving serious criminality and severe correctional problems; or

(5) Provide deterrence of future criminal or disorderly behavior by an applicant in a program of supervisory treatment.

b. (1) Admission of an applicant into a program of supervisory treatment shall be measured according to the applicant's amenability to correction, responsiveness to rehabilitation and the nature of the offense.

(2) There shall be a presumption against admission into a program of supervisory treatment for:

(a) a defendant who was a public officer or employee whose offense involved or touched upon his public office or employment; and

(b) a defendant charged with any crime or offense involving domestic violence, as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19) if the defendant committed the crime or offense while subject to a temporary or permanent restraining order issued pursuant to the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or if the crime or offense charged involved violence or the threat of violence. For purposes of this subparagraph, a crime or offense involves violence or the threat of violence if the victim sustains serious or significant bodily injury as defined in subsection b. or d. of N.J.S.2C:11-1, or the actor is armed with and uses a deadly weapon or threatens by word or gesture to use a deadly weapon as defined in subsection c. of N.J.S.2C:11-1, or threatens to inflict serious or significant bodily injury.

c. The decision and reasons therefor made by the designated judges (or assignment judges), prosecutors and program directors in granting or denying applications for supervisory treatment, in recommending and ordering termination from the program or dismissal of charges, in all cases shall be reduced to writing and disclosed to the applicant.

d. If an applicant desires to challenge the decision of the prosecutor or program director not to recommend enrollment in a program of supervisory

treatment the proceedings prescribed under N.J.S.2C:43-14 and in accordance with the Rules of Court shall be followed.

e. Referral. At any time prior to trial but after the filing of a criminal complaint, or the filing of an accusation or the return of an indictment, with the consent of the prosecutor and upon written recommendation of the program director, the assignment judge or a judge designated by him may postpone all further proceedings against an applicant and refer said applicant to a program of supervisory treatment approved by the Supreme Court. Prosecutors and program directors shall consider in formulating their recommendation of an applicant's participation in a supervisory treatment program, among others, the following criteria:

- (1) The nature of the offense;
- (2) The facts of the case;
- (3) The motivation and age of the defendant;
- (4) The desire of the complainant or victim to forego prosecution;
- (5) The existence of personal problems and character traits which may be related to the applicant's crime and for which services are unavailable within the criminal justice system, or which may be provided more effectively through supervisory treatment and the probability that the causes of criminal behavior can be controlled by proper treatment;
- (6) The likelihood that the applicant's crime is related to a condition or situation that would be conducive to change through his participation in supervisory treatment;
- (7) The needs and interests of the victim and society;
- (8) The extent to which the applicant's crime constitutes part of a continuing pattern of anti-social behavior;
- (9) The applicant's record of criminal and penal violations and the extent to which he may present a substantial danger to others;
- (10) Whether or not the crime is of an assaultive or violent nature, whether in the criminal act itself or in the possible injurious consequences of such behavior;
- (11) Consideration of whether or not prosecution would exacerbate the social problem that led to the applicant's criminal act;
- (12) The history of the use of physical violence toward others;
- (13) Any involvement of the applicant with organized crime;
- (14) Whether or not the crime is of such a nature that the value of supervisory treatment would be outweighed by the public need for prosecution;
- (15) Whether or not the applicant's involvement with other people in the crime charged or in other crime is such that the interest of the State

would be best served by processing his case through traditional criminal justice system procedures;

(16) Whether or not the applicant's participation in pretrial intervention will adversely affect the prosecution of codefendants; and

(17) Whether or not the harm done to society by abandoning criminal prosecution would outweigh the benefits to society from channeling an offender into a supervisory treatment program.

The prosecutor and the court, in formulating their recommendations or decisions regarding an applicant's participation in a supervisory treatment program, shall give due consideration to the victim's position on whether the defendant should be admitted.

f. Review of Supervisory Treatment Applications; Procedure Upon Denial. Each applicant for supervisory treatment shall be entitled to full and fair consideration of his application. If an application is denied, the program director or the prosecutor shall precisely state his findings and conclusion which shall include the facts upon which the application is based and the reasons offered for the denial. If the applicant desires to challenge the decision of a program director not to recommend, or of a prosecutor not to consent to, enrollment into a supervisory treatment program, a motion shall be filed before the designated judge (or assignment judge) authorized pursuant to the Rules of Court to enter orders.

g. Limitations. (1) Supervisory treatment may occur only once with respect to any defendant and any person who has previously received supervisory treatment under section 27 of P.L.1970, c.226 (C.24:21-27), a conditional discharge pursuant to N.J.S.2C:36A-1, or a conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) shall not be eligible for supervisory treatment under this section.

(2) Except as otherwise provided in paragraph (3) of this subsection, supervisory treatment, as provided herein, shall be available to a defendant irrespective of whether the defendant contests his guilt of the charge or charges against him.

(3) Admission into supervisory treatment shall be available to the following defendants only upon entering a plea of guilty: (a) a defendant charged with a first or second degree crime; (b) a defendant charged with any crime if the defendant had previously been convicted of a first or second degree crime; (c) a defendant charged with a third or fourth degree crime involving domestic violence, as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19); or (d) a defendant charged with any disorderly persons or petty disorderly persons offense involving domestic violence, as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19) if the



defendant committed the offense while subject to a temporary or permanent restraining order issued pursuant to the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.). For any such defendant, following the plea of guilty the plea shall be held in an inactive status pending termination of supervisory treatment pursuant to subsection d. or e. of N.J.S.2C:43-13. Upon successful completion of the program of supervisory treatment the charges shall be dismissed.

h. Termination. Termination of supervisory treatment under this section shall be immediately reported to the assignment judge of the county who shall forward such information to the Administrative Director of the Courts.

i. Appointment of Program Directors; Authorized Referrals. Programs of supervisory treatment and appointment of the program directors require approval by the Supreme Court with the consent of the assignment judge and prosecutor. Referrals of participants from supervisory treatment programs may be to any public or private office or agency, including but not limited to, programs within the probation service of the court, offering counseling or any other social service likely to aid in the rehabilitation of the participant and to deter the commission of other offenses.

j. Health Care Professional Licensing Board Notification. The program director shall promptly notify the State Board of Medical Examiners when a State licensed physician or podiatrist has been enrolled in a supervisory treatment program after he has been charged with an offense involving drugs or alcohol.

The Attorney General shall develop guidelines to ensure the uniform exercise of discretion by prosecutors in formulating their recommendations on participation in a supervisory treatment program by an applicant charged with a crime or offense involving domestic violence, as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19).

5. N.J.S.2C:44-1 is amended to read as follows:

**Criteria for withholding or imposing sentence of imprisonment.**

2C:44-1. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known

that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which he has been convicted;

(7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority; the defendant committed the offense because of the status of the victim as a public servant; or the defendant committed the offense against a sports official, athletic coach or manager, acting in or immediately following the performance of his duties or because of the person's status as a sports official, coach or manager;

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who he knew or should have known was 60 years of age or older, or disabled;

(13) The defendant, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a stolen motor vehicle;

(14) The offense involved an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19), committed in the presence of a child under 16 years of age; and

(15) The offense involved an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19) and the defendant committed at least one act of domestic violence on more than one occasion.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole,

including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree, or a crime of the third degree where the court finds that the aggravating factor in paragraph (5), (14) or (15) of subsection a. applies, by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others. Notwithstanding the provisions of subsection e. of this section, the court shall deal with a person who has been convicted of theft of a motor vehicle or of the unlawful taking of a motor vehicle and who has previously been convicted of either offense by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing a sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant, it is of the opinion that his imprisonment is necessary for the protection of the public under the criteria set forth in subsection a., except that this subsection shall not apply if the court finds that the aggravating factor in paragraph (5), (14) or (15) of subsection a. applies or if the person is convicted of any of the following crimes of the third degree: theft of a motor vehicle; unlawful taking of a motor vehicle; eluding; if the person is convicted of a crime of the third degree constituting use of a false government document in violation of subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-2.1); if the person is convicted of a crime of the third degree constituting distribution, manufacture or possession of an item containing personal identifying information in violation of subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-17.3); if the person is convicted of a crime of the third or fourth degree constituting bias intimidation in violation of N.J.S.2C:16-1; if the person is convicted of a crime of the third degree under paragraph (12) of subsection b. of N.J.S.2C:12-1 or section 2 of P.L.1997, c.111 (C.2C:12-1.1); or if the person is convicted of a crime of the third or fourth degree under the provisions of section 1 or 2 of P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in sub-

sections a. and b., weighs in favor of a higher or lower term within the limits provided in N.J.S.2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

- (a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N.J.S.2C:13-1 when the offense constitutes a crime of the first degree;
- (b) Except as provided in subparagraph (a) of this paragraph to a term of 15 years for a crime of the first degree;
- (c) To a term of seven years for a crime of the second degree;
- (d) To a term of four years for a crime of the third degree; and
- (e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to subsection b. of N.J.S.2C:43-6, the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to paragraph (1) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. weighs in favor of a higher or lower term within the limits authorized, sentences imposed pursuant to paragraph (2) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to paragraph (3) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to subsection b. of N.J.S.2C:43-7, the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which he was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a., finds

the aggravating factor in paragraph (2), (5), (10), or (12) of subsection a. and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a non-custodial sentence.

h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-11), the presumption of imprisonment as provided in subsection d. of this section shall not preclude the admission of a person to the Intensive Supervision Program, established pursuant to the Rules Governing the Courts of the State of New Jersey.

6. This act shall take effect immediately.

Approved August 10, 2015.

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## CHAPTER 99

AN ACT concerning "All Around Sportsman" and fishing licenses and amending P.L.1982, c.180 and R.S.23:3-4.

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

1. Section 11 of P.L.1982, c.180 (C.23:3-1.1) is amended to read as follows:

**C.23:3-1.1 "All Around Sportsman License."**

11. a. The division shall issue a special license combining the resident's firearm hunting license, the resident's bow and arrow license and the resident's fishing license as provided under R.S.23:3-4 into one license to be designated as the "All Around Sportsman License."

b. The "All Around Sportsman License" shall authorize its holder to hunt with a shotgun or bow and arrow and to angle or attempt to take fish in the fresh waters of this State at the time, and in the manner, provided by law and the State Fish and Game Code, except that this license shall not authorize its holder to take trout from the fresh waters of the State.

c. A resident of this State above the age of 16 years may procure the "All Around Sportsman License" from the division at Trenton or from its agents as designated by the division. It shall not be valid unless it contains the signature of the owner written in ink. Each license issued under this section shall expire on December 31 next following its issuance.

d. (1) The division shall determine the form of the "All Around Sportsman License." The fee for this license shall be \$71.25 and an issuance fee of \$1.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a).

(2) The fee for an "All Around Sportsman License" shall be reduced by \$10 when application therefor is made at the same time with: (1) another resident of this State who applies for a resident's fishing license, is above 16 years of age and below 65 years of age, and has not bought an "All Around Sportsman License" or resident's fishing license after 2010, or (2) a nonresident who applies for a nonresident's annual fishing license, is above 16 years of age, and has not bought a nonresident's annual fishing license after 2010. The fee for a resident's fishing license bought in accordance with the requirements of this paragraph shall be \$10.75 and an issuance fee of \$1.00, and the fee for a nonresident's annual fishing license bought in accordance with the requirements of this paragraph shall be \$16.50 and an issuance fee of \$1.00.

e. The amounts remitted to the State Treasury from the collection of any fee pursuant to this section shall be deposited to the credit of the "hunters' and anglers' license fund."

2. R.S.23:3-4 is amended to read as follows:

**Types of licenses; fees.**

23:3-4. The licenses issued under this article shall include, among others authorized by law, the following:

a. A license issued to a person above 16 years of age, or in the case of an apprentice firearm hunting license or an apprentice bow and arrow license, a license issued to a person above 14 years of age, who has an actual and bona fide domicile in this State at the time of the application for the license and who has had an actual and bona fide domicile in this State for at least six months immediately prior thereto, provided that for a resident's trapping license the person shall be above 12 years of age. These licenses shall be designated as the resident's firearm hunting license, the resident's bow and arrow license, the resident's trapping license, the resident's fishing license, the resident's apprentice firearm hunting license, and the resident's apprentice bow and arrow license.

(1) (a) The resident's firearm hunting license shall authorize its holder to hunt with hounds and firearms only, and a fee of \$26.50 and an issuance fee of \$1.00 shall be charged therefor, except that a person above the age of 65 years shall be charged a fee of \$14.50 and an issuance fee of \$1.00.

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(b) The resident's apprentice firearm hunting license shall authorize its holder to hunt only with hounds and firearms and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's firearm hunting license. A fee of \$26.50 and an issuance fee of \$1.00 shall be charged for a resident's apprentice firearm hunting license, except that a person above the age of 65 years shall be charged a fee of \$14.50 and an issuance fee of \$1.00. The resident's apprentice firearm hunting license may be issued to a person only twice during the lifetime of the person.

(2) (a) The resident's bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of \$30.50 and an issuance fee of \$1.00 shall be charged therefor, except that a person above the age of 65 years shall be charged a fee of \$15.50 and an issuance fee of \$1.00.

(b) The resident's apprentice bow and arrow license shall authorize its holder to hunt only with bow and arrow and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's bow and arrow license. A fee of \$30.50 and an issuance fee of \$1.00 shall be charged for a resident's apprentice bow and arrow license, except that a person above the age of 65 years shall be charged a fee of \$15.50 and an issuance fee of \$1.00. The resident's apprentice bow and arrow license may be issued to a person only twice during the lifetime of the person.

(3) The resident's trapping license shall authorize its holder to trap only, and a fee of \$31.50 and an issuance fee of \$1.00 shall be charged therefor, except that a person above 12 years and under 16 years of age shall be charged no fee.

(4) The resident's fishing license shall authorize its holder to fish only, and a fee of \$21.50 and an issuance fee of \$1.00 shall be charged therefor, except (a) in any case where the applicant is above 70 years of age and is otherwise qualified, no license shall be required, (b) a person above 65 years and under 70 years of age shall be charged a fee of \$11.50 and an issuance fee of \$1.00, and (c) as otherwise provided in paragraph (5) of this subsection, paragraph (2) of subsection c. of this section, or paragraph (2) of subsection d. of section 11 of P.L.1982, c.180 (C.23:3-1.1).

(5) The resident's fishing buddy license shall authorize its holder to fish only, and can only be obtained through application at the same time with: (a) another resident of this State who applies for a resident's fishing license, is above 16 years of age and below 65 years of age, and has not bought a resident's fishing license after 2010, or (b) a nonresident who applies for a nonresident's annual fishing license, is above 16 years of age, and has not bought a nonresident's annual fishing license after 2010. The fee for a resident's fishing buddy license and for a resident's fishing license



issued pursuant to this paragraph shall each be \$10.75 and an issuance fee of \$1.00. The fee for a nonresident's annual fishing license issued pursuant to this paragraph shall be \$16.50 and an issuance fee of \$1.00.

(6) Any resident of this State who is afflicted with total blindness, upon application to the division, shall be entitled to a resident's fishing license without fee or charge.

b. A license issued to a person above 16 years of age, or in the case of an apprentice firearm hunting license or an apprentice bow and arrow license, a license issued to a person above 14 years of age, not entitled to a resident's license, authorizing him to trap or to hunt, as applicable, except that a nonresident's two-day small game firearm hunting license shall not permit the taking, hunting, or killing of deer or turkey. These licenses shall be designated as the nonresident's firearm hunting license, the nonresident's apprentice firearm hunting license, the nonresident's bow and arrow license, the nonresident's apprentice bow and arrow license, the nonresident's trapping license, and the nonresident's two-day small game firearm hunting license.

A nonresident's apprentice firearm hunting license shall authorize its holder to hunt only with hounds and firearms and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's firearm hunting license. A nonresident's apprentice bow and arrow license shall authorize its holder to hunt with bow and arrow only and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's bow and arrow license. The nonresident's apprentice firearm hunting license and the nonresident's apprentice bow and arrow license may each be issued to a person only twice during the lifetime of the person.

(1) The fees for the nonresident's firearm hunting license, the nonresident's apprentice firearm hunting license, the nonresident's bow and arrow license, and the nonresident's apprentice bow and arrow license shall each be \$134.50 and an issuance fee of \$1.00.

(2) The fee for the nonresident's trapping license shall be \$199.50 and an issuance fee of \$1.00.

(3) The fee for a nonresident's two-day small game firearm hunting license shall be \$35.50 and an issuance fee of \$1.00.

c. A license issued to a person above 16 years of age not entitled to a resident's license, authorizing him to fish only. These licenses shall be designated as the nonresident's annual fishing license, the nonresident's annual fishing buddy license, the nonresident's two-day fishing license, valid for a period of two consecutive days, and the nonresident's seven-day vacation fishing license, valid for a period of seven consecutive days.

The nonresident's annual fishing buddy license can only be obtained through application at the same time with: a resident of this State who applies for a resident's fishing license, is above 16 years of age and below 65 years of age, and has not bought a resident's fishing license after 2010; or a nonresident who applies for a nonresident's annual fishing license, is above 16 years of age, and has not bought a nonresident's annual fishing license after 2010.

(1) The fee for the nonresident's annual fishing license shall be \$33.00 and an issuance fee of \$1.00, except as otherwise provided pursuant to paragraph (2) of this subsection, paragraph (5) of subsection a. of this section, or paragraph (2) of subsection d. of section 11 of P.L.1982, c.180 (C.23:3-1.1).

(2) The fee for a nonresident's annual fishing buddy license shall be \$16.50 and an issuance fee of \$1.00. The fee for a resident's fishing license obtained through application at the same time with an application for a nonresident's annual fishing buddy license in accordance with this subsection shall be \$10.75 and an issuance fee of \$1.00, and the fee for a nonresident's annual fishing license obtained through application at the same time with an application for a nonresident's annual fishing buddy license in accordance with this subsection shall be \$16.50 and an issuance fee of \$1.00.

(3) The fee for the nonresident's two-day fishing license shall be \$8.00 and an issuance fee of \$1.00.

(4) The fee for the nonresident's seven-day fishing license shall be \$18.50 and an issuance fee of \$1.00.

d. Every license issued hereunder shall be void after December 31 next succeeding its issuance, except the one-day hunting license, which shall expire on the date of issuance; the nonresident's seven-day fishing license, which is valid only for seven consecutive days after date of issuance; the nonresident's two-day fishing license, which shall expire on the day after the date of issuance; and the nonresident's two-day small game firearm hunting license, which shall expire on the day after the date of issuance.

Any license issued hereunder to a person under 16 years of age shall be void after December 31 of the year in which the licensee becomes 16 years of age.

e. The fees for licenses set forth in this section may be adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a).

3. This act shall take effect on January 1 next following the date of enactment.

Approved August 10, 2015.

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